United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, TUESDAY, JUNE 27, 2006 No. 85

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. WILSON of New Mexico).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 27, 2006.

I hereby appoint the Honorable HEATHER WILSON to act as Speaker pro tempore on this day.

J. DENNIS 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 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Texas (Mr. HINOJOSA) for 5 minutes.

IN DEFERENCE TO DR. BEN BERNANKE, CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE, AND MR. RICHARD W. FISHER, CEO AND PRESIDENT OF THE FEDERAL RESERVE BANK OF DALLAS

Mr. HINOJOSA. Madam Speaker, recently, I held my Fifth Regional Leaders Issues Conference in the Jefferson Building of the Library of Congress. Over 140 of my constituents attended the conference, including elected officials, presidents of universities, educators, heads of chambers of commerce, and many other community leaders in the 15th District of Texas.

On Tuesday, June 13, 2006, I was honored to have Dr. Ben Bernanke, Chairman of the Board of Governors of the Federal Reserve, give remarks to the conferees. He referenced data from the Survey of Consumers Finances, which is a triennial survey sponsored by the Federal Reserve Board.

The latest survey revealed some discouraging and alarming statistics: Households whose income placed them in the bottom fifth of the population were less likely than the average respondent to maintain a checking or savings account, and almost 25 percent of those families were unbanked compared to less than 10 percent of families in the other income levels.

According to the survey, reasons given for not having an account varied. Some respondents said they would not write enough checks to make having an account worthwhile; others were dissuaded by minimum balance requirements, or said that they did not have enough money to justify opening a bank account.

Chairman Bernanke noted that, in some cases, consumers lacked the knowledge about the services that banks offer, including deposit insurance, or even misunderstood the important role banks play in our economy. Chairman Bernanke went on to say that some of the general approaches to helping families of modest means build wealth and improve their economic well-being include community economic development, financial literacy, and other programs that encourage saving and investment.

As the cofounder and cochair of the Financial Economic Literacy Caucus, I was pleased by all the information he provided my constituents, and I am pleased with the efforts the Federal Reserve is undertaking to improve financial literacy rates across the United States. I want to take this opportunity to express my sincere appreciation for Chairman Bernanke taking time out of his very busy schedule to speak to my constituents.

It is my hope that the media will focus more attention on what the chairman and the Financial and Economic Literacy Caucus members have to say with regard to financial education and literacy, instead of focusing solely on Chairman Bernanke's comments on the direction of interest rates. I find it odd that the media and some legislators have yet to realize that there is a correlation between the country's poor financial literacy rates and the actions the Federal Reserve has to take from time to time.

Madam Speaker, I include for the RECORD the remarks Chairman Bernanke gave before my Fifth Regional Leaders Issues Conference.

REMARKS BY CHAIRMAN BEN S. BERNANKE, FEDERAL RESERVE BOARD, AT THE FIFTH REGIONAL ISSUES CONFERENCE OF THE FIFTEENTH CONGRESSIONAL DISTRICT OF TEXAS

INCREASING ECONOMIC OPPORTUNITY: CHALLENGES AND STRATEGIES

WASHINGTON, June 13, 2006.—I am pleased to be here to discuss some strategies for helping families, particularly lower-income families, improve their economic and financial well-being. Families today face a financial marketplace that is increasingly complex, with numerous products and service providers from which to choose. Today I will touch on several approaches for helping people of modest means take advantage of these financial opportunities while managing the risks and avoiding possible pitfalls.

TODAY'S FINANCIAL MARKETPLACE

Technological advances have dramatically transformed the provision of financial products and services in recent years. To cite just one example, the expanded use of computerized credit-scoring models, by reducing the costs of making loans and by increasing

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the range of assets that lenders can sell on the secondary market, has made possible the extension of credit to a larger group of borrowers. Indeed, we have seen an increasingly wide array of products being offered to consumers across a range of incomes, leading to what has been called the democratization of credit. Likewise, technological innovation has enhanced financial services, such as banking services, and increased the variety of financial products available to savers.

The range of providers in consumer financial markets has also increased, with the number of nonbank entities offering credit and other financial services having risen particularly quickly. For example, a recent study of alternative providers of financial services found the number of nonbank check-cashing establishments doubled in the United States between 1996 and 2001. Payday lending outlets, a source of credit that was almost non-existent a decade ago, now number more than 10,000. And data from the Survey of Consumers Finances, a triennial survey sponsored by the Federal Reserve Board, indicate that the share of households with a loan from a finance company increased from 13 percent in 1992 to 25 percent in 2004.

FINANCIAL CHALLENGES OF LOWER-INCOME FAMILIES

Despite the increased complexity of financial products and the wider availability of credit in many forms, U.S. households overall have been managing their personal finances well. On average, debt burdens appear to be at manageable levels, and delinquency rates on consumer loans and home mortgages have been low. Measured relative to disposable income, household net worth is at a fairly high level, although still below the peak reached earlier this decade.

Families with low to moderate incomes, however, face special financial challenges. These families generally have less of a cushion to absorb unanticipated expenses or to deal with adverse circumstances, such as the loss of employment or a serious health problem. Results from the Survey of Consumer Finances show that the median net worth for households in the lowest income quintile—those whose income placed them in the bottom fifth of the population—was only $7,500 in 2004, well below the median for all survey respondents of $93,000. The Survey data also indicate that households in the lowest quintile were significantly less likely than the average respondent to maintain a checking or savings account; almost 25 percent of those families were ''unbanked,'' compared to less than 10 percent of families in the other income quintiles. The reasons given for not having an account varied: Some respondents said they would not write enough checks to make having an account worthwhile, but others were dissuaded by minimum balance requirements or said that they did not have enough money to justify opening an account. In some cases, a lack of knowledge about the services that banks offer or even a distrust of banks is likely a factor.

The Survey also found that lower-income households are less able than others to manage their debts. A greater fraction of these households had debt-to-income ratios of 40 percent or more or had a payment past due at least sixty days. The data also reveal that only 40 percent of families in the lowest quintile own a home, compared with a homeownership rate of 69 percent among all families surveyed. Finally, the data on retirement account ownership show an even larger gap, with only 10 percent of lowest-quintile families holding a retirement account, whereas 50 percent of all families responding to the survey reported participation in some type of retirement savings plan.

How can these disparities be addressed? Some general approaches to helping families of modest means build assets and improve their economic well-being include community economic development, financial education, and programs that encourage saving and investment. In the remainder of my remarks, I will discuss each of these approaches briefly and offer some insights into their effectiveness based on research and experience.

COMMUNITY ECONOMIC DEVELOPMENT

In my time with the Federal Reserve, I have had a number of opportunities to meet with community economic development leaders—representatives of groups working to assist lower-income families become homeowners, start small businesses, better manage their finances, and save for the future. In fact, my first trip as a Federal Reserve Board member was to Brownsville, Texas, where I saw how a grassroots nonprofit organization is helping to build communities and to provide residents with the chance to build wealth through homeownership. The Community Development Corporation (CDC) of Brownsville works with multiple funding partners—governments at all levels, financial institutions, foundations, and corporations—to construct housing and to design innovative loan products that enable low-income families to qualify for mortgage credit. For example, because of the mix of funding sources, mortgage loans can be offered with features such as down-payment assistance or a below-market interest rate. The CDC of Brownsville also offers a program that allows prospective homeowners to acquire ''sweat equity'' in a property by working on construction teams to help build their own new home and those of other participating families.

As in the case of many community development organizations, the Brownsville CDC has also made financial education a critical element of its efforts to help lower-income residents improve their financial status. For example, participation in financial counseling or in an education program is typically required for a borrower to obtain a loan through the CDC or through one of its lending partners. However, the broader aim of these programs is to improve borrowers' prospects for longer-term success in maintaining their credit and handling their overall finances. Since 1994, through this combination of leveraged financing arrangements and borrower education, the CDC of Brownsville has helped make homeownership possible for more than 2,500 low-income families. I cite the Brownsville example because of the opportunity that I had to learn about their work (and I recently had a similar opportunity to see some impressive community development efforts in the Anacostia neighborhood of the District of Columbia). But this localized approach to community development and wealth-building is playing out in neighborhoods throughout the country, in most cases through strategies tailored to the distinct needs of the particular community.

FINANCIAL EDUCATION AND FINANCIAL LITERACY

Financial education has not only been integral to community development but has also begun to play a larger role in the broader consumer market. Clearly, to choose wisely from the wide variety of financial products and providers available, consumers must have at least basic financial knowledge. People who understand the financial aspects of purchasing a home or starting a business, or who appreciate the importance of saving for children's education or retirement, will almost certainly be economically better off than those without that vital information. Financial literacy can be acquired through many channels: in school, on the job, through community programs and counseling, or through self-education and experience.

Studies generally find that people receiving financial education or counseling have better financial outcomes. For example, research that analyzed data on nearly 40,000 mortgage loans targeted to lower-income borrowers found that families that received individual financial counseling were less likely later to become delinquent on their mortgage payments. Similarly, another study found that borrowers who sought and received assistance from a credit counseling agency improved their credit management, in particular, by reducing the number of credit accounts on which they carried positive balances, cutting overall debt, and reducing delinquency rates. More broadly, the research shows that financial knowledge is correlated with good financial outcomes; for example, individuals familiar with basic financial concepts and products have been found to be more likely to balance their checkbook every month, budget for savings, and hold investment accounts.

Studies that establish an association between financial knowledge and good financial outcomes are encouraging, but they do not necessarily prove that financial training and counseling are the causes of the better outcomes. It could be, for example, that counseling is associated with better financial outcomes because the consumers who choose to seek counseling are the ones who are already better informed or more motivated to make good financial decisions. In medicine and other fields, researchers gain a better understanding of what causes what by doing controlled studies, in which some subjects are randomly assigned a particular treatment while others do not receive it. To translate this idea to the analysis of the effects of financial counseling, the Federal Reserve Board's Division of Consumer and Community Affairs is collaborating with the Department of Defense to conduct a three-year study of the effects of financial education. This study will evaluate the impact of various educational programs on the financial decisions of soldiers and their families. It includes a treatment group of those receiving financial education, with the programs each family receives and when they receive it being determined randomly, and a control group of similar soldiers and their families who have not received this formal financial education. Because assignments of individuals to programs will be random, any observed changes in behavior can be more reliably attributed to the type and amount of counseling received. Among other things, the results of this study should help us better understand whether financial education leads to changes in behavior for participants in general or only for those at critical teaching moments, such as the period before making a major financial decision such as choosing a mortgage.

I would like to say just a few words about the Federal Reserve's broader role in promoting consumers' understanding of financial products and services. Beyond conducting surveys of consumers and doing research, we work in a number of ways to support consumers in their financial decision-making. For example, through our consumer protection rule-writing authority, the Federal Reserve sets requirements that specify the information that must be disclosed to consumers about the terms and fees associated with credit and deposit accounts. These disclosures provide consumers with the essential information they need to assess the costs and benefits of financial services and compare products among different providers. We are currently reviewing many of our disclosures and plan to use focus groups and

other methods to try to make these disclosures as clear and as user-friendly as possible.

The Federal Reserve System also works to promote financial education and financial literacy through various outreach and educational activities. We provide a great deal of substantive financial information, including interactive tools for economic education, on our education website www.federalreserveeducation.org. The website links to a wide variety of financial education resources at the local, regional, and national levels.

Additionally, the Federal Reserved Board collaborates with educational and community development organizations to support their efforts. Our national partners include the Jump$tart Coalition for Personal Financial Literacy, the Conference of Mayors' DollarWi$e Campaign, Operation HOPE, the American Savings Education Council, and America Saves, among others. At the regional level, the 12 Federal Reserve Banks work with organizations to support financial education and financial literacy. For example, the Federal Reserve Bank of Cleveland has worked with community financial educators to form regional networks that combine resources and share best practices. The Federal Reserve Bank of Chicago sponsors ''MoneySmart Week,'' partnering with banks, businesses, government agencies, schools, community organizations, and libraries to host activities designed to help consumers learn how to manage money. The Federal Reserve Banks of San Francisco and Minneapolis have worked with leaders in the Native American community to develop financial education materials. My recent testimony to Congress on financial literacy provided information on many other projects and programs. The Federal Reserve will continue to make financial education a priority.

STRATEGIES TO ENCOURAGE SAVING

Even if people know that they would be better off if they saved more or budgeted more wisely, we all know from personal experience that translating good intentions into action can be difficult. (Think about how hard it is to keep New Year's resolutions.) The field of behavioral economics, which studies economic and financial decisions from a psychological perspective, has cast new light on consumer behavior and led to recommendations about how to improve people's financial management. For example, studies of individual choices in 401(k) savings plans strongly suggest that workers do not pay adequate attention to their saving and investment decisions. Notably, despite the tax advantages of 401(k) contributions and, in some cases, a generous employer match, one-quarter of workers eligible for 401(k) plans do not participate. Studies have found, however, that if firms change the presentation of the plan from an ''opt-in'' choice to an ''opt-out'' choice, in which workers are automatically enrolled unless they actively choose to remain out of the plan, participation rates increase substantially. The impact of changing from ''opt-in'' to ''opt-out'' is particularly evident for younger and lower-income workers, who may have less financial expertise.

In addition, participants in savings plans evidently do not understand the various investment options that are offered. A survey by the investment management firm, The Vanguard Group, found that many plan participants cannot assess the risk inherent in different types of financial assets; for example, many did not appreciate that a diversified equity mutual fund is generally less risky than keeping most of one's wealth in the form of the employer's stock. Indeed, employees appear to invest heavily in their company's stock despite the fact that their income is already tied to the fortunes of their employer. More than one-quarter of 401(k) balances are held in company stock, and this high share arises not only from an employer match but from voluntary purchases as well.

These insights into consumer behavior have prompted some changes in the design of retirement plans and in education programs focused on saving for retirement. More employers now feature automatic enrollment in their 401(k) plans in an effort to boost participation. Also, some have set the default investment option to a diversified portfolio that is rebalanced automatically as the worker ages or have set contribution rates to rise automatically over time in line with salary increases.

However, although these changes in program design may boost saving and improve investment choices, they are not a substitute for continued financial education. Employers, including the Federal Reserve Board, offer financial education at the workplace to help their workers gain a better understanding of retirement savings options. Helping people appreciate the importance of saving and giving them the tools they need to translate that knowledge into action remain major challenges.

CONCLUSION

Let me close by observing that many factors influence consumer financial behavior. Financial education is clearly central to helping consumers make better decisions for themselves and their families, but policymakers, regulators, nonprofit organizations, and financial service providers must all help ensure that consumers have the tools and the information they need to make better decisions. Success can only come through collaborative efforts. I see much interest today in increased collaboration toward these objectives, both in Washington and around the country.

Thank you for the opportunity to speak with you today. I encourage you to continue working together to help provide increased economic opportunity in your communities, and I wish you the best of luck in your efforts.

Mr. HINOJOSA. I also want to take this opportunity to thank Richard W. Fisher, CEO and president of the Federal Reserve Bank of Dallas, for hosting me recently at the Federal Reserve Bank of Dallas. Richard W. Fisher assumed the office of president and CEO of the Federal Reserve Bank of Dallas on April 4, 2005. President Fisher serves as a member of the Federal Open Market Committee, the Federal Reserve's principal monetary policymaking group.

During my visit, President Fisher provided me with valuable economic information on the 15th District of Congress, as well as insight into the Dallas Bank's efforts to improve financial literacy. I want to commend President Fisher and the Federal Reserve Bank of Dallas for publishing an excellent brochure entitled, Building Wealth, a Beginner's Guide to Securing Your Financial Future, which is an introduction for individuals and families seeking to develop a plan for building personal wealth. It contains four sections: Learn the language; budget to save; save and invest; and take control of debt. The publication is available in both English and Spanish, and is available in print and it is available as an interactive version on the Dallas Fed's Web site. I encourage you to look it up.

The Dallas Fed is an active partner in several asset-building initiatives throughout its district, including the Texas Asset Building Coalition which promotes personal financial education, affordable homeownership opportunities, individual development accounts/matched savings programs, the earned income tax credit, and antipredatory lending measures.

Again, I want to thank Chairman Bernanke for speaking at my Regional Leaders Issues Conference and President Fisher for hosting me at the Federal Reserve Bank of Dallas.

Mr. HINOJOSA. Madam Speaker, recently, I held my Fifth Regional Leaders Issues Conference in the Jefferson Building of the Library of Congress. Over 140 of my constituents attended the conference, including: elected officials, presidents of universities, educators, heads of Chambers of Commerce and other community leaders in the 15th district of Texas. On Tuesday, June 13, 2006, I was honored to have Dr. Ben Bernanke, Chairman of the Board of Governors of the Federal Reserve, give remarks to the conferees. He referenced data from the Survey of Consumers Finances, which is a triennial survey sponsored by the Federal Reserve Board. The latest survey revealed some discouraging and alarming statistics: households whose income placed them in the bottom fifth of the population were less likely than the average respondent to maintain a checking or savings account; almost 25 percent of those families were ''unbanked,'' compared to less than 10 percent of families in the other income levels. According to the survey, reasons given for not having an account varied: Some respondents said they would not write enough checks to make having an account worthwhile, but others were dissuaded by minimum balance requirements or said that they did not have enough money to justify opening an account. Chairman Bernanke stated that, in some cases, a lack of knowledge about the services that banks offer including deposit insurance or even a misunderstanding of the important role banks play in our economy.

Chairman Bernanke went on to say that some of the general approaches to helping families of modest means build wealth and improve their economic well-being include community economic development, financial literacy, and other programs that encourage saving and investment. As co-founder and co-chair of the Financial and Economic Literacy Caucus, I was pleased by all the information he provided my constituents, and I am pleased with the efforts the Federal Reserve is undertaking to improve financial literacy rates across the United States. I want to take this opportunity to express my sincere appreciation for Chairman Bernanke taking time out of his very busy schedule to speak to my constituents. It is my hope that the media will focus more attention on what the Chairman and the Financial and Economic Literacy Caucus have to say with regard to financial education and literacy, instead of focusing solely on Chairman Bernanke's comments on the direction of interest rates. I find it odd that the media and some legislators have yet to realize that there is a correlation between the country's poor financial literacy rates and the actions the Federal Reserve has to take from time to time.

Madam Speaker, at this point, I ask unanimous consent to enter into the record the remarks Chairman Bernanke gave before my Fifth Regional Leaders Issues Conference.

I also want to take this opportunity to thank Richard W. Fisher, CEO and President of the Federal Reserve Bank of Dallas, for hosting me recently at the Federal Reserve Bank of Dallas. Richard W. Fisher assumed the office of president and CEO of the Federal Reserve Bank of Dallas on April 4, 2005. President Fisher serves as a member of the Federal Open Market Committee, the Federal Reserve's principal monetary policymaking group. He is former vice chairman of Kissinger McLarty Associates, a strategic advisory firm chaired by former Secretary of State Henry Kissinger. From 1997 to 2001, Fisher was deputy U.S. trade representative with the rank of ambassador. He oversaw the implementation of NAFTA, negotiations for the Free Trade Area of the Americas, and various agreements with Vietnam, Korea, Japan, Chile and Singapore. He was a senior member of the team that negotiated the bilateral accords for China's and Taiwan's accession to the World Trade Organization. Throughout his career, Fisher has served on numerous for-profit and not-for-profit boards. A first-generation American, Fisher is equally fluent in Spanish and English, having spent his formative years in Mexico. He attended the U.S. Naval Academy, graduated with honors from Harvard University in economics, read Latin American politics at Oxford and received an M.B.A. from Stanford University.

During my visit, President Fisher provided me with valuable economic information on the 15th district of Congress as well as insight into the Dallas Bank's efforts to improve financial literacy. I want to commend President Fisher and the Federal Reserve Bank of Dallas for publishing an excellent brochure entitled Building Wealth: A Beginner's Guide to Securing Your Financial Future, which is an introduction for individuals and families seeking to develop a plan for building personal wealth. It contains four sections: learn the language, budget to save, save and invest and take control of debt. The publication is available in both English and Spanish and is available in print and as an interactive version on the Dallas Fed's Web site. The Dallas Fed is an active partner in several asset-building initiatives throughout its district, including the Texas Asset Building Coalition, which promotes personal financial education, affordable homeownership opportunities, Individual Development Accounts/matched-savings programs, the Earned Income Tax Credit, and anti-predatory lending measures.

Again, I want to thank Chairman Bernanke for speaking at my Regional Leaders Issues Conference and President Fisher for hosting me at the Federal Reserve Bank of Dallas.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 8 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at 10 a.m.

PRAYER

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

''When I call; answer me, O God of justice, from anguish you release me; have mercy and hear me!''

Lord, at times our prayers, especially those said publicly, are bold sounding, almost like a military order summoning the ranks to take shape, a call to precision and movement.

At other times, our prayer is more like a whimper, muffled in the heart, struggling to find the right words, the cry of the most dependent in our midst.

Whenever or however we call out to you, O Lord, as individuals or as a Nation, hear us.

For we are in need of Your justice and Your mercy, both 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 her approval thereof.

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

PLEDGE OF ALLEGIANCE

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

Mr. KUCINICH 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.

IRAN'S GASOLINE IMPORTS

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

Mr. KIRK. Madam Speaker, 3 years ago, a Congressman, ROB ANDREWS, and I founded the Iran Working Group to explore all peaceful options with regard to the nuclear crisis.

Last June, we proposed a unique option, an international quarantine on the sale of gasoline to Iran. Despite its status as an OPEC oil producer, Iran depends on over 40 percent of its gasoline supply from abroad, and because the mullahs failed to modernize Iran's refineries, she has run short.

Iran's government knows of this critical weakness. They have reviewed the congressional resolution and calls for restricting gas sales to Iran.

To prepare their people, the Iranian government decided this week to cut in half their gasoline subsidy for foreign supplies, effectively eliminating almost 200,000 barrels a day from their national supply. This will trigger gasoline rationing in Tehran and will begin to tighten the squeeze on the government.

It shows that this is a very powerful lever to use in the peaceful resolution of this crisis and one that Iran's leaders already know would be effective.

TIME TO REAWAKEN IN OUR PEOPLE THE COURAGE OF THE FOUNDERS

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

Mr. KUCINICH. Madam Speaker, a reading from the book of James, Madison that is.

The fourth amendment to the Constitution of the United States: The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated.

That amendment was passed in 1791. In 2006, the administration is getting the banking records of millions of Americans without a warrant. The government wants to know who you write checks to, who writes checks to you. They want to flag those transactions and investigate without a warrant legal, private conduct. Under the PATRIOT Act, they can monitor wire transfers, ATM and credit card transactions.

This year, as we celebrate the 230th anniversary of our Declaration of Independence, we find 150,000 troops in Iraq so the people there can have the very rights we are losing at home.

It is time to reawaken in our people the courage of the Founders, the spirit that founded a free Nation so that we can remain a free Nation. That struggle is not in Iraq. It is here in America.

REID-KENNEDY BILL IS NOT THE ANSWER

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

Ms. FOXX. Madam Speaker, House Republicans are committed to passing strong immigration reform legislation. Last December, we passed a bill that would, among other things, strengthen border security, crack down on those who knowingly hire illegal workers, empower local law enforcement to enforce our immigration laws, and allow for the swift deportation of illegal aliens. This is something that has to be done for our national security, and we cannot compromise on this.

I cannot for the life of me understand why Democrats are pushing to pass the Reid-Kennedy bill, which is a huge pat on the back for those who are breaking our laws. This bill would reward bad behavior by guaranteeing Social Security benefits for illegal aliens and enabling them to collect welfare benefits

paid for by American tax-paying citizens. In addition, the Reid-Kennedy bill would permit illegal aliens to pay in-State tuition at public universities, also funded by American taxpayers, and would require our country to consult with Mexico before constructing a wall to protect our own country.

Madam Speaker, the Reid-Kennedy bill is not the answer to our immigration problems, and I encourage my colleagues to oppose it.

MINIMUM WAGE/LIVABLE WAGE

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

Ms. SOLIS. Madam Speaker, the economic climate created by years of failed Republican policies is tough for many Americans to swallow. Millions of full-time workers in the Nation who are making the Federal minimum wage, $5.15, find that every other cost-of-living expense has gone up, from prescription drugs to housing to just about everything, food on our table.

The minimum wage has not increased for 10 years. The millions of Americans who would benefit from that increase know that it is impossible to make ends meet at the current salary that has not been raised since 1997. For example, we are struggling with the rising costs of oil and other expenses.

Madam Speaker, everyone in the country who works full time to support their family deserves to earn a livable wage.

Today, Democrats will demand a vote in this House to increase the minimum wage from $5.15 to $7.25. It is only fair. We hope that House Republicans, who have been more than willing to shower giant tax breaks to their wealthy friends, will finally realize that no American working full time deserves to live in poverty.

We hope that you will join with us today to increase the minimum wage.

PALESTINIAN UPHEAVAL

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

Mr. PITTS. Madam Speaker, the pictures running with recent news reports tell the story: The Palestinians are in upheaval. Earlier this month, hundreds of supporters of Palestinian leader Mahmoud Abbas and his Fatah faction stormed parliament buildings in Ramallah, setting parts of them ablaze. This was in response to earlier Hamas-led attacks on Fatah security forces in Gaza.

Madam Speaker, this escalating violence among rival Palestinian factions should teach the world a lesson. Elections alone do not make people democratic. The elections are important, but without the foundation of a civil society and certain values, they will not guarantee democratic freedom.

The Palestinian people must also embrace basic democratic values and principles: the rule of law; freedom of speech; due process protections; respect for honest, civil debate; religious liberties. The list goes on.

Continuing to choose extremism rather than fundamental civil reforms like these will only lead to further upheaval and hardship.

PROVIDING A CARING FAMILY FOR FOSTER CHILDREN

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

Mr. DAVIS of Illinois. Madam Speaker, I just returned from a briefing held by the Congressional Coalition on Adoption and their Caring Connections Program for children. I have never been more inspired, I have never been more motivated, and I have never been more stimulated than when I heard all of these young people who grew up in foster homes talking about their experiences and where they have come.

So I simply want to commend Senator LANDRIEU and Representative GINNY BROWN-WAITE for their leadership of this activity and others. We need to make sure that all of our children have warm, caring families in which to live.

STAFF SGT. ALBERTO SANCHEZ JR.—IMMIGRANT SOLDIER

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

Mr. POE. Madam Speaker, more than 30 years ago, Alberto and Olga Sanchez decided to leave the dusty border town of Renosa, Mexico, and immigrate to Texas with their small child, Alberto, Jr.

Alberto grew up in Houston and went to Milby High School. After high school, he wanted to go to college but decided to join the United States Army first. So he spent 9 years as a member of the United States Army.

He married his sweetheart, Yesenia; and their fifth wedding anniversary was to be next month.

But, Saturday, Staff Sergeant Alberto Sanchez, Jr., died while on combat patrol in Balad, Iraq. Caught in the path of an IED explosion, his wounds overcame him. He was 33 years of age.

He was assigned to the Army's 1st Battalion, 68th Armored Regiment, 3rd Heavy Brigade Combat Team of the 4th Infantry Division.

IEDs, improvised explosive devices, are nothing more than booby traps buried by cowardly, masked terrorists who lack the courage to face our troops.

Staff Sergeant Sanchez died while in service to his country. America joins his wife, his parents, his two siblings, along with a host of friends and family that mourn the loss of this American soldier. He is another example that freedom always costs and always will.

And that's just the way it is.

PLAN FOR WITHDRAWAL FROM IRAQ

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

Mr. MCDERMOTT. Madam Speaker, on Sunday, Iraq's prime minister unveiled a 24-point plan that included a timetable for U.S. withdrawal.

Last week, the U.S. military's top commander in Iraq briefed the President and top Republicans about a plan to significantly reduce the number of U.S. soldiers in Iraq.

For months, Democrats have been calling for a new direction, including a timetable to redeploy U.S. soldiers out of harm's way; and the American people have been saying it is time for a new direction that protects U.S. interests by protecting U.S. soldiers.

The Iraqi people, the American people and the U.S. commanders all say the same thing: It is time for a timetable. And the President still says the same thing: Stay the course.

Madam Speaker, the Democrats were wrong. The President's favorite phrase, stay the course, is not a slogan. It is a direct order for Republican Members of the Congress to deny their better judgment and disregard the concern of their American constituents and the top five military commanders.

The President must have some kind of October surprise in mind. The President is off course, and until there is a mid-term course correction, America will remain misled and misguided in Iraq, and U.S. soldiers will bear the brunt of the President's stubbornness.

OPPOSING BILINGUAL BALLOTS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of reauthorizing the Voting Rights Act of 1965. However, I am greatly concerned about a provision that is in the bill for bilingual ballots. That language still remains in the bill.

Let me be clear. I support legal immigration and certainly celebrating one's heritage. However, the bilingual ballot provision has long kept new citizens from increasing their knowledge of our language and from fully integrating into our society.

Not only is it expensive to print ballots in a variety of different dialects and tongues, but it reinforces a fractious society.

I had planned to offer an amendment with my good friend and colleague, Congressman Steve King of Iowa, to strip this arcane and divisive language.

I ask my colleagues for support of this measure. You heard it here.

□ 1015

REPUBLICAN PRIORITIES ARE NOT WITH AMERICAN FAMILIES

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

Ms. LORETTA SANCHEZ of California. Madam Speaker, the disparity between the wealthiest Americans and the poorest continues to grow fostered by the failed economic policies of this Republican administration and Congress. Despite huge cost-of-living increases and gas prices, health care, and higher education, Americans who work full time at a minimum wage job have not received a pay raise in over 9 years.

While these hardworking Americans struggle to support their families on just $10,700 per year, Republicans in this body are fighting to give millionaires and huge corporations tax breaks. They have even taken their misguided priorities to a new level. After voting in committee to allow a modest increase in the minimum wage, now they don't want to bring it to the House for a vote.

Democrats plan to hold a vote on the minimum wage later today because we believe that expanding economic opportunity to 7 million Americans who have been ignored should be a priority. Republicans, please make this a priority.

DOMESTIC ENERGY DEVELOPMENT

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

Mr. GINGREY. Madam Speaker, as we head into the 4th of July holiday, millions of Americans will feel the pinch of high gasoline prices as they travel to see family and friends. We are watching gas prices climb higher and higher, and it has become readily apparent that America is too dependent on foreign crude oil.

Earlier this year, the House passed legislation to allow drilling in a tiny portion of the Arctic National Wildlife Refuge of this frozen tundra of Alaska's north slope. Despite the fact that oil from ANWR could supply my State of Georgia's energy needs for 54 years and that drilling would be conducted under the strictest environmental standards, many Democrats still oppose this legislation.

This week, we have another chance to support domestic energy production when we vote on legislation to use America's massive energy resources in the deep seas on the Outer Continental Shelf. The bipartisan legislation is one way we can start weaning America off our foreign oil dependency.

Madam Speaker, the American people are tired of paying high prices at the pump. They demand action, and this Republican majority is delivering. I ask my colleagues on both sides of the aisle to join me in supporting the development of domestic energy sources.

TRIBUTE TO ALBERTO V. SANCHEZ, JR.

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

Mr. GENE GREEN of Texas. Madam Speaker, I lost a constituent this last week in Iraq. Staff Sergeant Alberto V. Sanchez, Jr., had planned to celebrate his fifth wedding anniversary next month while on leave from Iraq. ''It takes a piece of my heart,'' his mother, Olga Sanchez, said in Houston, through tears. ''Nothing we can say or do will ever bring him back.''

Sanchez, 33, a Milby High School graduate, died Saturday from wounds he suffered when an improvised explosive device detonated near his vehicle in Balad, about 50 miles north of Baghdad.

Sanchez was assigned to the Army's 1st Battalion, 68th Armor Regiment, 3rd Heavy Brigade Combat Team, 4th Infantry out of Fort Carson. Alberto Sanchez chose the Army so he could earn money for college tuition, but the military became his career. He chose to be in the Army, and his mother, Olga Sanchez, said he always said, ''This is just a job. I've got to do what I've got to do.''

His parents, Alberto, Sr., and Olga Sanchez, moved to Houston from Reynosa, Mexico, when their son was an infant. The family is in disbelief, Mrs. Sanchez and the other adult children said. ''We never felt worried,'' his mother said. ''If he felt worried, he never showed it. Like I said, all the pictures we have of him, he always had a big smile.''

Madam Speaker, I ask for a moment of silence to celebrate this American hero, Alberto Sanchez, Jr.

CONDEMNING LEAKS OF NATIONAL SECURITY SECRETS

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

Ms. HARRIS. Madam Speaker, I rise today to express outrage and disgust over United States officials who continue to leak national security secrets during wartime.

Most recently, someone leaked information to the media regarding the SWIFT program, which tracks financial transactions of al Qaeda associates.

Someone in the United States Government is subverting the war on terror, thereby putting our troops at greater risk and, in essence, prolonging the war.

Americans have the right to know who this person is and what their intentions are. In the words of the New York Times, it is ''in the public's best interest to know.''

I have introduced a resolution expressing that U.S. officials who leak sensitive information of national security secrets should be vigorously investigated and, if need be, brought to justice. If after a thorough investigation these officials are found to be disloyal to our country, they should be tried for treasonous acts.

While al Qaeda and the terrorists may appreciate these leaks, Americans certainly do not.

SUCCESS WITH TROOPS ON THE BORDER

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

Mr. PRICE of Georgia. Madam Speaker, sending troops to control our borders has already proven to be successful. Instead of being buried on page eight, this should be front-page news. The press should know that the story is no longer about what is happening here in Congress, but what is happening at the border.

During the first 10 days of June, total detentions of illegal aliens declined by 21 percent compared to the same period a year ago. That is pretty good for just 55 National Guard troops who didn't arrive on the border until June 3.

While the National Guard is certainly not the final answer, their presence clearly demonstrates that added resources on the border is pivotal to controlling our illegal immigration emergency. Strong enforcement decreases the influx of illegal aliens. Promises of amnesty only encourage illegals to storm our borders in greater numbers.

Madam Speaker, our laws must be taken seriously by both those who would violate them and those charged with their enforcement. Thanks to our National Guard troops for their vital work in bringing order out of chaos.

FREEDOM ISN'T FREE

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

Mrs. BLACKBURN. Madam Speaker, you know, ''freedom isn't free'' is a saying that we hear a lot. Sometimes we think it is a little bit trite. But I will tell you, Madam Speaker, this weekend I have seen the embodiment of that phrase, as I have met in Iraq with some of our 101st Airborne troops and our National Guard men and women. They understand their mission, they are dedicated, and yes, indeed, they are getting the job done.

I have also seen the embodiment of that phrase this weekend as I have met with some of the Iraqi parliamentarians. I joined three of my colleagues there. We were led by Congresswoman KAY GRANGER, who did a masterful job in continuing to mentor some of the Iraqi women parliamentarians. We

have watched them struggle and put energy into their fight to achieve democracy, to achieve freedom, and to join us in saying, yes, indeed, we understand freedom isn't free. It does come with a price.

COMMENDING CENTURY-OLD BUSINESSES IN NORTH CAROLINA'S EIGHTH DISTRICT

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

Mr. HAYES. Madam Speaker, it is with great pleasure that I rise before you today to congratulate 13 distinguished businesses in North Carolina's Eighth District that have served their communities and their country for more than 100 years. Not only do these businesses provide valuable jobs in our community, but they also illustrate North Carolina's rich tradition of entrepreneurship and the importance of family-owned businesses.

I congratulate the following businesses for their many contributions: Norton Doors, Moose Drug Company, Eaton Corporation, Mt. Pleasant Hardware & Milling, Efird Marble and Granite, Dunn Manufacturing Company, Coffing Hoists, Woodmen of the World Insurance, Miller Lumber Company of Mt. Pleasant, Wall Safety Products, Pass & Seymour/Legrand, Tuscarora Yarns, Incorporated, and Bonsal American.

Small businesses like these remain pillars in our community because of their commitment to producing quality products and advancing award-winning customer service. I commend the owners and employees of these firms for their contribution to the American economy and their pledge to producing and selling quality and innovative products.

SAFETY AT INDIAN POINT NUCLEAR POWER PLANTS

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

Mrs. KELLY. Madam Speaker, I rise today to call on this House to pass legislation of major importance to my constituents in New York's Hudson Valley. The Indian Point nuclear power plants are located within 35 miles of New York City, making it the largest population in the country that lives within the vicinity of a nuclear power plant.

I visited the plants on January 30 with a nuclear safety engineer from the Union of Concerned Scientists. Afterward, I requested that the Nuclear Regulatory Commission authorize an independent safety assessment at Indian Point.

As I saw on my visit, there are many people working at Indian Point who are fully dedicated to ensuring a safe and secure plant. They deserve our sincere appreciation. But Indian Point is an aging plant with a history of problems, and an ISA is the best way to identify areas of weakness before they become serious issues.

My Hudson Valley colleagues and I have introduced legislation to call on the NRC to commit an ISA at Indian Point. Additional colleagues here in Congress have joined me in this. This would ensure the utmost safety at Indian Point for our surrounding communities.

The NRC needs to put the safety of the residents of New York's Hudson Valley first, and I urge the House to promptly consider and approve our legislation.

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

Mr. SESSIONS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 891 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 891

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from California, my friend, Congresswoman MATSUI, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

This structured rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. It waives all points of order against consideration of the bill and makes in order only those amendments printed in the Rules Committee report accompanying the resolution.

It provides that the amendments printed in the report may be offered only in the order printed in the report and offered only by a Member designated in the report. They 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. These amendments shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report, and, as always, it provides the minority with one motion to recommit with or without instructions.

Madam Speaker, I rise today in support of this rule and the underlying legislation brought to the floor from the Financial Services Committee under the leadership of Coach MIKE OXLEY and Chairman RICHARD BAKER.

Yesterday evening, despite inclement weather, the Rules Committee met and took testimony from Members regarding their thoughts on how to improve this legislation. The committee determined that many of these amendments should be considered and made two-thirds of those amendments submitted to the committee in order, including seven Democrat and bipartisan amendments.

This legislation follows upon sensible reforms of the Flood Insurance Reform Act of 2004, which also sought to update and modernize the National Flood Insurance Program. Although this previous effort at reforming the program was well intended, a number of provisions included in the 2004 act have yet to be implemented.

Also, this earlier effort is currently incomplete because it was passed by Congress before Hurricanes Katrina and Rita devastated the gulf coast and, therefore, did not incorporate the lessons learned from these storms and how best to administer the NFIP.

The Flood Insurance Reform and Modernization Act makes a number of commonsense changes to current law. Among other things, it does the following: it requires the Comptroller General of the United States to study the effects of extending the mandatory flood insurance purchase requirements to all properties located in flood hazard areas and report back to Congress within 6 months on the findings.

□ 1030

It increases the fine levied against federally regulated lending institutions

for each failure to require mandatory flood insurance purchase requirements to $2,000 and increases the total cap on fines for institutions to $1 million.

It reiterates FEMA's responsibilities to implement provisions of the Flood Insurance Reform Act of 2004 and directs FEMA to continue to work with the insurance industry, State insurance regulators and other interested parties to implement the minimum training and education standards for all insurance agents who sell flood insurance policies, and mandates that FEMA submit a report to Congress on implementation of these provisions.

It directs FEMA to maintain and periodically publish an inventory of levees located in the United States so that these levees can be identified for National Flood Insurance Programs.

In addition to improving and reforming this program, this legislation also ensures that taxpayers are protected, including provisions to establish that nonresidential properties and nonprimary residences will be charged actuarial instead of subsidized rates.

It increases the NFIP's borrowing authority to $25 billion, but also a requirement that FEMA submit a report to Congress on how it intends to repay funds borrowed under this increased authority.

It requires a semiannual report by FEMA to Congress on the financial status of the National Flood Insurance Program.

It extends the current pilot program for mitigation of severe repetitive loss properties, which is set to expire September 30, 2009, to 2011.

Madam Speaker, I would like to commend Chairman OXLEY and Chairman BAKER for their hard work on this legislation. Listening to people, learning from the mistakes of the past and also from the impact of these devastating hurricanes has meant that we will continue our efforts to protect homeowners, taxpayers, while ensuring that a viable market for flood insurance continues to operate effectively and efficiently in the United States.

I urge my colleagues to support this rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I thank the gentleman from Texas for yielding me this time.

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

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

Ms. MATSUI. Madam Speaker, as the representative of a district in a floodplain, I understand the need for a healthy flood insurance program. My hometown of Sacramento is the most at-risk river city in the Nation. Whenever I talk about our efforts to improve Sacramento's level of flood protection, I also mention the importance of flood insurance. If you live behind a levee, you should have flood insurance.

I also recognize that to accomplish this we need a healthy and robust National Flood Insurance Program. That is why the legislation we debate today, the Flood Insurance Reform and Modernization Act, is so significant.

Through this legislation, we will meet our responsibilities. We will ensure coverage is available to those at risk, and we will educate those same individuals as to the benefits of flood insurance. This bill takes us in that positive direction.

In the aftermath of Hurricane Katrina, the deficiencies in the program were laid bare. What remained was a program $25 billion in debt with a questionable future. It is imperative that we rebuild the flood insurance program.

For many Americans, owning insurance that protects against a flood is more valuable than in case of a fire. That is because homes in a federally designated special flood hazard area are three times as likely to be destroyed by flood as a fire. This is the case for almost three-fourths of all homes in Sacramento. This is an important program that must be reformed to ensure its long-term stability and solvency.

The bill we are considering today makes reasonable reforms. It will lay the foundation for a stronger and improved flood insurance program. For that, I would like to thank Chairman OXLEY, subcommittee Chairman RICHARD BAKER and Ranking Member BARNEY FRANK for their work on this bill, as well as the minority staff of the Financial Services Committee, particularly Jeff Riley, for all their tireless work.

This bill takes important steps to modernize the flood insurance program. It raises maximum coverage limits to keep up with inflation. It provides new coverage for living expenses if you have to vacate your home, and it also provides optional coverage for basements and business interruption coverage for commercial properties.

These are all positive steps that will allow the program to continue to provide peace of mind to those impacted when a flood event occurs.

Moving forward, Congress is also making the flood insurance program sustainable in the long run. It tightens enforcement of purchase requirements and ends subsidies on vacation homes, second homes and businesses. These steps may not be popular, but the program needs this kind of tough medicine.

Additionally, it directs FEMA to provide Congress with information that will allow us to evaluate whether we should modify the program's mandatory purchase requirements. This is an issue that demands serious consideration, and I know that we will hear further debate on it once this bill reaches conference.

As I conclude, I would like to express my disappointment that an important amendment I offered was not adopted. It would have created an educational outreach grant program to ensure homeowners in high-risk flood areas retain their flood insurance. This grant program works.

Last year, the Sacramento Area Flood Control Agency, with a FEMA grant, conducted just such a campaign, SAFCA, and reached out to more than 45,000 NFIP policyholders in the American River floodplain with impressive results.

Of this group, 43 percent now carry preferred risk flood insurance. Preferred risk policies provide policy owners who are protected by a levee or other flood mitigation method with full flood insurance at a reduced price. Because of the lower price, the preferred risk policies have a higher level of policy retention.

To put the success in perspective, FEMA more than recouped its investment. SAFCA exceeded its target for policies, retained more than 20 times over, adding millions to the flood insurance program's bottom line.

Extending these grants to other flood plains will only strengthen the National Flood Insurance Program. I will continue to move this program idea forward; and I look forward to working with Chairman OXLEY, Chairman BAKER and Ranking Member FRANK on this grant program.

Ensuring the long-term stability and solvency of this nearly 40-year-old program is critical. The Flood Insurance Reform and Modernization Act is an excellent step in the right direction. As my grant program demonstrates, there is still more to do.

Having said that, this is a good bill and a much-needed start. I urge my colleagues to support the rule so that we can enact this important legislation.

Madam Speaker, I reserve the balance of my time.

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

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise in support of the rule; and I want to thank Mr. SESSIONS, as well as Chairman OXLEY and Mr. BAKER and the ranking member of the Financial Services Committee, BARNEY FRANK, for working hard to bring this updating measure to us today.

Madam Speaker, when the Financial Services Committee debated this bill, an issue came to my attention that needed a remedy.

Many States like Florida that have far too many experiences with flooding have established a mediation process for residents who have flood claims. This process gives residents the opportunity to settle a claim dispute with FEMA without having to go to court. Florida has a 90 percent success rate with this process, which other States have actually begun emulating. This process brings quick results to homeowners, saves millions of dollars in court costs and is something that should be encouraged.

However, oftentimes representatives from FEMA refuse to show up, even though the mediation program is nonbinding. This is a travesty to residents who have already lost so much.

Accordingly, my colleague and I from Florida, Congresswoman DEBBIE WASSERMAN SCHULTZ, introduced an amendment that requires FEMA to participate in State mediation claims. Again, this process is nonbinding. If a resident is unhappy with the results of the proceedings, they may choose to file suit. But the language will ensure that residents have a choice, instead of FEMA making that choice for them by simply avoiding the process.

I urge all Members to give homeowners the opportunity to settle their claims quickly without a team of lawyers and mountains of legal fees. I urge your support for the rule and also the underlying bill so that homeowners living in flood-prone areas will have some certainty.

Ms. MATSUI. Madam Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, I rise in support of this rule and in the hopes that this rule will be a model that my colleagues will follow. It actually puts in order just about every amendment that ought to be put in order, and I hope that is a precedent.

The bill also represents, I think, the legislative process at its best. We began this a couple of years ago. The gentleman from Oregon (Mr. BLUMENAUER), who is still a Member, and the former Member from Nebraska (Mr. Bereuter) formed a very effective bipartisan coalition to take the floodplain program and to preserve its essence to provide assistance to Americans who could not get it from the private market without this government program.

Let me stress that this is a case where we are putting forward a Federal government program to meet a problem that will not be met by the private market. And for my friends who subscribe to the maxim of the former majority leader from Texas (Mr. Armey) that markets are smart and government is dumb, I guess he would think what we are doing today is dumb, but he is probably the only one in the country who does. Because we are now dealing with a market failure in the economic sense by having a government program, but it should be a sensible government program. It was not as sensible as it should be.

We began a process when the gentleman from Oregon and the gentleman from Nebraska came to us, and this was a collaborative effort between myself as the ranking member and the chairman of the committee, the gentleman from Ohio (Mr. OXLEY). We found one of those cases where you could improve a program from both the environmental and fiscal standpoints, and we have legislation today that takes an important program that meets a very pressing social need, the ability of people who live in flood plain areas to continue to live and to get insurance at a reasonable cost, and we make it better environmentally, less likely that there will be building in environmentally unwise areas and in unwise circumstances, and we make it less of a fiscal problem with the Federal Government.

Now, clearly, people recognize the problem. In the case of Katrina, we spent a great deal of money and got too little in return. There were some problems there from the standpoint of levee construction and a number of other things. We can't, in a bill like this, obviously, prevent disasters. What we can do is increase our ability to work with them.

So I am very proud of this bill. There is one amendment in particular, and a number of the amendments will get bipartisan support. Our colleague from Mississippi (Mr. TAYLOR), who lived through some of the worst of this personally, has a very important amendment. I strongly advocate for it. I wish he had gotten more than 10 minutes to discuss it. So I am going to talk a little bit about it now. We will talk some more about it in the general debate.

It deals with the problem that homeowners face when they are told that they will not get any compensation for damage if it was caused by water, when they are told that it was caused by water, when they have very good reason to think it was caused by wind.

There is this split. Wind damage is covered by private homeowner policies, water damage by flood damage, by the flood insurance program. There is very good reason to believe that people have not been treated fairly in this situation.

The gentleman from Mississippi, who has been one of the most tireless and energetic defenders of the rights of citizens in this program, has an amendment that would bring to bear the administrative resources to look into this issue. We cannot regulate State insurance, but we can, at the intersection of the Federal fund insurance program, the State insurance, bring to bear our investigative and other resources.

The gentleman from Mississippi's amendment is an essential piece of trying to treat people fairly in the past but, even more, preventing abuses in the future. So I strongly urge people to vote for it.

In general, we have a good bill. There are amendments from both parties that will improve it. There are some amendments that I will oppose on the whole. It is a legislative effort that will make an important program environmentally better and fiscally better and meet, as I said, a defect the private market on its own cannot meet.

Mr. SESSIONS. Madam Speaker, at this time, I would like to notify my colleague, Ms. MATSUI, that I do not have any additional speakers. I would welcome the opportunity to have her go through those speakers, have her close, then I will do the same after she is through.

Madam Speaker, I reserve the balance of my time.

□ 1045

Ms. MATSUI. Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on the rule, and I appreciate her interest in dealing with these sensitive issues, given the district that she represents. It was my privilege to have worked with her husband on some of these in the past, and I appreciate her following through, because it is critical to people in the greater Sacramento area.

As we have seen outside our window here in Washington, DC, it is critical to people around the country because flooding is not just something that occurs in storm-racked coastal areas or immediately adjacent to rivers. What we are finding is that there can be flash floods in deserts. We are seeing throughout a four-state region now the havoc that can be wreaked given torrential rain, having the ground soaked, having development that has taken away the natural absorptive capacity as wetlands disappear. This is an issue that everybody needs to be concerned about.

I appreciate the words of the gentleman from Massachusetts, the ranking member of the Financial Services Committee, who has been focusing in a laser-like fashion, on these issues, along with the Chair, Mr. OXLEY. We are seeing more progress that has been made in this area in the last 3 years, frankly, than we saw with the late Hale and Lindy Boggs, when the program was first set up. And it is important.

We are talking about areas now in the aftermath of Katrina where people understand, for the first time, the issues. The rule that has been offered up, one where we are going to have a number of amendments in order, which is going to permit an opportunity for us to deal with some serious legislation to try and teach one another about this issue, and to make it better over the long term.

One of the fundamental issues that is going to come up throughout the rules that are before us is who is going to be subsidized under this program. There are those who feel that, well, frankly, we shouldn't rigorously impose the flood insurance program. We shouldn't try to expand the net for people that are involved. We shouldn't make sure that people have flood insurance.

Well, frankly, I think history has shown in the last year that we do people no favors by not having an effective flood insurance program, by not helping people prepare; indeed, to the contrary. What we are doing is we are encouraging more people to be in harm's way. We are allowing some people to

avoid flood insurance, and we are shifting the burden on those who are responsible flood insurance policy-holders.

If we are able to avoid a single 10% unnecessary rate increase, this ripples across to save $150 to $200 million for 4 million policy-holders. It is a savings that is compounded over time. So it is $150 to $200 million each and every year.

Now, part of the problem of having people who should have flood insurance avoid that responsibility, and we are finding that there are almost a half million properties, vacation homes, second homes, commercial properties, that don't have flood insurance. What that does is that transfers the burden to those that do. It artificially inflates the rate that others pay inequitably.

In addition, it poses a problem because those people that don't have flood insurance that should, well, frankly, it tugs at our heart strings, and we come forward with aid to try and help people after the fact. We are spending billions of dollars that could have been avoided if we had been dealing with an effective flood insurance program, and if we would have implemented some of the initiatives that we brought forward for mitigation to prevent flood damage in the first place.

So, Madam Speaker, I appreciate the opportunity to be involved with the debate today. I join my colleague, Mr. FRANK, in thanking the Rules Committee for allowing a full and vigorous debate. I hope we see more. This shouldn't be the exception. I hope it becomes a pattern.

This is one of those issues that is not partisan. It is not geographical. It is not philosophical. It is one of the things that simply good government, hard legislating, will benefit from a full and vigorous debate on the floor of the House, and I look forward to being a part of it.

Ms. MATSUI. Madam Speaker, I have no additional speakers, and I will proceed to close.

Mr. SESSIONS. Madam Speaker, I have no further speakers. I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, this bill represents an incredible amount of collaboration between Chairman BAKER and Ranking Member FRANK.

This is a very important bill. It makes reasonable changes to the flood insurance program. It will lay the foundation for a stronger, improved flood insurance program. I urge my colleagues to support the rule so that we can enact this important legislation.

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

Mr. SESSIONS. Madam Speaker, as you have heard today on the floor, this rule is fair; it is balanced. It is not an exception; it is a rule. And I appreciate the kind comments that have been made by my colleagues on both sides of the aisle about underlying legislation which will help improve the national flood insurance program.

I want to thank Chairman RICHARD BAKER from Louisiana and Chairman MIKE OXLEY from Ohio for their strong leadership on behalf of this great bill.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Clerk will effect a technical correction in the engrossment of the resolution by inserting ''the report of'' after ''printed in'' on page 2, line 9.

There was no objection.

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

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 890 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 890

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except: beginning with the colon on page 15, line 18, through page 16, line 4; page 24, lines 17 and 18; and section 607. Where points of order are waived against part of a paragraph, points of order against language in another part of such paragraph may be made only against such other part and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution 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.

SEC. 3. House Resolution 878 is laid upon the table.

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

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

Madam Speaker, H. Res. 890 is an open rule, and it provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. This resolution waives all points of order against consideration of the bill and provides that under the rules of the House, the bill shall be read for amendment by paragraph. This resolution 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.

It authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit with or without instructions. This resolution 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 and provides also that H. Res. 878 is laid on the table.

Madam Speaker, I rise today in support of House Resolution 890 and the underlying appropriations bill.

H.R. 5672 will fund many of the priorities of this Nation, combating terrorism and crime, strengthening our economy, fostering diplomatic relations and, finally, advancing scientific growth and innovation throughout this country. Each of these priorities is essential to ensure a stronger and a more secure America, and this bill increases funding over last year for almost each and every one of these priorities.

I should also add, to the credit of the committee, under the leadership of Chairman WOLF, that this bill also contains almost $200 million in savings for our taxpayers. I want to thank Chairman WOLF for his stewardship of this bill.

Madam Speaker, H.R. 5672 provides $22.1 billion for the Department of Justice. That is almost $724 million above last year, and it is $1 billion above the President's request.

This $22 billion includes $6 billion for the FBI, as they develop and execute better ways to combat terrorism and fight various forms of crime, from child exploitation to gang violence. This increased funding means improved information technology, better counterintelligence capabilities, and a greater number of highly trained human assets on the ground.

Additionally, because State and local law enforcement play a fundamental and a critical role in fighting crime, this bill includes $2.6 billion for their efforts. And that is an increase of $1.1 billion over the President's request.

H.R. 5672 also includes $558 million for the Edward Byrne Justice Assistance Grants program. That is $147 million over last year, fiscal year 2006.

□ 1100

And to fight this scourge of methamphetamines which sadly pervades so many of our communities, including those of my own, Georgia's 11th, this bill provides $1.75 billion for the Drug Enforcement Administration, the DEA.

Unquestionably, this bill demonstrates the commitment of this Congress, working with the President, to continually reassess and strengthen our security and our law enforcement priorities, ensuring that threats at home and abroad are identified and neutralized.

Madam Speaker, H.R. 5672 also provides $22.7 billion to fund our Nation's scientific priorities, with $16.7 billion for NASA as well as $6 billion for the National Science Foundation. Having practiced as an OB–GYN for almost 30 years, I cannot emphasize enough the importance of encouraging scientific advancement in saving lives and improving our quality of life. Scientific innovation also captivates the minds of our children and other generations to come as they dream to develop technologies that will change the world of tomorrow.

Madam Speaker, this bill also includes funding to further improve the world of today by providing $9.7 billion for the State Department. Of that, $1.7 billion goes to secure and replace our vulnerable embassies throughout the world.

H.R. 5672 includes $5.95 billion for the Department of Commerce, $900 million for the Securities and Exchange Commission, $294 million for the Federal Communications Commission, and $213 million for the Federal Trade Commission.

Madam Speaker, these dollars are essential to not only building a stronger economy but also ensuring a fair and a level playing field for everyone who participates in this economy.

Madam Speaker, last but not least, this bill also includes $643 million for the SBA, the Small Business Administration, which will support business loans to help entrepreneurs across our great Nation access critical start-up capital for new businesses. Without question, our economy is driven by small businesses and the entrepreneurs who are willing to take a chance and turn a dream into a reality.

In conclusion, this bill also makes provisions for three very important programs in the 11th Congressional District of Georgia. I want to mention these because they are so important.

The Inner Harbor EXCEL Program in Rockmart, Georgia, in Polk County, provides quality services for at-risk youth and offers a viable alternative to incarceration. It funds the Douglas County Zero to Three Program which helps the county's juvenile courts to better address the needs of neglected and maltreated infants and toddlers.

And, lastly, the National Association of Court Management, which aims to improve our courts and develop related educational programs.

I want to again thank Chairman WOLF for his support of these programs which are so very important to the people of northwest Georgia.

Madam Speaker, as we move forward with this debate, I want to encourage my colleagues to please support this rule and support the underlying bill as we stand together in support of funding our Nation's priorities.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Madam Speaker, this morning, we are certainly on an important appropriations bill, but I would like to spend my time this morning talking about a portion of the bill that we were not able to get into the bill.

Last week, the American people watched as the majority led the charge against the estate tax. Republicans argued they were doing it for the benefit of small businesses and independent farmers. But the majority could not provide even one concrete example that supported their claim. No farm has been found, no small business has been found that had to go under because of the estate tax.

What the Republicans were really interested in was the 3/10ths of 1 percent of Americans who pay the tax, super-rich families, 18 of whom have spent a combined $490 million over the last 10 years in their quest to make the estate tax disappear. Today, I would ask my friends in the majority to compare that sum, $490 million just in lobbying costs, to the amount of money a full-time minimum wage earner makes in an entire year, which is $10,712.

The minimum wage has not been increased in 9 years. Because of inflation, it is effectively at its lowest level of purchasing power since 1955. And this majority wants to keep it that way.

In fact, last night, in the Rules Committee, the majority refused to allow an amendment to this bill that would have increased the minimum wage, so we won't have the chance to debate it here today.

Contrary to the claims of Republicans, minimum wage earners aren't just teenagers. Indeed, 46 percent of them are over the age of 25, and 35 percent are the sole wage earners for their families, many of them working two and three minimum wage jobs to put some food on table.

Despite what Republicans will say today, there is no empirical evidence to suggest that an increase in the minimum wage would either increase poverty or cost small-business jobs. In fact, the studies that are available show the opposite to be the case. Twenty States have higher minimum wage standards than are federally required. A Center for American Progress study found that, between 1998 and 2003, small business employment in those States grew at an average of 9.4 percent. In contrast, it grew at an average of only 6.6 percent everywhere else.

There is also no established connection between increases in the minimum wage and an increase in poverty, contrary to the rhetoric. Once again, the opposite is true. Obviously, when you increase salaries in a way that does not decrease employment opportunities, the increase in the minimum wage helps people to rise out of poverty and gives them more spending power.

Finally, consider that 81 percent of all the respondents in America to a January poll said raising the minimum wage was an important priority in their mind. If only 19 percent of Americans aren't thinking about it, that is overwhelming.

And so, Madam Speaker, my Republican friends find themselves in a bind. In their steadfast and determined opposition to even a moderate increase in the minimum wage, they cannot claim to be speaking for the American people. They can't claim to be speaking on behalf of the available evidence, either, because that evidence indicates that an increase in the minimum wage will help American workers and the economy, not hurt them.

Republicans can't really claim to be speaking for anyone, anyone except, that is, the small group of rich business groups who have dedicated a tremendous amount of time, energy and money to fighting a minimum wage increase. It should not come as a surprise, of course. Ultra-rich special interest groups were the reason that they worked so hard to overturn the estate tax last week, and we really shouldn't expect anything today that would be different.

Madam Speaker, what we are seeing is a democracy that has been broken, par for the course from the party that recently tabled the renewal of the Voting Rights Act. Our elected officials are supposed to base their decisions on the will of the people, but this leadership cares only about the will of a few rich businessmen.

We all know that our democracy was designed to keep this House responsive to the needs of the public, but history shows us that this leadership listens only to well-paid lobbyists and is willing to do almost anything to ensure their agenda is implemented. For years, they have repeatedly assaulted the process, abusing rules and the ethical standards of this Congress to get what they want, no matter the price.

When Democrats opposed a repeal of the estate tax last week, we did so because we believe those who have benefited the most from our society have an obligation to give the most back. This week, I think we saw that, with a great gift of Warren Buffett, one of our richest persons and citizens, to help the people at large, not just in America but throughout the world.

I ask my Republican colleagues, is that the American dream for you? Or is it one where people cannot get a raise in their minimum income to be able to take care of their families? Is working 40 hours a week for poverty wages the American dream for you? Or is it the belief that honest workers will be given an honest chance to build the life for themselves that they deserve?

We have not forgotten that dream on our side. We are going to continue to stand united behind Americans as they pursue it. We also stand for an open and honest democratic government that will demand it. And we will not rest until we have made this House the People's House once more, because the citizens of this great Nation deserve no less.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, at this time, I want to yield as much time as he might consume to the distinguished chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Madam Speaker, I want to thank my friend from Georgia for yielding and for his superb management of this very important appropriation bill that is coming forward. I also want to extend my appreciation to the gentleman from New York (Mr. SWEENEY) for the hard work that he has put into this very important measure. It is a bipartisan bill that I know enjoys broad support.

I know that the topic of discussion is the issue of increasing the minimum wage. I would like to say for the record, as I did in the Rules Committee last night, that I am a strong proponent of seeing the minimum wage increase. I want to see every American's opportunity increased, and I believe that the policies that we have put into place, not providing some sort of guarantee, I mean, States have minimum wage rates. My minimum wage rate in the State of California is substantially higher than the Federal minimum wage rate. There are some States that have a lower minimum wage, and I think it plays a role in the standard of living.

But I am one who has traditionally been concerned about the notion of mandating from the Federal level an increase in the minimum wage. I know that that is the issue that is going to be talked about time and time again. An argument is propounded by many that we somehow are more interested in the rich than we are in those who are trying to get onto the first rung of the economic ladder. Nothing could be further from the case. We believe very strongly in ensuring opportunity for every single American.

We want to make sure that there is opportunity out there, and there have been a wide range of empirical studies done, Madam Speaker, that show that if we look at the impact that it has on small businesses and on a wide range of other entities out there, it can be inflationary and, in fact, it can cost jobs.

Now, I know a lot of people try to dispute that and say that it hasn't happened, but I think that realizing we have a 4.6 percent unemployment rate, as has been said time and time again by the President and others, it is lower than the average for the last four decades, we have a strong, growing economy today and I would not want to take any action whatsoever that could potentially impinge on the economic growth that we are enjoying.

And we want to see everyone's wages increase. We want there to be greater opportunity for people to improve themselves. So, regardless of what arguments you might hear to the contrary, we are passionately committed to that. Some of us just have difficulty with having the Federal Government mandate it.

I want to congratulate the chairman of the subcommittee, Mr. WOLF, and JERRY LEWIS, who chairs the full committee, for this work product; and I want to talk about one particular issue that has been very important to me for the last 12 years.

Back in 1994, Madam Speaker, we established something known as SCAAP. That is kind of an intriguing acronym that is out there. It is known as the State Criminal Alien Assistance Program. The idea behind that is the fact that the Federal Government has the responsibility for the security of our Nation's borders. We all know that. We have had a raging debate that has gone on in this body and in the other body.

We are hoping very much that we are going to be able to come up with a measure that focuses first on border security, which is what we did in the House bill, but as we look at the things that were included in that measure, increasing border fencing, criminalizing those who would allow their property to be used for tunneling under the border, a wide range of things, we also have to recognize that there is a real problem that exists in this country today and that is there are many people here illegally who have committed crimes, and in light of the fact that they have committed these crimes, they have been incarcerated throughout the country.

In my county alone of Los Angeles, and I represent both Los Angeles and San Bernardino Counties, the great sheriff, Lee Baca, who was just reelected a few weeks ago, he is in Los Angeles County, and Sheriff Gary Penrod in San Bernardino County, they have come to me regularly and said that it costs millions and millions and millions of dollars for the incarceration, of criminal justice of people who are in this country illegally who have committed crimes. In fact, Sheriff Baca has told me repeatedly that it costs $150 million a year in Los Angeles County alone.

Now one of the things that we have done over the past 6 years, we have been able to provide roughly $1 billion to the State of California for the reimbursement. Again, we don't cover all the costs, but it is, I believe, important for us at the Federal level to step up to the plate and realize that security of our borders is a top priority, and if there are people who are in here illegally committing crimes and a cost is thrown onto the shoulders of State and local governments, we should provide this reimbursement.

□ 1115

Last year, I was privileged to work with our colleague, JIM KOLBE, and we coauthored an amendment that increased by $50 million the funding level for the State Criminal Alien Assistance Program to $405 million. What we have done this year, and I take my hat off to the distinguished members of the Appropriations Committee who have worked so hard on this, we have actually seen the committee itself come up with a level of $405 million. Again, that is not enough, Madam Speaker, but it is, I believe, a very important step to say to those who are taking on this responsibility at the State and local levels that they should be reimbursed.

We have to secure our borders. We have to do everything that we possibly can to bring an end to the problem of illegal immigration. As we continue to work on that, it is absolutely imperative that we do all that we can to make sure that the Federal Government takes its responsibility.

So this is an open rule that we have, and I believe it is very appropriate. It has funding for important measures.

Another issue that is very important to me is the fact that when it comes to space research, we have been able to improve the quality of life for people all over this country and around the world. One of the greatest centers of that operation happens to be the Jet Propulsion Laboratory, which is part of the California Institute of Technology. The Jet Propulsion Laboratory is in Pasadena.

I am proud to say the Jet Propulsion Laboratory is in La Canada-Flintridge. I jointly represent that area with our colleague ADAM SCHIFF. When I look at this bill, I am very pleased that recognition of the importance of that facility and the programs there is included in it.

So this is a good bill. I am strongly supportive of it and believe the rule will allow for a wide-ranging debate.

Madam Speaker, I thank my friend for yielding.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 5 minutes to the

gentleman from Wisconsin (Mr. OBEY), the ranking member of the Appropriations Committee.

Mr. OBEY. Madam Speaker, I am urging every Member to vote ''no'' on the rule as a protest against the Rules Committee action in refusing to allow a minimum-wage increase amendment to be attached to this bill.

I know that there are some people that say it shouldn't be on this bill; but the fact is, Mr. HOYER and I and several others tried to have it attached to the Labor-Health-Education appropriations bill, and after we won, with the help of seven Republicans and 1 Democrat, the House Republican leadership decided to prevent that bill from coming to the floor of the House. So now we are trying to attach it to this bill.

I make no apology for that. The majority leader of the Senate attached 40 pages of unrelated language to the defense bill last year, language which insulated the pharmaceutical industry from lawsuits.

This issue is not about committee jurisdiction. This issue is about whose side are you on. For more than 9 years, we have seen no increase in the minimum wage. I take that problem personally, because after my parents were divorced, my mother worked for the minimum wage, and I can tell you how it feels to see a woman work 40 hours and come home with less than $40 in the check. It doesn't feel very good.

I can tell you how it feels to see you run out of money before you run out of days of the month, so at the end of every month, you have to take a household item, a table or a lamp or a radio, down to Etzkins' Pawn Shop to get a little money to get through the month. And the outrageous fact is that today, the minimum wage buys less than it did when my mother was earning it a number of years ago.

This Congress has an obligation to do something about that, but it hasn't. In the meantime, food prices have gone up by 20 percent, housing costs have gone up by 25 percent, medical expenses have gone up by 40 percent, and gas prices have doubled.

Last week, this institution voted to take no action to block a cost-of-living increase for Members of Congress. It takes a woman working at the minimum wage 4 months to earn the equivalent of that congressional COLA. Four months. What is the matter with people in this institution if they can justify a COLA increase for Members of Congress at the same time that they have been blocking a minimum-wage increase for 9 years? I find it outrageous.

I don't want to hear this baloney about, ''Oh, President Clinton warned that he would veto the minimum wage a few years ago.'' President Clinton was a strong proponent of the minimum-wage increase. He was forced to warn the Congress that he would find a bill fiscally irresponsible if the Congress took the minimum wage and attached it to over $200 billion in tax giveaways and tax cuts that were paid for totally with borrowed money.

So let's not have any nonsense on this floor about how President Clinton, after all, resisted the minimum wage. What President Clinton did was to resist the taking of the minimum wage hostage to the tax writing, borrow-to-pay-for-tax-cut schemes of the majority party.

So, Madam Speaker, this, to me, is a matter of elemental decency. It is a matter of equity. A Congress that does nothing to stand in the way of a cost-of-living increase for itself is a Congress that certainly ought to have the decency to pass a minimum-wage increase for the people we are talking about.

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

Madam Speaker, in regard to some of the minimum-wage arguments the gentleman from Wisconsin is making, I want to point out, and these are not my statistics, but these are accurate statistics, that one-third of minimum-wage workers are children of the head of a household. Over half, 52 percent, actually of minimum-wage workers are under 25 years old. Less than 1 percent of minimum-wage workers are in households with a total income of $20,000 or less.

The big concern, of course, Madam Speaker, in regard to minimum wage, and I am certainly not suggesting that that issue might not be considered by this Congress in a more appropriate setting than this appropriations bill, indeed it might, and indeed we may need to raise that minimum wage somewhat, but we have to be very, very careful that in the process we don't destroy some of these jobs.

The gentleman talked about a situation with his own mom, and there are plenty of people in those situations. But if we raise the minimum wage to too high a level, then they won't have any job at all to come home from.

Madam Speaker, I yield 4 minutes to the gentleman from New York (Mr. SWEENEY), a hardworking member of the Appropriations Committee.

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

Mr. SWEENEY. Madam Speaker, I thank the gentleman.

Madam Speaker, I rise today in support of the rule and the underlying legislation. Let me point out that I think Chairman WOLF and Ranking Member MOLLOHAN have done a spectacular job in very tight circumstances with this bill. Having been on the committee in the past, I am very proud of this work product.

As my friend from Georgia pointed out, this bill has a multiple of purposes, and one of them is to help fund the efforts of the State Department to establish diplomatic relations throughout the world.

Twenty years ago in West Berlin the La Belle Discotheque was bombed by the Libyan Government. Eighteen years ago, over Lockerbie, Scotland, Pan Am Flight 103 was shot down by the Libyan Government.

Madam Speaker, that was at the beginning of, the early part of, the war on terror and terrorism. Lockerbie had an incredible toll, 270 murdered victims, with 189 Americans part of that. La Belle had two GIs murdered in that bombing and 50 permanently injured American citizens.

In 2002, Libya agreed to pay compensation to the families of Lockerbie in order to avoid a criminal trial, avoid a criminal trial. In 2004, they agreed to pay $35 million to the victims of the La Belle Discotheque.

During the full Appropriations Committee markup, I passed an amendment, Madam Speaker, that prohibits the State Department from fully establishing diplomatic ties with Libya and accepting a Libyan ambassador until the Libyan Government makes full compensation payments to the victims of these two horrendous terrorist acts. You may ask why I did that and why that was appropriated in this bill. Well, it is about timing.

On May 15, the State Department proposed the removal of Libya from the list of state-sponsored terrorist nations. Congress has 45 days under the law to review that removal. That 45 days will be up this Thursday. I fear very much so, and that is why we incorporated it into this bill, that this is the last opportunity that this government has to do the right thing for the people, for American citizens who have been victimized by terrorist attacks.

Without the language that was put into the full appropriations markup and protected by the Rules Committee, this Congress, this government, might not be there to stand and do the right thing, which, unfortunately, over the last 20 years it has shown it has not been all that willing to do for the victims of these vicious attacks.

So I want to thank Chairman DREIER and the Rules Committee and I want to thank Chairman HYDE and Ranking Member LANTOS of the International Relations Committee for agreeing that it is important that we go forward and ensure that the full compensation, the reparations, if you will, to these families, is maintained.

Madam Speaker, in 2002, Libya agreed to pay compensation to the families, in order to avoid a criminal trial. While 80 percent of that agreement has been met, the remaining 20 percent was held back by Libya as long as they remained on the U.S. list of state sponsors of terrorism.

Libya has now been removed from that list, and must now follow through on its agreements. The State Department removed Libya from the list on May 15th. Congress has 45 days to review the removal of Libya. That 45-day window is up on Thursday. We need to send a strong signal to Libya that they must live up to their deal.

Some of my constituents experienced this act of terror very personally. Glendon and Margaret Rafferty, of Ticonderoga in my Congressional District, lost four family members—

their daughter Bonnie Leigh Williams, son-in-law Eric, and granddaughters Stephanie and Brittany. Joan and Tom Dater, of Pittstown in my Congressional District, lost their daughter, Gretchen.

Despite Libya's pending removal from the state sponsors of terror list, Libya publicly stated yesterday they are no longer obliged to pay the final installment of these reparations to the families. This is unacceptable.

I will point out to my colleagues, if they don't think it is serious, the Libyan Government indicated yesterday that they don't intend to meet the full obligations under this agreement, just as they have for 20 years stonewalled efforts by those families to reach some reward; and I don't know if we can call it a just reward, because it really isn't. Money is not going to replace their loved ones or their children murdered here, but at least some branch of this government is going to step up and say that it is wrong that that happened, that we not going to let it happen, and you don't just get a free pass back in once you have committed those kinds of horrendous, awful terrorist acts.

I want to thank Members on both sides of the aisle for joining with me on this. I want to let the families of these attacks know that we are with them.

Ms. SLAUGHTER. Madam Speaker, I yield myself 2 seconds simply to say that the workers who need it most, 57 percent of the benefits of the wage increase will go to families with working adults in the bottom 40 percent of the income scale. It is true that people are trying to raise families on the minimum wage.

Madam Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, I regret that this rule does not make in order two amendments that were offered during full committee.

First, I offered an amendment that would provide $600 million additional money to this bill to protect our communities, invest in economic development, especially in rural areas, provide critical legal assistance to low-income families and respond to concerns by Members about the Federal investment in science and education funding. All of this, Madam Speaker, would have been accomplished by just nicking by about $1,657 the tax cut received by the wealthiest people in this country, those who make over $1 million a year.

Under this amendment, those who make over $1 million a year, instead of an average tax break of $114,172, under this amendment, which would have allowed us to put $600 million more into this bill for those worthy causes, they would have received an average of $112,515. All of that could have been paid for, and certainly they would not have been hurt at all.

Well, we had a good debate in full committee, an hour and a half long, touching on the budget policy of the past few administrations, the budget resolution that resulted in this bill's tight allocation and the tax cuts that I believe are evidence that the Bush administration is not serious about balancing this budget.

This discussion was important because it was a reminder of our different priorities. My amendment is a reflection of the Democratic priorities that, with more funding, could be reflected in this bill, and I regret that that amendment was not made in order today.

I also was concerned that the rule does not make in order an amendment that I was proud to cosponsor with Representatives HOYER and OBEY that would have raised the minimum wage, which has not been increased since 1997, from $5.15 to $7.25 by January 1, 2009.

□ 1130

The increase would occur in three increments, 70 cents each on January 1, 2007, 2008 and 2009. Such a small amount of money would have huge meaning to working families.

There are 7 million low-wage workers that would receive an increase in their hourly wage rate and increase their standard of living if the minimum wage were increased.

While I am pleased that the rule does provide protection for an ill-advised tax on commercial explosives which was proposed by President Bush, this rule does not protect this ill-advised tax the President's fiscal year 2007 budget contained for the second year in a row, a tax on the users of explosives. My State, due to its extraction industry, would bear the largest share of the burden associated with this tax. At an appropriate point in this bill, I intend to make a point of order against the tax.

Mr. GINGREY. Madam Speaker, I yield myself 30 seconds.

The gentleman is talking about how he would pay for his amendment that would cost $600 million. Madam Speaker, I think it is important that we point out that they always say how much of a tax break people making more than a million dollars, and they talk about a $114,000 tax break, and we are going to cut that down to $112,000, but they never say, the gentleman from West Virginia certainly did not say, how much these people with an adjusted gross income of over $1 million are actually paying in taxes every year. It is a huge number, and they do not want to share that with the fellow Members.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Madam Speaker, I rise today in opposition to this rule because it precludes the consideration of an increase in the minimum wage which has not been increased in 8 years.

In regard to the underlying bill, I do appreciate the work of the chairman and the ranking member in funding valuable programs within this year's utterly inadequate allocation. I am pleased that this bill contains funding for SBA's Microloan program.

For the past 3 years, the President has recommended eliminating this program, but this Congress has funded SBA Microloans every year since the program was established in 1992 by the first President Brush.

Last week, on a bipartisan basis, the Appropriations Committee restored funding for SBA's Microloan program for fiscal year 2007. These Microloans go to people with viable businesses who have limited credit history, limited collateral, and limited or no business experience. They go to low-income individuals, women and minority owners that have faced obstacles in securing capital, and they are a significant source of new jobs in rural areas.

Through the Microloan program, intermediaries have provided 23,500 loans totaling more than $282 million, averaging only $12,500 per loan, a small amount of funding each year. This program has created over 64,000 jobs during its existence. In my district, the Western Massachusetts Enterprise Fund has issued 92 loans, for a total of $1.5 million and created 180 jobs.

Businesses that use the Microloan program receive more than just financial backing. Lender intermediaries offer technical assistance and support to these small business owners as their companies develop. The assistance component of the program lasts throughout the life of the loan and ensures a high success rate.

Intermediaries like the Western Mass Enterprise Fund respond to the needs of owners at each step in the business growth.

As we all know, small businesses are the lifeblood of the American economy. The greatest job growth in the economy comes from the growth of successful small businesses.

With that, I again, Madam Speaker, urge, in spite of good features in the underlying bill, I urge a ''no'' vote on the rule.

Mr. GINGREY. Madam Speaker, at this time I have no additional requests for time, so I continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, for the last 5 years Republicans have stood by as the compensation of chief executive officers of major corporations has soared. At the same time, the salaries of middle-class Americans have stood absolutely still.

The minimum wage has not been raised since 1997, almost a decade. In that time, Congress has voted to increase its own pay nine times. If this Congress can get a raise, the American people ought to be able to get a raise. Had it been merely adjusted just for inflation from its level in 1968, those earning minimum wage would be making $9.05 instead of $5.15. Instead, its

purchasing power remains at its lowest level in half a century.

Madam Speaker, millions of full-time minimum wage workers and their families live in poverty. Sixty percent of minimum wage workers are women. They are adults over 20 years old. On average, minimum wage workers contribute over half of their total family's income. Who can live, much less raise a family, on $10,700 a year?

It is not just the cost of milk and bread that has increased by 25 percent since it was last raised, Madam Speaker. Four-year public college tuition has increased 77 percent, health insurance 97 percent, gasoline 136 percent. Today, it takes a full day's pay for a minimum wage worker to pay for a single tank of gas.

Is there any clearer indication that the quality of life for those earning minimum wage in this country has decreased? Is there any more obvious sign that these families are headed in a downward spiral? The cost of everything is going up, while their wages are spiraling down.

For Democrats, this is a moral issue. We believe we should be raising the minimum wage, one of the best tools we have to keep families from falling off an economic cliff in this country. Even more than that, we believe something very elemental, that people who work full time in America should not be poor. We believe that their families should not be poor.

The fact is that despite the fact the economy grew 4.2 percent last year, its best statistical performance since 1999, very little of this growth is reaching many families. Indeed, over the past 5 years, productivity as measured by real GDP per hour worked has risen by about 14 percent, as the real wages of non-managerial workers have risen less than 2 percent. Who is getting the 12 percent?

So when people look at the statistics like that and wonder where is the rest of the money going, all they need to do is to look at their Congress emptying the Treasury by passing massive estate tax cuts for the likes of millionaires and billionaires.

Madam Speaker, by raising the minimum wage to $7.25, this Congress can say that hardworking families have a right to share in some of this economic growth, that this country is not about the survival of the fittest but about opportunity and opportunity for all.

Lastly, Madam Speaker, there is a direct corollary between small business growth and the minimum wage. I think the findings would surprise many of my colleagues on the other side of the aisle.

Between 1997 and 2003, small business employment grew more in States with a higher minimum wage, 9.4 percent, than in the Federal minimum wage States where it only grew 6.6 percent. That tells us that raising the minimum wage is not only a matter of economic security for families but for businesses and for our economy as well.

So, Madam Speaker, I will oppose this rule, because I believe the American people need to know where their Representatives in this Congress stand when it comes to the minimum wage. They need to know, are you for economic security for families or are you against it? Do you stand with America's families or do you stand against them? That is the choice before this Congress today. I oppose the rule.

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

Madam Speaker, in response to some of the comments the gentlewoman from Connecticut was making, and the gentleman from Wisconsin earlier said in his remarks that they wanted an opportunity, and was taking an opportunity on this bill, to discuss the minimum wage issue even though it was not the appropriate format, and I agree with that, I think that the discussion of this issue certainly would be more appropriate for the next appropriations bill that we will be considering, Labor-HHS. Or maybe it will come up even as a stand-alone measure. I do not know.

But it just seems to me that on this appropriation bill, Science, State, Justice and Commerce Appropriations Act, that this is not the right format to bring up the issue.

I do not question the gentleman's right or any of the Members on the other side of the aisle who have spoken during this rule time about the minimum wage issue. But this is not something that this is the last opportunity to get this done.

I want to say, Madam Speaker, too, in regard to this issue, listen to this, minimum wage hikes pit low-skilled adults against teenagers from higher income families. This was an article in a newspaper May 13, 2004.

Employers react to minimum wage hikes by replacing low-skilled adults with teenagers from high-income families who are drawn into the job market by better pay. Decades of research confirmed what President Roosevelt's Department of Labor found just 1 year after the minimum wage made its debut in 1938.

In a number of instances there have been reports that workers who have been receiving less than the minimum wage have been laid off and replaced by more efficient workers. Minimum wage hikes can destroy jobs and destroy them permanently. When jobs are destroyed by minimum wage hikes, those jobs often never come back.

Again, this is a newspaper article from May 13, 2004. Following minimum wage increases, employers often replace less skilled employees with machines or simply reduce the level of service to customers. Businesses automate their telephone reception. Fast food diners bus their own tables. Gas stations go self-service. Shoppers scan and bag their own groceries.

The point I am making, Madam Speaker, is that you have to be, and I know the gentleman from Wisconsin certainly understands these issues as well as anybody, but the concern is that you do not want to destroy jobs by raising the minimum wage to a level, that this in fact happens, as I quoted from some of these articles in past statistics.

I do not think that this side of the aisle is opposed to looking at this issue, and, again, whether it is on the Labor-HHS bill or whether it is on a stand-alone situation, but I do not think this is the appropriate time to have this debate.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman has 10½ minutes remaining.

Ms. SLAUGHTER. Madam Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, the gentleman says that this is an inappropriate bill to which to attach the minimum wage. The majority party has routinely attached gigantic pieces of legislation to appropriation bills.

The Senate majority leader did that, as I just recited a few minutes ago, on an outrageous special interest provision insulating the drug companies from legal suit just a few months ago.

Let me tell you what is inappropriate. What is inappropriate is to have a bunch of guys wearing suits in this Chamber sit on their duffs for 9 years and not find a way to increase the minimum wage for the lowest paid workers in this country. That is what is inappropriate.

□ 1145

This is what is outrageous, and that is why the ranking of this Congress is less than 23 percent in the public opinion polls. I would like to find somebody in that 23 percent. I cannot believe there are 23 percent of the people who think this Congress has lived up to its obligations to middle-income workers and the middle class.

The fact is, you can either help raise the minimum wage or you can stand as an obstacle to it. So far, the Rules Committee has stood as an obstacle to it. The Republican leadership of this House has stood as an obstacle to it. When we did attach it to the most appropriate appropriations bill, your leadership blocked that bill from coming forward.

So give me a break. It is not that you do not think this is the appropriate vehicle. It says your party, by a 2-1 ratio, in this House is really against the minimum wage increase; and that is outrageous after you have just voted to give yourself a COLA.

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

I just want to make sure that the gentleman from Wisconsin knows that this Member voted against giving himself a COLA and has consistently done

that in the two terms that I have served.

Mr. OBEY. Madam Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I wish more Members would join him and me.

Mr. GINGREY. I thank the gentleman.

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

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

I have no further requests for time, and I will close with an urge to my colleagues to vote ''no'' on this rule as a protest against not being able to raise the minimum wage. The idea that if we were to raise that 50 cents would cause such inflationary spirals in this country is so laughable that I am surprised anybody would even try to contemplate such a thing, or that in order to have to pay somebody an extra dollar an hour you would go out and buy a many thousand dollar machine. I cannot imagine any businessperson in the country to be that incredibly dumb.

The fact of the matter is that we simply have got our foot on the necks of those people, and we cannot worry about them because the concerns of this Congress are for the rich and not for those who are struggling to make it.

Even if there are young people trying to pay their way through college, for heaven's sake, give them a better break. The college tuition costs have gone up higher than almost any other thing in the country. That is one of the reasons it always breaks my heart on the death rate and wounding rate in Iraq, because so many of the young and men and women who went into the Guard and Reserve did so in order to be able to get an education.

I think it is deplorable that this country cannot provide better education opportunities for its students without having them to put their lives on the line, but that is the circumstances we find ourselves in.

Mr. OBEY. Madam Speaker, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I would simply like to point out small business employment between 1997 and 2003 grew at a faster rate in States with a higher minimum wage than it did in Federal minimum wage States, 9.4 percent versus 6.6 percent.

Ms. SLAUGHTER. The gentleman is correct, and I believe 43 States have had the wisdom to try to raise the minimum wage because we simply cannot get it done here.

It should not be the luck of the draw where you are living whether the minimum wage is going to be raised or not. It is a responsibility we have and a responsibility, frankly, most people are tired of watching us shirk.

With that, I urge a ''no'' vote on this rule because of the minimum wage.

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

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

Madam Speaker, in regard to minimum wage increases and the hope, the fact is that as minimum wage increases, hope for job seekers decrease. A Duke University economist found recently that for every 10 percent increase in mandated wages, the probability of job seekers finding a job decreased by nearly 3 percent, according to the Employment Policies Institute.

Other top researchers found similar results. This one, a Boston University study, noted that low-skilled adults in States that raise their minimum wage are often crowded out of the job market by teens and students.

Research from Michigan State University echoed this conclusion, finding that high-skilled teens are those who are perceived as desirable employees often displace low-skilled employees in a minimum wage job after a mandated wage hike.

Madam Speaker, I rise again in support of this rule and in recognition of the importance of this underlying bill.

H.R. 5672 funds the critical operations of our government from the diplomatic affairs of the State Department to the law enforcement activities of the Justice Department.

Additionally, it provides funds for the various watchdog agencies that ensure a free and fair economic playing field for businesses and consumers alike.

This bill has substantial funding for sciences, to make sure that America stays on the forefront of medical and technological innovation as we continue to reach for the stars, both literally and figuratively.

While some critics may call for more funding of this program or that program, they not only fail to realize the limited funds available in this Federal budget but also fail to fully appreciate the hard work of the subcommittee in balancing our funding needs with the need to respect the taxpayer dollar.

Madam Speaker, while this bill may not be perfect, no bill is, it is a good bill that sets priorities and it sets a solid vision for the future on multiple fronts.

So, in conclusion, I again want to thank subcommittee Chairman WOLF, Ranking Member MOLLOHAN, full committee Chairman LEWIS and for all of the hard work and the time that went into this bill before us today.

I want to encourage my colleagues on both sides of the aisle to support this rule and the underlying bill.

Mrs. MCCARTHY. Madam Speaker, I oppose the Rule, because it prevents an amendment offered by Representatives OBEY, HOYER and MOLLOHAN to phase in over two years an increase in the minimum wage from $5.15 to $7.25 an hour.

Madam Speaker, millions of hard working Americans are barely earning enough to support their families on the wages they are being paid. Some of these people are single mothers, and some are working several jobs just to make ends meet.

Madam Speaker, the proposal to raise the minimum wage is a modest one and it is phased in over time.

Department of Labor figures show that the minimum wage was at its most valuable in 1968, and since then its value has fluctuated, but it has never been lower than it is now.

In January 2006, it would have needed to be increased to $9.05 to equal the purchasing power of the statutory minimum wage in 1968.

There has been no raise in the minimum wage in almost ten years, and minimum wage increases over the years have not kept up with increased prices.

I have always, and will continue always to support a reasonable increase in the minimum wage, and since the Rule sought to prohibit an amendment to do this, I oppose this Rule.

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

The previous question was ordered.

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

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

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

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 later today.

FREEDOM TO DISPLAY THE AMERICAN FLAG ACT OF 2005

Mr. BARTLETT of Maryland. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 42) to ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

The Clerk read as follows:

H.R. 42

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Freedom to Display the American Flag Act of 2005''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''flag of the United States'' has the meaning given the term ''flag, standard, colors, or ensign'' under section 3 of title 4, United States Code;

(2) the terms ''condominium association'' and ''cooperative association'' have the

meanings given such terms under section 604 of Public Law 96–399 (15 U.S.C. 3603);

(3) the term ''residential real estate management association'' has the meaning given such term under section 528 of the Internal Revenue Code of 1986 (26 U.S.C. 528); and

(4) the term ''member''—

(A) as used with respect to a condominium association, means an owner of a condominium unit (as defined under section 604 of Public Law 96–399 (15 U.S.C. 3603)) within such association;

(B) as used with respect to a cooperative association, means a cooperative unit owner (as defined under section 604 of Public Law 96–399 (15 U.S.C. 3603)) within such association; and

(C) as used with respect to a residential real estate management association, means an owner of a residential property within a subdivision, development, or similar area subject to any policy or restriction adopted by such association.

SEC. 3. RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES.

A condominium association, cooperative association, or residential real estate management association may not adopt or enforce any policy, or enter into any agreement, that would restrict or prevent a member of the association from displaying the flag of the United States on residential property within the association with respect to which such member has a separate ownership interest or a right to exclusive possession or use.

SEC. 4. LIMITATIONS.

Nothing in this Act shall be considered to permit any display or use that is inconsistent with—

(1) any provision of chapter 1 of title 4, United States Code, or any rule or custom pertaining to the proper display or use of the flag of the United States (as established pursuant to such chapter or any otherwise applicable provision of law); or

(2) any reasonable restriction pertaining to the time, place, or manner of displaying the flag of the United States necessary to protect a substantial interest of the condominium association, cooperative association, or residential real estate management association.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Kansas (Mr. MOORE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. BARTLETT of Maryland. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have a constituent and a friend, Hugh Warner, who runs American Flag Service. He sells a lot of flags, one of the biggest flag salespersons in the country; and Hugh several years ago pointed out to me a problem that some of his buyers had. These were purchasers who were members of a homeowner's association or a condominium association who, when they flew their flag, were admonished by the association that they could not fly a flag on their condo or on their townhouse or home. So, as a result of those problems that Mr. WARNER found several of his people had, as a result of some research that we did, we filed H.R. 42.

This is a very simple bill. We believe that it is a reasonable compromise between the rights of an association, homeowner's association, condominium association, to maintain the value of their properties and the rights of the individual to fly his country's flag.

We are not alone in being advised of this problem, because I have here in my hand newspaper reports from a number of newspapers that are reporting actions, there must be six or eight here, by States that were addressing this same problem; and they each one have passed bills that says that the homeowner's association may place reasonable limits on flying the flag, but they cannot prohibit the flying of the flag.

I will make these a part of the RECORD. We have here some letters from several organizations who are supporting this bill. The Veterans of Foreign Wars, the Jewish War Veterans of the United States of America, AMVETS, the Military Officers Association of America, and the Gold Star Wives of America are all in support of this bill.

It is a very simple bill. It simply says that a homeowner or condominium owner cannot be prohibited from flying the flag of his country. It also says that the association may place reasonable limits on the time and the manner of displaying the flag.

We think that this is a commonsense accommodation of the rights of the associations to maintain the value of their properties and the rights of Americans to fly the flag.

Mr. Speaker, it is hard for me to understand how a flag outside my condo could depreciate the value of my condo. I would just think that Americans flying flags should increase the value of whatever it flies on.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, June 26, 2006.

Hon. ROSCOE BARTLETT,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BARTLETT: On behalf of the 2.4 million members of the Veterans of Foreign Wars of the United States, VFW, and our Auxiliaries, I wish to express our views on the preservation and proper display of our national flag.

The VFW views our national banner as a living symbol. Flags and flag education are a hallmark of our Citizenship Education program. We promote frequent display of the flag, especially on national holidays and days of remembrance. The flag should only be flown during daylight hours, unless illuminated. For a complete guide to the proper display of our national colors, please view our Web site: www.vfw.org.

In addition to proper national flag display guidelines maintained on our Web site, we believe that any display of the flag should keep with local traditions and norms. The bearer of the flag should consider the impact to the community and the flag. The flag should be the correct size for the method of display, thus keeping it from becoming an obstruction. The damage to the flag needs to be considered such as displaying a flag on a highway, which exposes the flag to stains and fabric rips.

Congressman Bartlett, I thank you for your addressing this issue. Your recognition of America's current and future veterans is very much appreciated by the Veterans of Foreign Wars. If any member of my staff or I may be of assistance, do not hesitate to contact me.

Sincerely,

DENNIS CULLINAN,
Director, National Legislative Service.

JEWISH WAR VETERANS OF THE
UNITED STATES OF AMERICA,
Washington, DC, June 19, 2006.

Congressman ROSCOE D. BARTLETT,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BARTLETT: On behalf of the Jewish War Veterans of the USA, JWV, I am writing to offer our whole-hearted support for the passage of H.R. 42, ''Freedom to Display the American Flag Act of 2005.''

The members of the JWV, the oldest active veterans' organization in the country, have fought hard to defend the American flag and gladly support the right to display it proudly even in the face of resistance from condominium and other homeowners' associations.

Please count us among the supporters of the bill. We urge its swift passage.

Sincerely,

COL (Ret) HERB ROSENBLEETH,
National Executive Director.

AMVETS,
Lanham, MD, June 21, 2006.

Hon. ROSCOE BARTLETT,
House of Representatives,
Washington, DC.

DEAR REP. BARTLETT: On behalf of AMVETS, American Veterans, I write to endorse your bill, H.R. 42, the Freedom to Display the American Flag Act of 2005. I appreciate your leadership on this issue.

AMVETS strongly supports the right of every person to freely fly the U.S. Flag on their own residential property. I am shocked to learn that some housing associations have been discouraging or preventing homeowners from displaying the Flag. This is certainly not what America is all about. H.R. 42 would affirm an individual's right to fly the Flag on their own property, regardless of any association rules.

The Flag is the symbol of our great Nation. It belongs to all of us and it waves as the ultimate expression of freedom. It represents liberty, equal opportunity, tolerance, and goodwill for those who share our aspirations. Everyone should have the right to display the Flag wherever and whenever they choose, especially on their own property.

Again, thank you for your timely and appropriate bill. I am hopeful the House will act swiftly on H.R. 42 and give homeowners the unabridged right to freely fly the noble symbol of our great Nation.

Sincerely,

EDWARD W. KEMP,
National Commander.

MILITARY OFFICERS ASSOCIATION
OF AMERICA,
Alexandria, VA, June 22, 2006.

Hon. ROSCOE BARTLETT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BARTLETT: On behalf of the 360,000 members of the Military Officers Association of America, MOAA, I am writing to support your bill, H.R. 42, that would require condominium associations and similar entities to permit owners to display the U.S. Flag, and for other purposes.

H.R. 42 strengthens freedom of speech under the First Amendment to the Constitution and safeguards that freedom for those who wish to display the U.S. Flag as resident owners of certain types of communities.

Your bill would provide that a condominium association, cooperative association,

or residential real estate management association may not adopt or enforce any policy, or enter into any agreement, that would restrict or prevent an association member from displaying the U.S. flag on residential property within the association with respect to which such member has a separate ownership interest or a right to exclusive possession or use. The bill stipulates that the legislation be consistent with Federal law or rule governing the display of the flag and be consistent with other reasonable management restrictions pertaining to the time, place or manner of such display.

Thank you for your leadership on this common sense measure. MOAA is pleased to endorse H.R. 42, the ''Freedom to Display the American Flag Act of 2005''.

Sincerely,

NORBERT R. RYAN,
President.

GOLD STAR WIVES OF AMERICA, INC.,
Arlington, VA, June 12, 2006.

Hon. ROSCOE G. BARTLETT,
Washington, DC.

DEAR CONGRESSMAN BARTLETT: On behalf of Gold Star Wives of America, 'thank you' for introducing H.R. 42, the ''Freedom to Display the American Flag Act of 2005.'' Gold Star Wives support H.R. 42 because it's the right thing to do to display the American flag on one's own property. It's the patriotic thing to do, especially with Flag Day coming up. We all should be proud to display the American flag.

Over the years, we've read news reports that organizations such as condo or coop associations have rules that prevent their home-owners from flying the American flag on their own property. How unpatriotic of these association managers for their absurd rules. Those management rules are senseless. They should be encouraging flying the American flag, not discouraging it.

Our soldiers continue to serve and die for our country to make it free—free to fly the American flag, especially on our own property!

Sincerely,

ROSE E. LEE,
Chair, Legislative Committee.

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

Mr. MOORE of Kansas. Mr. Speaker, I thank the gentleman for his comments, and I rise today in support of H.R. 42, the Freedom to Display the American Flag Act.

This bill, as the gentleman stated, provides that a condominium association, a cooperative association, or residential real estate management association may not prohibit a resident of the association from displaying an American flag on their property within the association.

American citizens should not be prevented from expressing simple acts of patriotism, especially raising the flag on their own property, even if their property is part of a larger association of properties.

I am proud to be here today to support this bill, which supports basic patriotism and ensures that Americans may display the American flag wherever they live.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in favor of H.R. 42, the Freedom to Display the American Flag Act. This bill would allow homeowners to fly the American flag on their own property in accordance with the U.S. Flag Code.

I signed on to this bill because I have a constituent who was told by his homeowners association that his flagpole and his display of the American flag were in violation of their association rules.

Homeowners should have the freedom to display the American flag on their property. Our flag represents our country as a symbol of our patriotism, unity, and most of all bravery.

Right now our service men and women are courageously fighting the war on terrorism and putting their lives on the line every day to protect our great Nation and the freedoms that we hold so dearly.

This bill guarantees the homeowner the ability display the flag and show their support for this great Nation.

We must always remember the sacrifices others have made so that we enjoy the freedoms we have. The flag should never be considered an eyesore on property.

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

Mr. BARTLETT of Maryland. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. KLINE). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and pass the bill, H.R. 42.

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.

SEASONED CUSTOMER CTR EXEMPTION ACT OF 2006

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5341) to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5341

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

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Seasoned Customer CTR Exemption Act of 2006''.

SEC. 2. EXCEPTION FROM CURRENCY TRANSACTION REPORTS FOR SEASONED CUSTOMERS.

(a) FINDINGS.—The Congress finds as follows:

(1) The completion of and filing of currency transaction reports under section 5313 of title 31, United States Code, poses a compliance burden on the financial industry.

(2) Due to the nature of the transactions or the persons and entities conducting such transactions, some reports as currently filed may not be relevant to the detection, deterrence, or investigation of financial crimes, including money laundering and the financing of terrorism.

(3) However, the data contained in such reports can provide valuable context for the analysis of other data derived pursuant to subchapter II of chapter 53 of title 31, United States Code, as well as investigative data, which provide invaluable and indispensable information supporting efforts to combat money laundering and other financial crimes.

(4) An appropriate exemption process from the reporting requirements for certain currency transactions that are of little or no value to ongoing efforts of law enforcement agencies, financial regulatory agencies, and the financial services industry to investigate, detect, or deter financial crimes would continue to fulfill the compelling need to produce and provide meaningful information to policy-makers, financial regulators, law enforcement, and intelligence agencies, while potentially lowering the compliance burden placed on financial institutions by the need to file such reports.

(5) The Secretary of the Treasury has by regulation, and in accordance with section 5313 of title 31, United States Code, implemented a process by which institutions may seek exemptions from filing certain currency transaction reports based on appropriate circumstances; however, the financial industry has not taken full advantage of these provisions and has contended that they are unduly burdensome.

(6) The act of providing notice to the Secretary of the Treasury of designations of exemption—

(A) provides meaningful information to law enforcement officials on exempt customers and enables law enforcement to obtain account information through appropriate legal process; and

(B) complements other sections of title 31, United States Code, whereby law enforcement can locate financial institutions with relevant records relating to a person of investigative interest, such as information requests made pursuant to regulations implementing section 314(a) of the USA PATRIOT Act of 2001.

(7) A designation of exemption has no effect on requirements for depository institutions to apply the full range of anti-money laundering controls required under subchapter II of chapter 53 of title 31, United States Code, and related provisions of law, including the requirement to apply the customer identification program pursuant to section 5326 of such title, and the requirement to identify, monitor, and, if appropriate, report suspicious activity in accordance with section 5318(g) of such title.

(8) The Federal banking agencies and the Financial Crimes Enforcement Network have recently provided guidance through the Federal Financial Institutions Examination Council Bank Secrecy Act/Anti-Money Laundering Examination Manual on applying appropriate levels of due diligence and identifying suspicious activity by the types of cash-intensive businesses that generally will be subject to exemption.

(b) SEASONED CUSTOMER EXEMPTION.—Section 5313(e) of title 31, United States Code, is amended to read as follows:

''(e) QUALIFIED CUSTOMER EXEMPTION.—

''(1) IN GENERAL.—Before the end of the 270-day period beginning on the date of the enactment of the Seasoned Customer CTR Exemption Act of 2006, the Secretary of the Treasury shall prescribe regulations that exempt any depository institution from filing a report pursuant to this section in a transaction for the payment, receipt, or transfer of United States coins or currency (or other monetary instruments the Secretary of the Treasury prescribes) with a qualified customer of the depository institution.

''(2) QUALIFIED CUSTOMER DEFINED.—For purposes of this section, the term 'qualified customer', with respect to a depository institution, has such meaning as the Secretary of the Treasury shall prescribe, which shall include any person that—

''(A) is incorporated or organized under the laws of the United States or any State, including a sole proprietorship (as defined in 31 C.F.R. 103.22(d)(6)(vii), as in effect on May 10, 2006), or is registered as and eligible to do business within the United States or a State;

''(B) has maintained a deposit account with the depository institution for at least 12 months; and

''(C) has engaged, using such account, in multiple currency transactions that are subject to the reporting requirements of subsection (a).

''(3) REGULATIONS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall prescribe regulations requiring a depository institution to file a 1-time notice of designation of exemption for each qualified customer of the depository institution.

''(B) FORM AND CONTENT OF EXEMPTION NOTICE.—The Secretary shall by regulation prescribe the form, manner, content, and timing of the qualified customer exemption notice and such notice shall include information sufficient to identify the qualified customer and the accounts of the customer.

''(C) AUTHORITY OF SECRETARY.—

''(i) IN GENERAL.—The Secretary may suspend, reject, or revoke any qualified customer exemption notice, in accordance with criteria prescribed by the Secretary by regulation.

''(ii) CONDITIONS.—The Secretary may establish conditions, in accordance with criteria prescribed by regulation, under which exempt qualified customers of an insured depository institution that is merged with or acquired by another insured depository institution will continue to be treated as designated exempt qualified customers of the surviving or acquiring institution.''.

(c) 3-YEAR REVIEW AND REPORT.—Before the end of the 3-year period beginning on the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Attorney General, the Secretary of Homeland Security, the Federal banking agencies, the banking industry, and such other persons as the Secretary deems appropriate, shall evaluate the operations and effect of the provisions of the amendment made by subsection (a) and make recommendations to Congress as to any legislative action with respect to such provision as the Secretary may determine to be appropriate.

SEC. 3. PERIODIC REVIEW OF REPORTING THRESHOLD AND ADJUSTMENT FOR INFLATION.

Section 5318 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(o) PERIODIC REVIEW OF REPORTING THRESHOLD AND ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—Before the end of the 90-day period beginning on the date of the enactment of the Seasoned Customer CTR Exemption Act of 2006 and at least every 5 years after the end of such period, the Secretary of the Treasury shall—

''(A) review the continuing appropriateness, relevance, and utility of each threshold amount or denomination established by the Secretary, in the Secretary's discretion, for any report required by the Secretary under this subchapter; and

''(B) adjust each such amount, at such time and in such manner as the Secretary considers appropriate, for any inflation that the Secretary determines has occurred since the date any such amount was established or last adjusted, as the case may be.

''(2) REPORT.—Before the end of the 60-day period beginning upon the completion of any review by the Secretary of the Treasury under paragraph (1), the Secretary shall submit a report to the Congress containing the findings and conclusions of the Secretary in connection with such review, together with an explanation for any adjustment, or lack of adjustment, of any threshold amount or denomination by the Secretary as a result of such review, including the adjustment for inflation.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

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

Mr. Speaker, for some 14 years the Congress of the United States has known and identified a problem, and that is the number of currency transaction reports required by the Bank Secrecy Act.

The Internal Revenue Service, which administers this program, as early as 1993 made this statement. It said that 30 to 40 percent of these reports, and I quote, of routine deposits by large, well-established retail businesses have no likelihood of identifying potential money laundering or other currency violations.

The GAO in 1994 published a report which says, our analysis of CTR filing confirms that the volume of CTRs could be substantially reduced without jeopardizing law enforcement needs.

□ 1200

The GAO, the Internal Revenue, FinCEN, have all recommended that what we do to reduce the number of CTRs by 30 to 40 percent is simply to exempt large well-established customers, what are so-called ''seasoned customers.''

In fact, I want to read into the RECORD and introduce into the RECORD a report by William Fox, who headed up FinCEN, the government's top law enforcement agency charged with coordinating money laundering and terrorist financing activities.

Here is what he said: ''We know that some of the currency transaction reports filed by financial institutions are of little relevance in the investigation of financial crimes. We also know that depository institutions, especially our community banks, identify the time and expense of filing CTRs as the number one regulatory expense. It is clear that our efforts to encourage the exemption of routine filings on certain customers has not brought about the reductions of filings that were sought.''

Working with William Fox, members of this committee, Mr. FRANK, Mrs. MALONEY, myself, Mr. HENSARLING, Mr. MOORE, Ms. HOOLEY, and several others, we actually fashioned legislation which we introduced and have passed out of this House on two different occasions over the past year. That legislation has died or was not acted on in the Senate. In the last case, it was simply because it was included in part of the reg relief bill.

So the purpose of this legislation is to break it out, isolate it into specific legislation dealing with that and nothing else, and send it over to the other body in hopes that they will save our financial institutions from what the GAO in 1994 said was a cost of up to $15 per report, maybe as little as $3, but as much as $15, and save our law enforcement agencies $2 to $3 per report, an overall savings of tens of millions of dollars which will allow law enforcement and our financial institutions to concentrate on the bad guys, not well-established routine business transactions by their customers.

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

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

I rise in strong support of H.R. 5341, the Seasoned Customer CTR Exemption Act of 2006. This bill is similar to an amendment I authored with Congressman RENZI at the committee markup of H.R. 3505, the regulatory relief bill that the House passed overwhelmingly in March. Because the Senate version of regulatory relief does not include this provision, we are passing it as a separate bill.

I am delighted to be a cosponsor of this bill along with my colleagues, Congressman BACHUS and Ranking Member FRANK. With 22 bipartisan cosponsors, it is a good example of the cooperative work of the Financial Services Committee.

This bill is intended to relieve financial institutions from unnecessary filings of currency transactions. This provision would reduce CTR filings by 70 to 90 percent for most financial institutions, saving many, many hours each year. By freeing financial institutions from filing useless CTRs, this bill enables them to concentrate on the more useful suspicious activity reports, which are those reports that financial institutions file when they believe a particular transaction of any sort or size warrants further review by law enforcement. More important, this also enables the regulators to concentrate on the important SAR filings, rather than CTRs from repeat trusted customers.

The bill would require banks to provide a one-time notice to FinCEN, the lead money laundering agency, of a proposed exemption for a particular well-known customer, and to describe the customer's relationship with the bank as the grounds for such exemption if FinCEN feels that the customer should not be in the reports or CTRs.

At present, a CTR must be filed for every single transaction of over $10,000, which results in more than 13 million CTRs being filed annually. Many of these CTRs, particularly those from business customers well known to the banks, are of absolutely no use to law enforcement. It is a waste of the bank's time and of law enforcement's time to file and to review them.

The CTR filings that distract both the banks and regulators from using their resources to find terrorists and money launderers are counterproductive. To relieve this problem, this bill instructs the Secretary of the Treasury to prescribe regulations that exempt a depository institution from filing a CTR if the transaction is with a seasoned customer, that is, a business which has kept a deposit account at the bank for a year and is engaged in multiple currency transactions subject to the CTR requirements.

The idea was first proposed by the Internal Revenue Department, and also in the GAO report that my colleague has cited in his remarks; and it was also proposed by the Treasury Department and law enforcement for exactly

this reason. FinCEN Director Bill Fox strongly endorsed this seasoned customer exemption saying, and I quote, ''This change will make the exemption more effective, while still ensuring that currency transaction reporting identification, critical to identifying criminal financial activity, is made available to law enforcement.''

The banking regulators also expressed strong support for this proposal. OCC and OTS both agreed with FinCEN that the CTR filing process had become counterproductive in terms of national security because so many CTRs are filed that important data is lost in the haystack.

In the new Bank Secrecy Act provisions, we asked our financial institutions to take a front-line position in the war on money laundering and terrorist financing and we need to give them the ability to use their resources to their best advantage.

As a Representative of New York City, which is both an important financial center of the United States and a city that is very concerned about terrorism, I am concerned not only about giving the regulators the proper tools which they need, but I am also concerned that burdens are not placed on financial institutions that are redundant, particularly for midsized and smaller banks.

I know the vast majority of my colleagues on both sides of the aisle share this concern, and we worked hard together to pass carefully balanced legislation addressing it, so I urge my colleagues to continue that effort and vote for this underlying bill.

I rise in support of H.R. 5341, the Seasoned Customer CTR Exemption Act of 2006.

This bill is a reiteration of the amendment I offered with Congressman RENZI at the Committee markup of H.R. 3505, the reg relief bill that the House passed by a 415 to 2 vote in March. Because the Senate version of reg relief does not include this provision, we are passing it as a separate bill. I am delighted to cosponsor this bill with my colleague Congressman BACHUS. With 22 bipartisan cosponsors, it is a good example of the bipartisan work of the Financial Services Committee.

This bill is intended to relieve banks from unnecessary filings of Currency Transaction reports, or CTRs. At present, a CTR must be filed for every single transaction over $10,000, which results in more than 13 million CTRs being filed annually. Many of these CTRs, particularly those from business customers well known to their banks, are of no use to law enforcement. It is a waste of the banks' time to file them and a waste of law enforcement time to review them. CTR filings that distract both the banks and regulators from using their resources to find terrorists and money launderers are counterproductive.

To relieve this problem, this bill instructs the Secretary of the Treasury to prescribe regulations that exempt a depository institution from filing a CTR if the transaction is with a ''seasoned'' customer, that is, a business which has kept a deposit account at the bank for a year and has engaged in multiple currency transactions subject to the CTR requirements.

This provision would reduce CTR filings by 70 to 90 percent for most banks, saving banks many hours each year.

By freeing banks from filing useless CTRs, this bill enables them to concentrate on the more useful Suspicious Activity Reports, which are those reports bank file when they believe a particular transaction of any sort or size warrants further review by law enforcement.

More important, this also enables the regulators to concentrate on the important SAR filings rather than CTRs from repeat customers.

The bill would require banks to provide a one-time notice to FinCEN, the lead money laundering agency, of a proposed exemption for a particular well-known customer, and to describe the customer's relationship with the bank as the grounds for such exemption. If FinCEN feels that the customer should not be exempted, then it can reject the proposed exemption. And the exemption can be revoked by FinCEN at any time. The government remains in complete control of the exemption process.

Indeed, this measure was *proposed* by the Treasury Department and law enforcement for exactly this reason. FinCEN Director Bill Fox strongly endorsed this seasoned customer exemption, stating that: ''This change will make the exemption more effective while still ensuring that currency transaction reporting information critical to identifying criminal financial activity is made available to law enforcement.''

The banking regulators also expressed strong support for this proposal. OCC and OTS both agreed with FinCEN that the CTR filing process had become counterproductive in terms of national security because so many CTRs are filed that important data is lost in the haystack.

In the new Bank Secrecy Act provisions, we asked our financial institutions to take a front-line position in the war on money laundering and terrorist financing. We need to give them the ability to use their resources to best advantage.

As a representative of New York City, the financial center of the United States, I am particularly concerned about the burdens the Bank Secrecy Act puts on our financial institutions, particularly those that are not megainstitutions but are mid-size and smaller.

I know the vast majority of my colleagues on both sides of the aisle share this concern and we worked hard together to pass carefully balanced legislation addressing it.

I urge my colleagues to continue that effort and vote for this bill.

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

Mr. BACHUS. Mr. Speaker, I would like to inquire as to how much time remains.

The SPEAKER pro tempore. The gentleman from Alabama has 16 minutes remaining and the gentlewoman from New York has 14½ minutes remaining.

Mr. BACHUS. Mr. Speaker, last September, William Fox, at that time head of FinCEN, made this statement at a hearing before the Financial Services Committee. He said: ''The Congress has in the past recognized the need to reduce the number of currency transaction reports that may not have a high degree of usefulness to law enforcement and ordered us to find a way to do so.''

As a result of that hearing, Chairman OXLEY, the chairman of the full committee, made as a priority the committee working in a bipartisan way to find a way, working with law enforcement, to reduce the number of CTRs. It was a result of that hearing and numerous statements by both law enforcement, by financial regulators, by financial institutions, and by Members of Congress in both bodies to work out a solution to this long-existing problem. So I would like to commend Chairman OXLEY.

As a result of those hearings, there was introduced 3505, the Financial Services Regulatory Relief Act, by Congressman RENZI and Mrs. MALONEY, who of course just spoke on this bill. They included a provision that was specifically drafted by Mr. FRANK, Mrs. MALONEY, Mr. HENSARLING and Mr. MOORE, which included a seasoned customer exemption. We passed 3505 out of this body by a vote of 415–2 back in March.

More recently, the bill before us, 5341, which has 22 bipartisan supporters on the Financial Services Committee, passed the Financial Services Committee on a unanimous vote, and H.R. 5341 seeks to reduce the regulatory burden caused by the Bank Secrecy Act. Specifically, the legislation requires that the regulators promulgate new regulations and streamline the process by which financial institutions may be exempted from filing CTRs for seasoned customers.

CTRs are required to be filed for cash transactions of $10,000 or more. This filing is required even in the case of seasoned customers who are long-time bank customers that routinely file large volumes of cash and whose business dealings are well known and understood by the institution to the extent to rule out the possibility of money laundering or the financing of terror. Unfortunately, the current process by which a financial institution seeks an exemption under such a scenario is both cumbersome, hard to understand, and requires annual renewals.

Mr. Speaker, at this time I would like to recognize the gentleman from Texas (Mr. HENSARLING), who helped draft this legislation and the original legislation which was included in H.R. 3505, for such time as he may consume.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and I certainly thank him for his leadership in this area.

I have the honor and privilege of representing the Fifth District of Texas here on the floor of the United States House. There are a lot of great communities, small communities, in east Texas that I represent, places like Canton, and Forney, and Athens. And part of the bedrock of these communities is their local financial institution, their small community bank or their credit union. Over the last decade, Mr. Speaker, we have seen the number of small community banks drop by almost a full

third. By almost a full third. And the major reason that we have seen this incredible drop in the number of our community banks is because of the high cost of Federal regulation.

The number one item that community bankers cite in the cost of regulation is the regulation associated with the Bank Secrecy Act. Now, nobody in the House will deny that clearly the number one priority of this institution is to fight and win the war on terror, and there is a very important role that the BSA, the Bank Secrecy Act, regime plays in that. But, Mr. Speaker, there has to be in the language of the statute itself a high degree of usefulness to law enforcement for all of these reports that are turned in. Sooner or later, there has to be a balance. There has to be a rule of reason.

So what we see on the one hand with our local financial institutions is that every new Federal regulation somewhere at the margin is raising the cost of credit. That means some family is going to struggle in trying to send a child to college. It means some family is going to struggle and maybe they are not able to borrow the money and make a downpayment on that first home. Maybe some family that wants to live the American Dream and finally amass enough capital to start their own business, they can't do it.

□ 1215

They can't do it because of the imposition of a Bank Secrecy Act that many of us believe, and apparently by a count of 415–2, is duplicative.

So, again, we have to ask ourselves, at what cost does this information come? For example, we received testimony from just one community banker.

Mr. Speaker, I ask unanimous consent that the testimony of Mr. Bradley Rock of the Bank of Smithtown, New York, be entered into the RECORD.

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

There was no objection.

TESTIMONY OF BRADLEY E. ROCK ON BEHALF OF THE AMERICAN BANKERS ASSOCIATION BEFORE THE COMMITTEE ON FINANCIAL SERVICES SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER CREDIT UNITED STATES HOUSE OF REPRESENTATIVES, MAY 18, 2006

Chairman Bacchus and members of the Committee, my name is Bradley Rock. I am Chairman, President, and CEO of Bank of Smithtown, a $950 million community bank located in Smithtown, New York, founded in 1910. I am also the Vice Chairman of the American Bankers Association (ABA). ABA, on behalf of the more than two million men and women who work in the nation's banks, brings together all categories of banking institutions to best represent the interests of this rapidly changing industry. Its membership—which includes community, regional and money center banks and holding companies, as well as savings associations, trust companies and savings banks—makes ABA the largest banking trade association in the country.

I have been honored to testify before this committee on prior occasions to present the views of the ABA on the need to eliminate unnecessary, redundant, or inefficient regulatory burdens that increase costs for banks, reduce the amount of credit available to our communities and fail to make meaningful contributions to the welfare of our citizens. Among the largest of regulatory burdens is the regime of surveillance and reporting on the financial activity of our customers that has been imposed on banks under the Bank Secrecy Act and subsequent anti-money laundering statutes and regulations. I therefore welcome the opportunity to appear again before you—this time to address the particular issues of regulatory cost versus policy benefit that attend the current state of currency transaction reporting (CTR)—and to advocate for your consideration an overdue option to reform the system for the mutual advantage of bankers, law enforcement and the American public we all serve.

We support a simplified, meaningful seasoned business customer exemption. We commend you, Mr. Chairman, and the members of this Committee for adopting that straightforward approach as part of H.R. 3505, the Financial Services Regulatory Relief Act, adopted by the House of Representatives on March 8, 2006, by a vote of 415–2. We congratulate you on continuing to pursue this sensible and timely reform in the legislation being considered today, Seasoned Customer CTR Exemption Act of 2006, H.R. 5341.

From the Bank Secrecy Act passed a generation ago to Title III of the USA PATRIOT Act adopted in the wake of the heinous terrorist attacks of September 11, 2001, legislation has united bankers and the government in the battle to combat abuse of our financial system by those who would pervert it to commit criminal offenses, to launder the proceeds of illegal conduct or, more recently, to support the means and ends of terrorism. The ABA and its members share the policy goals of Congress in passing these laws. However, increasingly complex or redundant compliance requirements render these laws far less effective than they might be otherwise.

When establishing the BSA regulatory regime, Congress sought to require reports or records when they have, in the Act's very words, ''a high degree of usefulness'' for the prosecution and investigation of criminal activity, money laundering, counter-intelligence and international terrorism.

Unfortunately, in the focus on systems, programs, and procedures, the standard of ''high degree of usefulness'' seems to have been neglected. The result has been more reports and paper, with declining usefulness. ABA and its members strongly believe that the current CTR requirements have long departed from this standard of utility and in large measure serve more to distract and impede efforts against crooks and terrorists than to help to expose and stop them.

In my testimony, I would like to make three key points:

Congress has already recognized that the original currency transaction reporting obligations imposed on banks have become unduly burdensome, generate voluminous data on legitimate routine business transactions adding little to law enforcement's efforts at meaningful analysis, and therefore need to be refocused to restore the reports to a level of value more closely approximating ''a high degree of usefulness.''

Previously enacted relief to reduce reporting to a more useful volume has been unsuccessful. While Congress wisely recognized that banks don't need to collect, and the government does not need to receive and process volumes of records on legitimate business activity by well-known customers, the reform has not been successful in practice because procedures to exercise it are cumbersome and carry significant procedural and supervisory risks.

Evolution of the BSA reporting regime has further reduced the purpose and value of currency transaction reporting. Requirements for rigorous customer identification programs, suspicious activity reporting, and the availability of focused and detailed information under section 314(a) of the PATRIOT Act leave little value to be added by collecting millions of CTRs on legitimate routine business activity.

CONGRESS ENDORSES AND LAW ENFORCEMENT RECOGNIZES THE NEED TO REDUCE REPORTING ON LEGITIMATE BUSINESS ACTIVITY

In 1994, Congress included in the Money Laundering Suppression Act a statutory exemption system for currency transaction reporting. The new two-phase system was intended to address concerns that the number of CTRs being filed for routine business activity adversely affected law enforcement's ability to use the data. As the GAO's testimony in March 1994 stated, ''CTRs that report normal business transactions are of no value to law enforcement and regulatory agencies in detecting money laundering activity.'' Expectations at the time anticipated that a revised exemption process would result in a reduction of CTR filings in the range of 30%. Unfortunately, we should all be disturbed that time has witnessed the number of CTRs overall grow from slightly more than 11 million in 1994, when the two-phase exemption process was passed, to the latest estimate of over 13 million annually, with no signs of abating.

Using FinCEN's conservative estimate of around 25 minutes per report for filing and record-keeping, the banking industry as a whole devoted around 5½ million staff hours of work to handling CTRs in 2005. Our review of ABA members indicates that three-quarters of the filings were for business customers who had been with the bank for over a year. That means that the industry spent around four million staff hours last year filing notices on well-established customers! A similar story can surely be told by the government agencies that receive and process these reports.

In my bank, during the past year, we filed 2,766 CTRs, and we do not have any public companies as customers. In fact, most of these CTRs were flied for ordinary transactions by an ice cream parlor, a clam bar, a restaurant and a high-volume Amoco dealer, all of whom have done business with us for many, many years. My tellers spent more than 460 hours in the branches preparing the CTR forms, and one person in our main office spent more than 1,000 hours checking the forms for accuracy, checking them against computer printouts, and filing the forms with the appropriate government office. Having watched this process for years, and being thoroughly familiar with the businesses that are the subject of these filings, I can tell you with firm assurance that all of this time and paper did absolutely nothing to advance our collective efforts to thwart money laundering and terrorism.

This trend is only likely to accelerate and demand more and more staff to report on more and more harmless transactions, further burying the real needles of money laundering under an exponentially growing mound of the hay of legitimate business transactions mindlessly recorded at great expense and increasing opportunity cost. Surely neither business nor the government can afford this wasted effort.

We have passed the time of studying what to do—GAO did that in 1994 and concluded then, as we all would now, that unnecessary reporting is taking place. It is about time to take effective action to make the system

better. We must find a way to realize the policy objective of focusing on reporting with ''a high degree of usefulness,'' and to successfully exempt reports on the financial transactions of law-abiding American businesses.

THE CURRENT EXEMPTION PROCESS IS IRRETRIEVABLY MIRED IN RED TAPE

ABA worked cooperatively with FinCEN and the federal banking regulators to encourage institutions to make better use of statutory exemptions when they were changed in the late 1990's. Our Association did extensive outreach to our members, and while some institutions adjusted their CTR filing policies and utilized the two-tier exemption process, the general response was lukewarm at best.

Unfortunately, the compliance technicalities for, and examiner second-guessing of, banker use of the exemption and the renewal processes have discouraged many institutions from utilizing the discretionary exemptions. The current Phase II exemptions make distinctions among types of cash intensive businesses or exemptible accounts and require statutorily mandated annual reviews plus resubmission obligations. These specifications generate difficulties in determining whether a customer is eligible for exemption, produce fear of regulatory retribution for misapplying criteria and incur costly additional due diligence. ABA has even received reports from members that examiners have threatened penalties and other formal criticisms for simple late filing of biennial renewal forms, a regulatory climate that shouts, ''Warning'' more than it does ''Welcome.'' There should be little wonder then that banks are reluctant to try swimming in these waters.

We have heard it suggested that bankers do not use the exemption process because they have computerized systems that make filing CTRs a snap. I am here to tell you that the snap you hear is the floor boards in my file room straining under the load of my required five years worth of retained CTRs and related BSA compliance records. First, let me note for the record that not all banks can afford computerized CTR filing systems. Second, adopting technological efficiency in the cause of compliance may have value as a cost control effort, but it is no virtue when it only expedites filing useless data about legitimate business activity. Indeed, the suggestion to automate demonstrates a recognition that the vast majority of these reports are repetitive and routine and therefore likely to be of small value in combating money laundering.

A reporting regime that presents us with the choice of suffering the gauntlet of exemption qualification paperwork and concomitant auditor or examiner second-guessing or instead filing numerous useless CTRs, is not sound public policy. That is why tinkering with the current exemption process will not make an appreciable dent in the overwhelming number of CTRs filed each year. As FinCEN conceded in its Report to Congress in October 2002, recommendations for improving the exemption process regulatorily are at best incremental. Instead, we must start anew an updated Congressional mandate that clears away the convoluted structure of the present exemption process and substitutes a direct and simplified standard.

NEWER TOOLS ALLOW US TO ELIMINATE CTR FILINGS FOR SEASONED CUSTOMERS

The current cash transaction reporting program has been rendered virtually obsolete by several developments: enhanced customer identification programs, more robust suspicious activity reporting, and the use of the more focused and intensive 314(a) inquiry/response process.

In light of these developments, to continue to require CTR filings for business customers whose identity has been verified under a bank's Customer Identification Program (CIP) and tested under a period of experience with the bank and that remain subject to risk-based suspicious activity reporting is an inefficient use of limited resources by bankers and law enforcement. In the field, it diverts scarce examiner resources, focusing on compliance with technical reporting standards rather than carefully evaluating bank programs for detecting transactions that possess a likelihood of involving money laundering and terrorist financing.

EXEMPT SEASONED CUSTOMERS FROM CTRS

Accordingly, we support H.R. 5341, embodying the recognition that the best way to improve the utility of cash transaction reporting is to eliminate the valueless reports being filed on legitimate transactions by law-abiding American businessmen and businesswomen. This improvement can be achieved by establishing a seasoned customer exemption for business entities, including sole proprietorships, as endorsed by FinCEN last year in testimony before Congress and now embodied in H.R. 5341. (ABA proposed a similar concept in its response of May 4, 2005 to the banking agencies' request for comment for burden reduction suggestions under the Economic Growth and Regulatory Paperwork Reduction Act.)

The exemption, as proposed in the bill and supported by ABA, is comprised of three elements: Existence as an authorized business, maintenance of a deposit account at a depository institution for 12 months, and use of the account to engage in multiple reportable currency transactions. The simplicity of this standard avoids the unnecessary compliance barbs that have previously snagged past efforts to make effective use of prior exemption systems. This straightforward definition is essential for the exemption to work and to reduce filing reports on routine business activity.

It is important to remember that cash transaction data will not be lost, but rather will continue to reside in the bank account records. It will, therefore, be available to law enforcement whenever sought in connection with a targeted inquiry from government enforcement entities. In particular, by using the USA PATRIOT Act 314(a) inquiry process, law enforcement will be able to locate transaction data and other relevant information on a broad range of accounts of suspects. That more targeted approach is working and producing tangible results today.

As FinCEN reported on April 25, the 314(a) process has been used by fifteen federal agencies from November 2002 to April 2006 covering over 500 significant money laundering or terrorist financing cases identifying more than 4,000 subjects of interest. The 314(a) process has yielded the identification of 1,932 new accounts, leading to 1196 Grand Jury Subpoenas, producing 90 indictments, 79 arrests and 10 convictions. Although the process has been in place less than four years and many money laundering or terrorist financing cases take several years to develop before they are actually prosecuted, the indictments, arrests and convictions are impressive. To put it mildly, there are no comparable measures of success for cases initiated through CTRs.

It has been suggested that the 314(a) process is flawed because it ''can only be used on the most significant terrorism and money laundering investigations.'' However, ABA believes that requirement is one of its great strengths because it better matches the benefit of the information collected with the burden imposed on the banks. At least now when banks are called on every two weeks under 314(a) to search for and report all accounts maintained by a subject of interest, they are doing so for an investigation that is considered a significant terrorism or money laundering matter—not a fishing expedition.

As H.R. 5341 makes clear, all seasoned business customers would continue to be subject to suspicious activity monitoring and reporting. SARs provide precise account and related transaction information as well as extensive narrative detail not available in CTRs. This reporting enables law enforcement to focus resources on conduct or activities where there is a greater likelihood of genuine risk and where investigative resources can be used more productively. In addition, the SAR procedures permit law enforcement to obtain the bank's entire supporting investigative file upon request, without needing a subpoena.

As FinCEN reported in 2002, SARs have replaced CTRs as the primary tool for identifying suspicious activity. CTRs are now used to locate financial activity of already identified subjects of interest—the same purpose for which 314(a) inquiries are made. Although there have been examples cited by law enforcement of the continued use of CTRs, they do not specifically rebut the wisdom of a seasoned customer exemption. Talk about ''connecting the dots'' amounts to nothing more than anecdotal illustrations of how spotty the utility of CTRs on American businesses has become. They do not demonstrate that CTRs on seasoned customers meet the statutory requirement of ''a high degree of usefulness.''

After all, CTRs on non-seasoned entities would still be filed, reporting the movement of cash that does not go through an established business account relationship. In addition, law enforcement will have all the identifying information in the seasoned customer designation wherever and whenever that business has seasoned status. In other words, law enforcement will continue to have access to information on where subjects of interest are conducting their financial affairs.

As former FinCEN Director William Fox stated in a September 2005 testimony on the seasoned customer proposal before this Subcommittee, ''We believe this language addresses many of the issues with our current exemption regime that were causing it not to have its intended effect. Due to its complexity and the burden involved in exempting customers, financial institutions were not taking advantage of the exemption regime. This proposal seeks to streamline the exemption process by focusing on a one-time notice to [FinCEN] of an exemption and focusing on the customer's relationship with the bank as the grounds for such exemption. We believe that these changes will make the exemptions more effective while still ensuring that currency transaction reporting information critical to identifying criminal financial activity is made available to law enforcement.'' ABA joins in those sentiments and strongly supports the Seasoned Customer CTR Exemption Act, H.R. 5341 that seeks to follow through on former Director Fox's endorsement.

CONCLUSION

Eliminating CTR filings for seasoned customers would have the following benefits:

The vast majority of the over 13 million CTRs filed annually would stop, saving the time, money, and labor expended by businesses to fill out forms, and consumed by law enforcement to process them.

There would be an improvement in the quality of SARs, eliminating those that are filed today in connection with innocent, idiosyncratic deposit activity. Banks would be able to focus their energies on detecting genuinely suspicious currency transactions, regardless of artificial thresholds.

We would make an enormous stride forward in focusing our anti-money laundering efforts—by both law enforcement and the banking industry—on the real crooks and terrorists with far greater likelihood of detecting and stopping their activities.

I thank the Chairman and his colleagues for their commitment to improving the BSA system and assure you that ABA and its members share that commitment. We are all striving to make the system work best, to protect the security of our banking system from abuse by money launderers and terrorists, and to safeguard the confidence that our customers have that the integrity of their legitimate business conduct is respected.

Mr. HENSARLING. Quoting from his testimony, Mr. Speaker, ''In my bank during the past year, we filed 2,766 cash transaction reports, and we do not have any public companies as customers. In fact, most of these CTRs were filed for ordinary transactions by an ice cream parlor, a clam bar, a restaurant and a high-volume Amoco dealer, all of whom have done business with us for many, many years. My tellers spent more than 460 hours in the branches preparing the CTR forms, and one person in our main office spent more than 1,000 hours checking the forms for accuracy, checking them against computer printouts, and filing the forms with the appropriate government office. Having watched this process for years, and being thoroughly familiar with the businesses that are the subject of these filings, I can tell you with firm assurance that all of this time and paper did absolutely nothing to advance our collective efforts to thwart money laundering and terrorism.''

That is just one small community banker in America. We know they are spread throughout the Nation. In fact, it was over a decade ago, Mr. Speaker, that the GAO concluded that unnecessary reporting was taking place. I am sorry to say that, 10 years later, it still is taking place.

So many of these banks are filing these cash transaction reports defensively, and yet we know that we still have the know-your-customer regime that is in place. The suspicious activity reports are still in place, and these are better enforcement tools for law enforcement than the CTRs.

In addition, by passing this particular piece of legislation, the information doesn't disappear. It is still available for law enforcement. The cash transaction data will continue to reside in bank account records and be available to law enforcement when they need it, when they are following up a lead. We have heard from law enforcement itself that, in many cases, what we see is that they are searching for a needle in a haystack. The excessive CTR reports are putting more hay on the haystack.

As former FinCEN Director William Fox stated, quote, we believe this language, really talking about the legislation at hand, addresses many of the issues with our current exemption regime that were causing it not to have its intended effect.

In many respects, Mr. Speaker, I think we are going to be able, by passing this legislation, to really help in two different areas. Number one, make sure law enforcement has the right amount of information in the proper form that they need to do their job, but, at the same time, to make sure that we don't drive any more of our community banks out of business, the lifeblood, at least in my district, of our rural communities that are out there creating the jobs necessary to sustain those rural communities.

So the House has really spoken on this matter once before in a very resounding fashion, in a very resounding bipartisan fashion. I certainly want to thank Ranking Member FRANK for his leadership in this area as well.

But we need a rule of reason. It is a question of balance. Particularly when we have our know-your-customer routine, when the suspicious activity report requirements are still in place, the CTR process as presently envisioned is not working, and that is why it is so necessary that we pass the legislation brought to us by the chairman and the gentleman from Alabama; and I commend him for his work.

Mrs. MALONEY. Mr. Speaker, there are no further speakers on our side of the aisle, and I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, in conclusion, I simply want to say to the Members who may be listening to this discussion, what we are talking about here is a restaurant, a movie theater, a corner drugstore, a retail establishment. These are businesses that have been in the community for years and years. As a matter of course, every week, sometimes every day, they file large sums of cash.

The very idea that we would impose, as we did in the Bank Safety Act, a requirement that the banks, every time this happens, file a report. As FinCEN estimated last year, it takes 25 minutes to prepare these reports, to review them, to catalog them and to file them. Then it takes the FBI or others, IRS, who administers this program, 5 to 6 minutes. So you are talking about, for the average small bank in a medium-sized town, as Mr. HENSARLING said, you are talking about hundreds of hours of wages, not to speak of the time.

As we have been hearing for 10 or 12 years, these reports have absolutely no usefulness in identifying money laundering, serious financial crimes, terrorist financing. It is past time that this Congress lifts what is a multi-million dollar burden on our financial institutions and, at the same time, allows law enforcement, directs law enforcement, in fact, to go after the bad guys. Focus attention on those nonroutine, nonstandard transactions.

Remember, the banks still must require, any time something is out of the ordinary to the routine, causes any type of questions, they actually have rules and regulations where they are required, in those cases, even if it is an established customer, if it is an out-of-the-ordinary transaction or raises suspicion, they have to file a report. That is the purpose of this legislation, to streamline that process.

Mr. Speaker, in closing, for the record, I would like to introduce the September 2005 testimony of William J. Fox, Director of the Financial Crimes Enforcement Network at the United States Department of Treasury.

STATEMENT OF WILLIAM J. FOX, DIRECTOR, FINANCIAL CRIMES ENFORCEMENT NETWORK, UNITED STATES DEPARTMENT OF THE TREASURY

Chairman Bachus, Ranking Member Sanders and distinguished members of the Subcommittee, I appreciate the opportunity to appear before you today to discuss your efforts to balance the burdens imposed on the financial industry by the requirements of the Bank Secrecy Act of 1970, specifically, providing the government with highly relevant information that assists law enforcement in making our financial system more transparent and our country safer. I am the Director of the Financial Crimes Enforcement Network, which has been delegated the responsibility by the Secretary of the Treasury to administer the Bank Secrecy Act. The Financial Crimes Enforcement Network is part of Treasury's new Office of Terrorism and Financial Intelligence, led by Under Secretary Stuart Levey. The creation of this office has greatly enhanced Treasury's efforts and accomplishments on issues relating to money laundering, terrorist financing and other financial crime.

As the administrator of the Bank Secrecy Act, we bear responsibility for ensuring that the Bank Secrecy Act is implemented in a way that achieves the policy aim intended by the Congress, which is, simply stated, to safeguard the United States financial system from the abuses of financial crime, including money laundering and terrorist or other illicit financing. This is a day-to-day challenge in a financial system where we generally promote the unfettered, free-flow of commerce and where criminals strive to manipulate the system with the same ingenuity and sophistication of the very best in the industry.

Ensuring that we strike the right balance between the cost and benefit of this regulatory regime is, in my view, a central responsibility for my agency. While I do not believe this cost/benefit analysis can be reduced to a mathematical formula, I believe we must constantly study how we can more effectively tailor this regime to minimize the costs and other burdens imposed on our financial institutions while at the same time ensuring that the law enforcement community receives the information it needs to combat financial crime and terrorism.

This effort is particularly important because I am more certain than ever that compliance with the Bank Secrecy Act's regulatory regime is a critical component to our country's ability to utilize financial information to combat terrorism, terrorist financing, money laundering, and other serious financial crime. Moreover, the systems and programs that are mandated by the Bank Secrecy Act make our financial system safer and more transparent.

Over the past year I have traveled quite a bit around the country listening to the frustrations members of the financial industry have with the Bank Secrecy Act. Many of those frustrations relate to how the Act is being implemented. Many in the financial industry complained about the lack of clarity in requirements and consistency in examination. At the same time, the Congress has

questioned the effectiveness of our collective ability to implement this regime in light of several highly publicized and significant regulatory failures by certain financial institutions. Mr. Chairman, I am pleased to report that by working diligently with my colleagues at this table, we have made significant progress on these issues. In the past year:

We have signed groundbreaking information-sharing agreements with the five Federal Banking Agencies, the Internal Revenue Service and thirty-three (33) state authorities. We are working to finalize similar agreements with the Securities and Exchange Commission and the Commodities Futures Trading Commission.

We have assisted the Federal Banking Agencies with the development of a comprehensive Bank Secrecy Act examination manual that we believe will ensure greater consistency in examinations for depository institutions, and will provide a significant source of guidance and help for those institutions.

We are together issuing more and better guidance to ensure greater clarity and consistency of regulatory policy. A good example of this is the recent guidance we issued jointly with the Federal Banking Agencies on the provision of banking services to money services businesses.

We have created and staffed an Office of Compliance within our Regulatory Division to ensure better clarity and consistency in how the Bank Secrecy Act is implemented and provide us with an assessment of the overall success of our Bank Secrecy Act Regulatory Program.

We are—for the first time—devoting nearly 25 percent of our analytic muscle to regulatory issues and programs. These analysts are not only identifying compliance problems and targeting problematic institutions for examination, they will also develop and provide information to the financial industry to help them better understand and assess the risks posed by their business lines and customer base.

We believe these steps and the steps we have planned have helped improve the overall implementation and effectiveness of the Bank Secrecy Act. Ensuring that we present the financial industry with regulatory requirements that are both clear and consistent is, in my view, one of the best ways we can reduce the burden associated with Bank Secrecy Act compliance.

Consistency is a crucial element of the effective implementation of the Bank Secrecy Act, and, indeed, is one of our core objectives. While we, of course, stand ready to assist the Committee and this Congress by examining any aspect of the Bank Secrecy Act, I would emphasize that over the past year, the level of cooperation between my agency and the Federal Banking Agencies has grown significantly. As reflected in the steps we have taken together, we all recognize the need for a consistent voice on these important regulatory issues, and are building the necessary coordination mechanisms.

The focus of my testimony before the subcommittee today is on H.R. 3505, specifically, how that bill would affect the Bank Secrecy Act. I would like to focus on one key concept in this legislation; your effort to reduce the burden imposed on the financial industry of filing Currency Transaction Reports. We have been grappling with the issue of how to improve the Currency Transaction Report regime for some time. We know that Currency Transaction Reports are valuable to law enforcement. These reports—often coupled with other information—are used every day to identify and locate criminals and terrorists. However, we also know that some of the Currency Transaction Reports filed by financial institutions are of little relevance in the investigation of financial crime. We also know that depository institutions, especially our community banks, identify the time and expense of filing Currency Transaction Reports as the number one regulatory expense. Indeed, the Congress has in the past recognized the need to reduce the number of Currency Transaction Reports that may not have a high degree of usefulness to law enforcement, ordering us to find a way to do so. However, it is clear that our efforts to encourage the exemption of routine filings on certain customers have not brought about the reductions in filing that were sought.

Two years ago we turned to the Bank Secrecy Act Advisory Group, bringing in the viewpoints of the industry, law enforcement, and regulatory communities, to address this question. Through this process, we learned that our colleagues in law enforcement have made significant strides recently in their ability to utilize currency transaction reporting data, marrying this data with other law enforcement data to maximize its benefit. We also have enhanced our analytic capability to exploit this data source on both micro and macro levels. Such innovations enhance the utility of our analysis, and it is essential that we not reduce the flow of critical information just as the technical firepower to exploit this information is reaching new heights.

This Committee now is considering language that would amend current exemptions by allowing banks to qualify certain customers as exempt from routine currency transaction reporting. We believe this language addresses many of the issues with our current exemption regime that were causing it not to have its intended effect. Due to its complexity and the burden involved in exempting customers, financial institutions were not taking advantage of the exemption regime. This proposal seeks to streamline the exemption process by focusing on a one-time notice to my agency of an exemption and focusing on the customer's relationship with the bank as the grounds for such exemption. We believe that these changes will make the exemptions more effective while still ensuring that currency transaction reporting information critical to identifying criminal financial activity is made available to law enforcement.

However, we also recognize that we need to monitor these changes to ensure that they do not result in a reduction in information that would be highly useful to our law enforcement clients, and accordingly the proposal contains a wise requirement to conduct a study after some time has elapsed to ensure that we are striking the proper balance.

In conclusion, Mr. Chairman, I hope that my testimony today conveys the sense of commitment, energy, and balance with which all of us at the Financial Crimes Enforcement Network are addressing the challenging issues that confront our administration of the Bank Secrecy Act. The importance of your personal and direct support of these efforts cannot be overstated. Your oversight will ensure that we meet the challenges that we are facing. I know how critical it is that we do so, and we hope you know how committed we are to meeting those challenges. Thank you.

Mr. BACHUS. Mr. Speaker, I yield back the balance of my time and urge all Members to vote in favor of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 5341, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 854) recognizing National Homeownership Month and the importance of homeownership in the United States.

The Clerk read as follows:

H. RES. 854

Whereas the President of the United States has issued a proclamation designating the month of June 2006 as National Homeownership Month;

Whereas the national homeownership rate in the United States has reached a record high of almost 70 percent and more than half of all minority families are homeowners;

Whereas the people of the United States are one of the best-housed populations in the world;

Whereas owning a home is a fundamental part of the American dream and is the largest personal investment many families will ever make;

Whereas homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches;

Whereas creating affordable homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments; and

Whereas the current laws of the United States, such as the American Dream Downpayment Act, encourage homeownership and should continue to do so in the future: Now, therefore, be it

Resolved, That the House of Representatives—

(1) fully supports the goals and ideals of National Homeownership Month; and

(2) recognizes the importance of homeownership in building strong communities and families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it is a pleasure to be here today on the floor with our ranking member, the gentlewoman from California, Congresswoman MAXINE WATERS.

I rise today in support of House Resolution 854, which recognizes National Homeownership Month and the importance of homeownership in the United States. This resolution is offered by my colleague and friend from California, Congressman GARY MILLER, who has really undertaken a robust job in working the housing issues and sponsoring different forums for discussions on

housing and being a very active member of our Housing Subcommittee and also the vice chair of that committee.

June is National Homeownership Month, and so many of our partners celebrate this because, in America, we would hope that everybody would have an opportunity to be able to own a home. A home is more than just a symbol of the American dream; it is the backbone of our American way of life.

Over the past 3 years, the housing market has driven the national economy as Americans bought and refinanced homes in record numbers. Many regions were spared the worst of the recent recession due to the strength of local housing markets.

Homeownership creates community stakeholders who tend to be active in charities, churches, neighborhood activities. Homeownership inspires civic responsibility, and homeowners are more likely to vote and get involved with local issues. Families owning a home offer children a stable living environment, and its influences are great. It helps with their personal development in many positive, measurable ways at home, in school and in our society.

Today, nearly 70 percent of American families own their own homes. Minority homeownership rates have reached an all-time high of almost 50 percent. While many gains have been made though, lagging minority homeownership rates, I think, are a serious concern. That issue has to be addressed.

Minority households are expected to account for two-thirds of household growth over the coming decade. Improving the ability of such households to make the transition to homeownership will be an important test of our Nation's capacity to create economic opportunity for minorities and to build strong, stable communities.

In the last Congress, the Subcommittee on Housing and Community Opportunity, which I chair, and again the ranking member is the gentlewoman from California, that committee and the members from both sides of the aisle assisted in enactment of 17 housing-related bills.

I want to thank the members of that committee, GARY MILLER, the vice chair, and the gentlewoman from California; also, of course, Congressman OXLEY and BARNEY FRANK of Massachusetts. Chairman OXLEY has worked with us, as Mr. FRANK has, to make sure that these bills have gone to the full committee.

So we are very proud of the enactment of 17 housing-related bills. That was through bipartisan cooperation. We have been able to do this to make existing housing programs work better.

Our work continues in the 109th Congress. In the last month, the Housing Subcommittee of the Financial Services Committee has marked up 10 housing bills. For example, we approved a bill that would preserve affordable rural housing opportunities and one that would modernize and increase the availability of FHA-insured manufactured housing loans to low and moderate consumers who wished to purchase a manufactured home.

I am especially proud of H.R. 5121, the Expanding American Home Ownership Act of 2006. This important FHA modernization legislation would allow for risk-based pricing for the Federal Housing Administration. Charging premiums commensurate with risk allows sound pricing and portfolio diversity to sustain the financial strength of the FHA fund.

We want to thank the gentlewoman for taking the lead on this. I feel if we had not done this bill I don't know where FHA would be today. I thank the gentlewoman for all her hard work.

While homeownership is a desired goal for many Americans, and that is why we are here, again I thank Mr. MILLER for this resolution, but there are still, and I think we have to face this, many in society are not ready yet or cannot own their own home.

So the Financial Services Committee in this month approved by voice vote H.R. 5443, the Section 8 Voucher Reform Act of 2006. This piece of legislation represents the culmination of a bipartisan negotiation over the last year to craft a compromise proposal to reform HUD's section 8 program.

In the Housing Subcommittee, we do continue to plan to work hard with our ranking member, the gentlewoman from California, and Mr. MILLER and all the Members on both sides of the aisle to explore new ways to put people in the path of homeownership so they can realize its benefits.

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

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

Mr. Speaker, as the ranking member of the Subcommittee on Housing and Community Opportunity and one of the original cosponsors of this legislation, I rise in strong support of House Resolution 854, celebrating June as National Homeownership Month of 2006.

I would like to thank the Chair of our subcommittee, Mr. NEY, for his support, not only for this resolution but his support for all of the members serving on our subcommittee on both sides of the aisle for all that we are attempting to do to expand homeownership opportunity. I am excited about the leadership that Mr. NEY has provided on FHA, to support the CDBG, his support for section 8. All of these programs lead to homeownership.

□ 1230

And I am delighted to be on the floor with him today.

I would also like to thank Mr. GARY MILLER, the vice chairman of the subcommittee on Housing and Community Opportunity, for sponsoring this resolution. This is an extremely timely resolution. June is National Homeownership Month, 2006.

And I also want to applaud all of those who joined on the resolution as original cosponsors: Mr. HINOJOSA; Mr. SCOTT of Georgia; Ms. HARRIS; Ms. MILLENDER-MCDONALD; Mr. NEUGEBAUER; Mr. FRANK, the ranking member of the Committee on Financial Services; Mr. NEY, of course, chairman of the subcommittee on Housing and Community Opportunity; and the distinguished chairman of the Committee of Financial Services, Mr. OXLEY.

Mr. Speaker, and Members, homeownership is like motherhood and apple pie. I believe that just about everyone would agree that homeownership is important to the overall quality of life in communities across the country and to the economic well-being of individuals and families in America.

While National Homeownership Month has been celebrated for the past 5 years, we really do owe a great deal of credit to the many nonprofit organizations and public policymakers who have concentrated on making the American Dream come true, as well as others who have formed public-private partnerships to expand homeownership opportunities in America. Without these cooperative relationships and bipartisan relationships, we would be hard pressed to have reached many of the low-and moderate-income persons and families who have been able to afford a home.

Mr. Speaker and Members, it is commendable to applaud homeownership in this country, but it takes a little bit more to create the opportunities for the average American to own a home, and it requires real support and assistance by public policy-makers. I am pleased and proud to serve on this subcommittee because, again, I see that commitment on both sides of the aisle.

Homeownership has a rich history in America. Let's take a walk back in time and we will see just how important homeownership has been in America. From 1900 to 1920, the first 20 years of the last century, the homeownership rate declined slowly but steadily. Then homeownership soared in the 1920s, but declined to its lowest level in the 20th century, 44 percent by 1940. Of course, after World War II, we witnessed a dramatic increase in homeownership as the postwar economy boom contributed to American prosperity. Purchases of homes were central to building that prosperity; and by 1960, homeownership had grown to 60 percent because of favorable tax treatment and attractive financing related to homeownership.

During that same year, my State of California reached its high water mark for homeownership tying the national average of 60 percent. By 2000, two in three households in the United States owned their own homes. In 1990 less than half owned their own homes, whereas today 70 percent of all Americans own their homes.

In addition, the median value of single family homes in the United States, according to the census, rose from $30,600 in 1940 to $119,600 in 2000. But of course, today the median value in some

places, such as California, have increased tremendously, almost to $500,000.

The benefits of homeownership are truly remarkable. Homeownership provides a broad range of benefits to individual homeowners and to society as a whole. Many children of homeowners did better in school and are more successful in life. Homeownership acts as a powerful economic stimulus, benefiting the individual homeowner and the national economy. Homeownership benefits neighborhoods, providing economic and social capital. Homeowners are more likely to participate in local organizations. Homeownership in distressed communities raises neighborhood property value by a significant amount, and homeowners state that they are more satisfied with their living situation than renters.

The benefits might seem inconsequential to some. But believe me, if we could transfer the benefits of homeownership across this country, we would wipe out much of the crime in our communities, lower high school drop-out rates, reduce poverty, and improve the overall quality of life for countless numbers of Americans.

Just think of the benefits to children. Children of homeowners score better on academic tests, graduate at higher rates, have fewer behavioral problems, and enjoy a better social environment. Children of homeowners are more likely to become homeowners, adding to the paradigm of wealth creation.

Homeownership benefits the U.S. economy. Homeowners generate equity. Home equity is often the source of start-up capital for a business or for financing our children's education and our retirement. High rates of homeownership in a community add to the value of property as much as $5,000, according to one recent study.

A home is a real source of wealth. Homeownership is central to individual wealth and to the wealth of the U.S. economy. The growth in new housing starts in the last few years contributed directly to the growth in the U.S. economy. Just look at the housing sector, and it will usually tell you a lot about the overall wealth and direction of the economy.

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

Mr. NEY. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. GARY G. MILLER), the author of the resolution.

Mr. GARY G. MILLER of California. Mr. Speaker, I introduced this legislation to elevate the debate and the understanding of the importance of housing in this country.

On May 24, 2006 President Bush designated June as National Homeownership Month, as he has done over the past 5 years. To complement this designation, this resolution provides congressional recognition of the National Homeownership Month and the importance of homeownership in the United States.

Owning a home is a fundamental part of the American Dream and is the largest personal investment families will ever make. Not only does homeownership provide economic security by building wealth over time, it also strengthens and builds communities.

However, creating affordable homeownership opportunities requires the commitment and cooperation of the private, public, nonprofit sector, including the Federal Government and State and local governments.

This resolution expresses the sense of Congress that the House of Representatives, one, fully supports the goals and ideals of National Homeownership Month; and, two, recognizes the importance of homeownership in building strong communities and families.

Today is a day we can come together, set aside any policy differences we might have, and celebrate homeownership in America.

For generations, the goal of owning a home has been the bedrock of our economy and a fundamental part of the American Dream. As we have faced the challenges of war and economic uncertainties, the housing markets have helped to keep our economy strong.

Nationally, housing generates more than 22 percent of the gross domestic product and accounts for nearly 40 cents of every dollar spent.

America's housing markets are the envy of the world. We enjoy the lowest interest rates, the highest homeownership rates of any developed nation. In fact, national homeownership in the United States has reached a record high of 70 percent. Homeownership is the single largest creator of wealth for Americans. It is the largest investment most families will ever make, and a key to promoting long-term economic stability. For this reason we must continue to promote policies that ensure more Americans can achieve the goal of homeownership.

Aside from helping millions of Americans achieve their dreams, homeownership also helps to build neighborhoods and strengthen communities. Families who own homes have a vital stake in their communities, a stronger interest in the safekeeping of their neighborhoods, and a deeper commitment to the quality of their schools and public services.

Each home is a critical piece in a successful neighborhood, allowing families to enjoy community events together and share in the lives of their neighbors and friends.

As millions of American families have demonstrated, increased homeownership helps to build better communities, and better communities help to build a better America.

As responsible legislators, we need to ensure that government helps rather than impedes homeownership in America.

When I came to Congress, I made it my top priority to highlight Federal policies that have hindered the availability of housing in this country and to find ways for government to positively impact homeownership in America. While we have done much to help Americans become homeowners, we must do more. We must remove the hurdles and needless regulation that keep homeownership out of the reach of some families in America.

And oftentimes in government, we pass policies and laws and regulations that sound really good, and when they are implemented they do just the exact opposite of what we intend them to do, they hinder homeownership. State government and local government do the same thing. What we need to do as legislators is look at these things we have done; and if they are wrong, we need to correct them. And then we need to pass new resolutions and laws that further provide opportunities for people, which in many cases we have done the opposite of.

We must also promote fair lending practices to increase housing opportunities for all Americans. And we must ensure that programs Congress passes to encourage homeownership can be enjoyed by all Americans in all communities, including those in high-cost areas.

With June designated as National Homeownership Month, there is no better time to address these issues. Now more than ever Congress must cultivate an environment in which more Americans may turn the dream of homeownership into a reality.

I am very pleased today that the President has made it a priority to promote affordable housing and homeownership, even among those challenges our country faces in other areas.

Along with Secretary Jackson and his team at HUD, the President has taken a leading role in finding new and innovative ways to expand homeownership in all areas of this country.

Fortunately here in Congress we have a strong commitment to homeownership from Members from both sides of the aisle. I want to commend the people in our committee who have worked really hard: Chairman OXLEY and Ranking Member BARNEY FRANK, also subcommittee Chairman NEY and MAXINE WATERS. We have come together on many issues. We have put aside personal issues that we might disagree on, and we said, what can we do positively together to create a better environment for housing, understanding that people at all sectors of society need to own a home, and how can we eliminate programs that hinder them from doing that.

I am confident due to this teamwork we will have success in years to come and continue to increase homeownership nationwide.

National Homeownership Month is a reminder of the importance of housing issues in America. I urge my colleagues to support this resolution, and I encourage all of us, as we go through our practices of trying to pass good and

reasonable laws for this country, to look at policies that encourage homeownership rather than discourage homeownership.

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

Mr. Speaker and Members, homeowners confer benefits to the communities in which they live. Homeowners vote and participate in important community organizations such as our schools. Homeownership benefits distressed neighborhoods, resulting in increased property values and more stable communities. Stability is the key to improving the quality of life in America. Homeownership in America is the key to stability.

Despite the benefits of homeownership in America, some Americans still are not benefiting from homeownership. African Americans and Latinos still lag behind others in their rates of homeownership. According to the ''National Urban League's State of Black America Report for 2006,'' less than 50 percent of African American families in America own their own homes. The rate of homeownership is about the same for Latinos, approximately 49 to 50 percent.

Another poignant fact is that some of the disparity in homeownership rates for these groups is the result, sometimes, of discrimination and predatory lending. The Center for Responsible Lending just completed a major study which found that African Americans are still more likely to receive higher-rate home purchase rates and refinance loans than similarly situated white borrowers, particularly for loans with prepayment penalties. African Americans with prepayment penalties on their subprime mortgages were 6 to 34 percent more likely to receive a higher-rate loan than if they had been white borrowers with basically the same qualifications or risk factors. Indeed, Latino borrowers had the same experience as African Americans. Latino borrowers purchasing homes were 29 to 142 percent more likely to receive a higher-rate loan than if they had been a non-Latino white borrower. Each of the above findings was also documented in a Federal Reserve study last year.

These findings are very real for African Americans and Latinos, and that should be enough. What the findings mean is that African Americans and Latinos still face obstacles to homeownership that other Americans do not face. Obstacles to homeownership are obstacles to the achievement of our vision. If homeownership in particular is the key to stronger and healthier communities, financial independence and the accumulation of wealth in America, then it is essential that we not only recognize June as National Homeownership Month, but that we commit ourselves to eliminating obstacles to homeownership for all Americans.

As such, I ask all of my colleagues to support June as National Homeownership Month of 2006 as embraced by H. Res. 854. Remember, we continue to pursue a broad range of policies and programs to encourage homeownership opportunities in America.

□ 1245

We have fought to restore budget cuts that have been proposed from time to time in funding for Federal programs to promote homeownership, including CDBG, HOME and HOPE VI. We have led efforts to raise FHA loan limits so that middle-income families in high-cost areas like Los Angeles have affordable mortgage loan options.

And I want to tell you, the bill that was alluded to by Mr. NEY, our chairman, on FHA is exciting. It will be coming up on this floor to receive support from this Congress, and it will be one of the most profound pieces of legislation that have been passed on this floor certainly in this session and for a long time.

This will not only revitalize FHA, it will increase the loan limits. Because the price of housing has been rising so quickly that FHA was not able to accommodate those who still need affordable housing, and we will afford to FHA borrowers the opportunity to participate in new opportunities, no down payment products, et cetera. So I am very much looking forward to that.

I am joining with Mr. NEY and others, and we are leading the effort today to make FHA relevant again to the needs of first-time home buyers and working families. We must do all we can to ensure that this goal is achieved.

As we recognize the month of June as National Homeownership Month for 2006, we must recognize that the American dream still escapes many in America. When this is no longer true, we will be able to celebrate homeownership in America not as a dream for some but as a reality for all Americans.

Mr. Speaker and Members, those of us who work on this issue from both sides of the aisle and in our committee, sometimes we push very hard and we are a little tough because we know that there are working families out there who work every day, who pay their bills on time, they pay their utility bills, they pay their other bills, but they still are not able to get a mortgage and have a home for themselves and their families, but they deserve it. And so we look very closely at what these financial institutions are doing.

None of us like predatory lending. We don't mind having a subprime market, but it must be a subprime market that will allow people to buy a home and perhaps even sometimes start out with a little bit higher interest rate, but they must be reduced as those homeowners demonstrate their ability to pay for these mortgages.

We don't like our American workers to be taken advantage of. We don't want them to have high interest rates that are above and beyond what the average borrower would be able to get. We don't like the fact that Americans lose homes. We want everybody who enters into this business, this contract, of buying a home to be able to pay that mortgage and to be able to hold onto that home.

Let me just close by saying this. I am so adamant about homeownership and understanding what it can do because I can recall when I was a single parent with two children and was able to put together a down payment to purchase a little home that I paid $26,000 for. Just a couple of years ago, I sold it for almost a half million dollars. Just think, if every American had the opportunity to get into purchasing a home, just realize the amount of wealth that could be created not only to start businesses, to pay for education but also to be there for retirement in our old age.

So I am perhaps a very vocal and a very persistent supporter of homeownership because I know what it can do and I know what opportunities are afforded to all Americans who have the ability to do this.

I will reserve, if I have any, the balance of my time.

Mr. NEY. Mr. Speaker, again I want to thank Congressman MILLER from California for bringing this resolution which continues to focus, of course, on June as homeownership month but continues to put this issue out on the table.

We have done that with the Housing Opportunity Subcommittee through our ranking member. We were the first committee of the House to go to New Orleans and Gulfport, Mississippi, where, believe me, there are so many issues for people, but housing and shelter, not being in a shelter but housing and to be sheltered from the elements, were the number one issue down there.

We have addressed, also, so many pieces of legislation, I think it has to make our committee feel good in the sense that they have done something. We won't know the faces or the names of people, in fact, that will now be able to have homeownership or with section 8 to be into apartments, we won't know who they are, but acts of the Congress, working together, which is the right thing to do, will help with the people's lives.

I just want to, on a personal note, say I can remember after World War II, and my father came out of World War II, it took from that period of time to 1963 to, in fact, be able to save enough.

And I have talked to the gentlelady about down payments. I am one who firmly believes that we should help people. Because to take 13 years to save for something, it is a long time.

There is a famous poet, Langston Hughes, who said, ''Dream your dreams, and be willing to pay the sacrifice to make them come true.'' People are willing to sacrifice for that dream of a home, but we, as the government, have to help them. There is a certain point where so much sacrifice has to be given, it is not helping with the family. That is what we need to do.

People will be out there. They will try to make their living, try to pay their bills, try to get into their home. But what we are doing in this committee and what we have to continue to do, and I am sure we will with the ranking member and the gentlelady from California and with her tenacity on this issue, her concern for people, as the members of the committee have been concerned about these issues, we will continue to do that. Because people are willing to sacrifice. But we have got to help them along, and we have got to give them some assistance as a government.

I am very proud of the subcommittee and very proud of Mr. MILLER and the resolution.

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

Ms. WATERS. Mr. Speaker and Members, in closing, let me just say what a pleasure it has been for me serving on this subcommittee with Chairman NEY. Not only has he provided strong leadership for homeownership, as he alluded to, we have made visits not only in California but in Louisiana and Mississippi, not only looking at CDBG and section 8 and these very important programs that are helping Americans have decent and safe living conditions but leading to homeownership oftentimes.

The attention that was paid to Katrina victims and what took place in the gulf coast region has not been matched by anyone. Mr. NEY took it upon himself and his committee to go there and to spend the time taking a look at all aspects of this disaster.

And while we were there, we were able to understand what the insurance companies were or were not doing. We were able to understand what was happening with public housing. We were able to understand what was happening with the trailers, who was getting them, who was not getting them. And we were able to work very closely with Mr. BAKER, with Mr. JEFFERSON and with others who come from that region to begin to talk about how we are going to build homes, how we are going to replace those homes, how we are going to be able to use CDBG funds to make sure that people have the opportunity to not only rebuild their homes but to restore their lives.

With that, Mr. Speaker, again I thank Chairman NEY. I thank Vice Chairman MILLER.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of House Resolution 854, a resolution recognizing June 2006 as National Homeownership Month, a time for individuals and families to reach for part of the American dream and purchase a home of their own.

In recognition of National Homeownership Month and in my capacity as Chairman and Co-founder of the Congressional Rural Housing Caucus, I became an original co-sponsor of House Resolution 854.

In the United States, each individual has the opportunity to own a home of their own. Homeownership inspires civic responsibility. Homeowners are more likely to vote and get involved with local issues.

Families owning a home are able to offer children a stable living environment. In many cases, homeownership influences a child's personal development in many positive, measurable ways.

Twenty percent of our Nation's population lives in rural communities, yet a majority of these families live in substandard housing conditions.

These communities simply do not have the resources—either economic or infrastructure—to address the problems of substandard housing. The gap between the haves and have nots continues to grow, especially in rural America. Now is the time to stem this tide.

According to the Census Bureau, 48 percent of African-Americans; and, 50 percent of Hispanics owned a home as of the first quarter in 2006. While many gains have been made, lagging minority homeownership rates are a serious concern to me and Congress.

Rural America and minorities are in dire need of housing assistance—and we should all strive to make every month ''homeownership month.''

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

Mr. NEUGEBAUER. Mr. Speaker, I thank my colleague from California—and fellow homebuilder—Congressman MILLER, for his sponsorship of this resolution.

More Americans own their home than ever before. Nearly 70 percent of American's are homeowners. So it is a good time for us to asses the positive impacts of homeownership on families, communities and on the nation's economy.

When a family owns their own home, they have a greater stake in their community. In addition to shelter, that family also has an asset that appreciates in value.

Communities with high rates of homeownership often have residents who are more involved in local schools, civic organizations and churches.

Housing has led our nation's economic expansion over the past few years, accounting for 16 percent of our Gross Domestic Product. New housing starts and home sales hit record levels from 2003 through 2005.

Although housing sales and starts have cooled to more typical levels, the housing market remains strong and sound. Without the expansion of homeownership and the strength of our housing market, our nation would not have the economic growth we are experiencing today.

It is important that Congress pass tax, regulatory and housing finance polices to continue this growth and to help make the dream of homeownership a reality for even more Americans.

The Housing Subcommittee has advanced legislation this year that modernizes the Federal Housing Administration. In order for FHA to continue to offer assistance to first-time buyers and buyers with lower incomes, FHA needs more flexibility to keep pace with changes in the mortgage marketplace. The House needs to approve H.R. 5121.

When regulations on the housing industry are reasonable, the cost of housing goes down. Regulatory relief is needed to make housing more affordable to more Americans.

One step Congress should take to make regulations more reasonable is passage of H.R. 5558, which makes common-sense reforms to storm water permitting.

Before coming to Congress, I spent a lot of time in the housing business. The housing market has been through ups and downs, but through all the changes, home ownership continues to be vital for families, communities and the nation's economy.

This resolution today affirms Congress' support for homeownership and the importance of homeownership in our country.

I urge support for the resolution and support for sound housing policies in Congress.

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

The SPEAKER pro tempore (Mr. KLINE). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, H. Res. 854.

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.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation, H.R. 42, and H.R. 5341 and to insert extraneous material thereon.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adoption of H. Res. 890, by the yeas and nays;

Adoption of the conference report on H.R. 889, by the yeas and nays;

Passage of H.R. 4843, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

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

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 890, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 20, as follows:

[Roll No. 319]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—188

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Abercrombie
Becerra
Blackburn
Cannon
Carson
Case
Davis (TN)
Evans
Ford
Gutierrez
Higgins
Hyde
Issa
Johnson, Sam
McCarthy
Ortiz
Payne
Rush
Strickland
Weiner

□ 1320

Ms. MCKINNEY changed her vote from ''yea'' to ''nay.''

Mr. SULLIVAN and Mr. BRADY of Texas changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. MCCARTHY. Mr. Speaker, today, Tuesday, June 27, I was delayed in my arrival for the week's legislative work, but had I been here I would have voted "no" on H. Res. 890, rollcall 319, approving the Rule for H.R. 5672.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The unfinished business is the question of suspending the rules and agreeing to the conference report on the bill H.R. 889.

The Clerk read the title of the bill.

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, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 320]

YEAS—413

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern

McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Abercrombie
Cannon
Carson
Case
Cole (OK)
Evans
Ford
Gutierrez
Higgins
Hyde
Johnson, Sam
McCarthy
Ortiz
Payne
Radanovich
Rush
Strickland
Weiner
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining.

□ 1328

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COLE of Oklahoma. Mr. Speaker, on June 27, 2006 I inadvertently missed rollcall vote 320. If I had been present, on rollcall vote No. 320, I would have voted "yea."

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

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4843, as amended.

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 321]

YEAS—408

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
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Delahunt
DeLauro
Dent
Diaz-Balart, L.
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Dicks
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Doolittle
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Drake
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Edwards
Ehlers
Emanuel
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English (PA)
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Fattah
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Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
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Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
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Jenkins
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Lungren, Daniel E.
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Marchant
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McCollum (MN)
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McDermott
McGovern
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McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
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Melancon
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Millender-McDonald
Miller (FL)
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Miller, Gary
Miller, George
Mollohan
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Pelosi
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Petri
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Price (GA)
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Ros-Lehtinen
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Van Hollen
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Visclosky
Walden (OR)
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Chocola
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Ford
Gordon
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Higgins
Hyde
Johnson, Sam
McCarthy
Ortiz
Payne
Rush
Strickland
Terry
Weiner
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1337

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HIGGINS. Mr. Speaker, I missed three rollcall votes earlier today, Tuesday, June 27, 2006, due to an excused absence. I would like to enter into the RECORD how I intended to vote on the missed rollcall votes:

On roll No. 319, On Agreeing to the 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; I would have voted "nay."

On roll No. 320, To Suspend the Rules and Agree to the Conference Report for the Coast Guard and Maritime Transportation Act; I would have voted "yea."

On roll No. 321, On Motion to Suspend the Rules and Pass, as Amended for the Veterans' Compensation Cost-of-Living Adjustment Act; I would have voted "yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the Record to show that, had I been present, I would have voted "no" on rollcall vote 319 and "yea" on rollcall votes 320 and 321.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 891 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4973.

□ 1340

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes, with Mr. MILLER of Florida in the chair.

The Clerk read the title of the bill.

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

The gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

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

I rise today in support of H.R. 4973, the Flood Insurance Reform and Modernization Act of 2006, or the FIRM Act. This legislation will significantly reform the National Flood Insurance Program and ensure its continued viability. After all the rain we have seen in our Nation's capital these past few days, now is an especially good time to take a close look at this program that millions of Americans count on to protect the investment they have made in their homes from flood damages.

The Financial Services Committee has a history of reforming the NFIP and with conducting oversight over the program. Spearheaded by the efforts of our former colleague, Representative Doug Bereuter of Nebraska, this committee took significant steps toward reform with passage of the Bunning-Bereuter-Blumenauer Act in 2004. That bill helped ensure that those people whose homes flooded on a frequent basis will not continue to soak the American taxpayers by filing flood loss claims time and time again.

Under the leadership of my friend BOB NEY, chairman of the Subcommittee on Housing and Community Opportunity, the committee continued to oversee the NFIP last year with a field hearing in his district and with hearings on the status of flood map modernization and the program in general. These hearings exposed a number of deficiencies in the NFIP, including the fact that FEMA was not moving quickly enough to reform the program and that the Nation's flood maps are often outdated and inaccurate.

Then came Hurricanes Katrina, Wilma and Rita. These storms placed an unprecedented strain on the NFIP that continues to this day. We had to raise the borrowing authority of the flood program first to $3.5 billion, then to $18.5 billion, then to $20.8 billion. FEMA tells us that it is still not enough to cover all the claims from last year. When all is said and done, the NFIP will need $25 billion to pay all of those claims, and that does not take into account any storms we have before hurricane season ends this year.

We have an obligation to these estimated 225,000 policyholders who have already filed a claim resulting from the events of 2005. These homeowners who have a binding contract with the NFIP to cover flood events could initiate legal action against FEMA and the U.S. Government if the flood insurance program does not make good on this contract.

At the same time, we also have an obligation to reform and modernize the NFIP so that homeowners will continue to have access to flood insurance. According to recent estimates, more than half the U.S. population lives within 50 miles of the sea. While senseless coastal development should not be subsidized or encouraged, these homeowners who play by the rules and live in homes that take proper flood mitigation steps should also not be penalized.

The FIRM Act is a bipartisan bill. Chairman BAKER and I have worked closely with Ranking Member FRANK to put together numerous reforms that will serve to increase FEMA's accountability and address the weaknesses exposed by last year's flooding.

In an effort to make the NFIP more actuarially sound, the FIRM Act phases out the subsidized rates currently enjoyed by the owners of hundreds of thousands of vacation homes and second homes. If you can afford one of those homes, you can afford to pay your freight. In addition, the bill introduces new lines of coverage at actuarial prices and increases the program's coverage limits to reflect inflation. These are common-sense reforms that, again, will be actuarially priced.

The FIRM Act requires FEMA to administer the program more responsibly. Flood maps will be improved and updated, and FEMA will have to certify to Congress that they have done so. The NFIP's borrowing authority will be temporarily increased to ensure that all outstanding claims will be paid.

The FIRM Act increases the amount that FEMA can raise policy rates in any given year from 10 percent to 15 percent; and for those lending institutions that drop the ball on enforcing mandatory flood insurance purchase requirements, fines will be tripled from where they are now.

I remain committed to the reform of the National Flood Insurance Program that we in the Financial Services Committee started with passage of the Bunning-Bereuter-Blumenauer Act in 2004. H.R. 4973 is the logical next step on the road to fiscal soundness for NFIP.

I commend Mr. BAKER for his work and strongly urge a vote for final passage.

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

□ 1345

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I fully agree with the statement of the chairman, and I am very proud to say that this is part of an ongoing, bipartisan effort that this committee has undertaken.

A few years ago, we found a flood insurance program which was both important but flawed in a number of ways, and we began, at the urging of our former colleague from Nebraska, Mr. Bereuter, and our continuing colleague from Oregon (Mr. BLUMENAUER), to make improvements. We have not been able to get everything we wanted, but we have improved it.

This bill takes substantial steps forward, and I think it is important for Members to know this is a bill which makes improvements at the same time from both the environmental and the fiscal standpoints. We make it a better program, we make it a more responsible program fiscally, and we make it a more responsible program environmentally.

There will be various amendments, many of which I think are very important, including, and I want to particularly call attention to the amendment offered by our colleague from Mississippi (Mr. TAYLOR), who as much as anybody in this House encountered personally the problems of the flood insurance program, and he has a very important amendment that would go to the aid of individuals who have not been fairly treated, and I strongly will be supporting that amendment. We won't have a lot of time to debate it, and I wanted to say that now.

I also want to make one general point that should not go unnoticed. We are dealing here with a public program. This is a case of the Federal Government stepping in to meet a very important social need that cannot be met by

the private market. The private market is a wonderful thing and does great things, and in the area of insurance we rely heavily in this country on the private market. But there are examples of market failure, not in a pejorative sense, but in a more technical sense. Flood insurance is one of them. If it were not for the role of the Federal Government here, there would be many, many Americans in great distress and unable to get the kind of insurance that they need.

So for those who believe that the public sector is always the problem, that the private sector is not only a valuable part of our life but provides all good, and that you always ought to be denigrating the public sector, they probably don't want to vote for this bill. Because this is a bill which significantly improves a public sector response to a problem which, left without this, the private sector couldn't handle.

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

Mr. OXLEY. Mr. Chairman, I recognize the gentleman from Ohio (Mr. NEY) and yield him 2 minutes.

Mr. NEY. Mr. Chairman, I thank Chairman OXLEY of the committee, and I rise today to support H.R. 4973, the Flood Insurance Reform and Modernization Act of 2006, also known as the FIRM Act.

This important measure, approved by the House Financial Services Committee on March 16, will significantly reform the National Flood Insurance Program and ensure its continued viability by increasing accountability, eliminating unnecessary Federal subsidies, and updating the flood insurance program to meet the needs of the 21st century.

Last year, in the immediate aftermath of Hurricane Katrina, I introduced H.R. 3669, the National Flood Insurance Program Enhanced Borrowing Authority Act of 2005. That piece of legislation increased FEMA's borrowing authority for flood insurance by $2 billion, which went a long way in helping the Department's flood insurance response.

Since that time, FEMA estimates that it will need a total of $25 billion in borrowing authority to cover claims. These claims from homes and businesses that have been damaged or destroyed by Hurricanes Katrina, Rita, and Wilma are not a new obligation. They are the result of a legal promise that we made to those homeowners and business owners when the Congress passed the National Flood Insurance Act of 1968 and subsequent revisions.

Every single one of these claims represents someone who has taken the responsible course of action by purchasing flood insurance and paying premiums to the government. We not only have a legal obligation to honor our commitments, but we have a moral obligation, Mr. Chairman, to provide the coverage we promised to provide to those citizens.

Small business owners will be eligible to purchase business interruption coverage at actuarial rates to better prepare them to meet payroll and other obligations during the next big storm. And for the first time since 1944, the bill updates maximum insurance coverage limits for residential and nonresidential properties.

Our subcommittee in the Financial Services Committee, under the leadership of Chairman MIKE OXLEY, Mr. BAKER, Mr. FRANK, Congresswoman MAXINE WATERS and others, has spent considerable time on flood insurance reform in the past several years. In 2004, the Bunning, Bereuter, Blumenauer Flood Insurance Reform Act addressed and strengthened the operations.

I urge my colleagues to support this important piece of legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I now yield 3 minutes to one of our colleagues who has been dealing very directly with the negative consequences of the hurricanes and the damage that has been done, the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. I thank the gentleman for yielding.

The National Flood Insurance Program is critical to our country, particularly those of us that live in the coastal States. It is even more critical now because, as we have learned in Florida and in Mississippi and many States, we have entered a cycle of historic proportions in terms of hurricane and hurricane damage.

The reason I rise is to speak in support of the Taylor amendment, which will be offered by Congressman TAYLOR of Mississippi, that calls for a study by the Inspector General of the Department of Homeland Security into what I think is a growing crisis not just in Mississippi but now in Florida.

In Florida, the insurance industry recently succeeded in a session of the legislature in passing a law that repeals a 100-year-old law called the ''value policy law.'' This loophole that has been created in Florida is resulting in hundreds, and I fear soon thousands, of Floridians sitting back and waiting to get paid by their insurance company and watching the flood insurer blame the wind insurer, and the wind insurer blame the flood insurer.

It is even worse in Mississippi, where one of our colleagues, Congressman TAYLOR, who is offering this amendment, is being forced, while serving as a Member of Congress, to sue his own insurance company. The same is true down at the other end of the Capitol, with Senator TRENT LOTT and at least one Federal judge.

This law in Mississippi, now the law in Florida, could become a law throughout the country; and we need to study this because I think the impact on the consumer will be devastating.

If you fly over Florida, which you and many of your constituents will do, now that it is summer vacation, you will still see thousands of blue tarps from a year ago from the last hurricanes. Every time you see one of those tarps, it represents a Floridian, a family who either cannot live in their home or is suffering water damage every time it rains. And it rains in Florida in the summertime.

This is not a Federal issue, at least yet; but it is a very important State issue to our constituents. The least we can do as a Congress is to support Congressman TAYLOR's very simple amendment to have this study done about the impact to the consumer of this loophole that has been created in Mississippi and now in Florida and perhaps other States. We need to be there to protect our constituents in a time of storm.

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. I thank the chairman for yielding time and for his continuing diligence and hard work on this important matter to all the people of this country, but particularly those of us in Louisiana.

I certainly want to express my appreciation to Mr. FRANK and to colleagues on his side who have also worked hand in hand with us to try to come to accommodation on this difficult issue.

The flood insurance program is one that has been roundly criticized, and appropriately so in some instances. The repetitive loss problem that was addressed several years ago by this Congress was one of embarrassment for those who are responsible and felt that the program had been abused. But those chapters are now closed.

The problem that faces us today is one of a different nature, and that is people entered into contractual obligations to protect their property, and storms beyond anyone's comprehension have now caused individuals to make claim on those policies, leaving the program today at a $20 billion borrowing level, a record high, and as previously noted, a requirement to go to $25 billion if the agency is to meet all of its contractual obligations.

But I believe one point needs to be made clear in the hearing record on this matter, and the flood insurance program is unique. It is a program that collects premiums and from premiums collected makes payments to claimants. It is the only disaster response program in the United States which has a stream of income from which people who suffer loss may be reimbursed.

Through 2004, the fund balance on hand after paying out $15 billion in claims within the flood insurance program was a positive balance of $1.8 billion. This is the only mechanism I know of when FEMA writes a check as the result of a declaration of a Presidential disaster where the taxpayers see their money come back. So I find it problematic when this program is criticized, because in all other cases where there is a disaster response, taxpayer

money is spent without any recourse of recovery.

In this case, we need to address the problems before us. The bill increases the borrowing authority to $25 billion, and also, from a financially soundness perspective, increases the amount of money to flow back into the program with increases in premium.

The most important sector where these increases occur is in the nonprimary residence structures, meaning businesses and vacation homes. Premiums will increase, or may increase, up to a maximum of 30 percent per year. This is estimated to get the program in sound financial condition over the next 3 to 4 years, of course barring what we hope will not happen, and that is another cataclysmic Katrina-Rita combination.

I do believe this program serves an essential service in the function of our economy. Pointing to the area still decimated by Katrina, we need to get people back into their homes. They need to have the knowledge they have flood insurance coverage, because there are important economic activities that must occur in that region of the State in order to provide the United States with a free flow of energy and to have access to our ports through which agricultural products are exported.

I certainly hope the House will adopt a great bipartisan product.

Mr. FRANK of Massachusetts. Mr. Chairman, I am now pleased to yield 6 minutes to one of the Members who has really taken the lead in improving this program, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in permitting me to speak on this, and for his leadership, along with the chairman, Mr. OXLEY, and my friend, Mr. BAKER. This is truly important bipartisan legislation to address the flood insurance program's challenges both in the short term and the long term.

I strongly support this legislation and appreciate the willingness of the committee staff to work with people outside the committee to be a part of the process. Those of us here on the floor have known for a long time that the flood insurance program, while an invaluable asset to communities in the floodplain, is not functioning as originally designed. Hurricane Katrina taught us we cannot just let the status quo continue, or the flood insurance program will cease to function. It will be in bankruptcy or people will lose their tolerance for Federal bailouts.

This bill is an excellent start, but you can be guaranteed that it is not the last time we will be talking about these changes on the floor. There are differing views about what needs to be done. Some have recommended making the program actuarially sound, and I agree with those measures. But one thing we have learned from Mr. BAKER and from Mr. TAYLOR is that we have to be sensitive to the people who live in flood-prone areas. They are not just statistics of repetitive flooding, and they are rarely homeowners who are gaming the system. These are people caught up in the cycle of flooding and rebuilding who want to take steps to reduce their vulnerability.

In 2004, we did pass a bill to provide mitigation assistance to severe repetitive-loss property owners. We found that these repetitively flooded properties, which constitute just 1 percent of all the properties in the program, accounted for 25 percent of the flood loss dollars. Addressing these properties, we wanted to help move people out of harm's way, either literally, by buying them out, or helping them take mitigation actions, such as elevation.

Unfortunately, the repetitive-loss pilot project in the 2004 bill had not been fully implemented and we were not able to see the positive impacts before Hurricane Katrina. That is why I am glad the bill before us extends the pilot program so that it will have a chance to work. It also goes further to strengthen the flood insurance program and make it more fiscally sound over the next 50 years.

Some have argued that all properties owners who enjoy artificially low flood insurance rates should be required to pay actuarial rates. This would increase the premium enough to make the program more actuarially sound, saving $1.3 billion. But while I agree the program should move closer to risk-based rates, the response of policyholders to the loss of the subsidy is unclear.

The CBO estimates that some would reduce their amount of coverage or drop flood insurance all together. Many of these subsidized properties are second homes or vacation homes, and the legislation addresses these and I think is a good compromise. Phasing in risk-based rates for second homes will also ensure that families in New Orleans and Mississippi and other flood-prone areas that rely on flood insurance won't be forced to pay artificially high rates to subsidize somebody's second home or vacation home.

□ 1400

The bill also helps encourage participation in the program. Many people living in the floodplains do not have flood insurance now. Less than 40 percent of the property owners who are required to buy insurance actually do so.

In parts of Mississippi and Alabama, hit hardest by Katrina, the coverage rate was only 15 percent. That means that people did not have access to insurance payouts to make them whole, and they are relying on grants and loans from the disaster relief programs that are paid by the taxpayer.

The challenge is figuring out how to make sure that more people who are supposed to have flood insurance do so, and this bill helps the situation by increasing the penalties levied for nonenforcement of Federal mandatory purchase requirements.

It also includes an important study on how to better enforce mandatory flood insurance.

The bill also addresses the inaccuracy and inadequacy of flood insurance maps. We are going to talk a little about this later in the day.

Current flood insurance is required only where there is a 1 percent chance of a flood on an annual basis and not in other low-lying areas where surges are likely to follow major storms. Many of the people who flooded in Katrina did not technically live in the floodplain. They were out of this 100-year cycle, or they lived behind levees and did not realize they should have flood insurance.

These updated maps are important, because FEMA uses them to issue flood elevation requirements. Communities want to have the confidence that their residents are paying the right amount for flood insurance, and we should be loathe to tinker with that.

In addition to directing FEMA to develop more sophisticated maps, this legislation authorizes FEMA to study the implications of requiring flood insurance behind the levees. This is a very important part of the bill. I don't think it has been given the proper attention by more of us in Congress. I hope that we will move towards requiring flood insurance for those situations.

The saying goes, there are only two kinds of levees, those that fail and those that will fail. But this study moves us in the right direction.

While this bill, I think, sets the stage, for moving us in the right direction, simple, common-sense steps strengthen the program and bring together a vast, diverse range of people, from environmentalists to fiscal conservatives, people in real estate, and most important, most important, people whose lives we saw torn apart living in flood-prone areas.

I deeply appreciate the work of this committee and our colleagues in making important steps that are going to make a difference for people for generations to come.

Mr. OXLEY. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I especially want to thank Chairman OXLEY, Ranking Member FRANK, subcommittee Chairman BOB NEY and Ranking Member Ms. WATERS for addressing this issue. It is one that I know many of our colleagues have dealt with with their constituents due to flash flooding, which occurs all over the United States, not just in coastal areas.

I rise in support of this bill because it will help many of those people who, unfortunately, on top of the suffering that they faced as a result of the flooding, also faced more suffering because they didn't get what they needed as a result of, I think, poor administration of the National Flood Insurance Program.

The story is all too common across the country. Young couple saves money, buys their dream home, finds that it is in a flood-prone zone, so they

buy Federal flood insurance, thinking things will be okay. In fact, even their paperwork makes it look like they will be completely covered.

But in September, 2004, in my district, remnants of the Hurricanes Frances and Ivan came through my district in Pennsylvania; and I worked with many families throughout my region who had lost their homes.

My staff and I spent a significant amount of time with them and learned of all of the deficiencies involved in the National Flood Insurance Program. We learned that these incidents were as a result of poor administration of some rules that needed to be carried out that had been put in place in 2004. We raised these concerns with Chairman OXLEY and Chairman NEY, and they offered graciously to hold a hearing on this issue.

One of my constituents, Beth Beam, was given the opportunity, along with other victims of flooding throughout the eastern seaboard, in fact, to highlight the problems they had experienced with the NFIP. It became clear from this hearing that we needed serious reform.

Many of my constituents learned too late that they were listed in the wrong flood zones or the maps were outdated and they really were not listed as being eligible or that they had problems receiving adequate compensation for their actual losses.

Most frustrating was the lack of support and information that they received when they raised their concerns. The lack of true appeals process within the NFIP meant that many individuals had no recourse when they believed the system was not meeting their needs and the agreement that they had made on their policies.

This bill is a great solution to ensure these types of problems don't happen again.

First, it directs FEMA to develop more sophisticated and updated maps so that we will update the standards and people will know if they are actually in a flood zone.

Second, the bill reinforces the need for FEMA under the legislation that Congress passed a couple of years ago to create this appeals process that will help people have the opportunity to have their concerns addressed.

It will also require adequate training for the insurance agents who sell this federally subsidized flood insurance. That issue is so important as people will need help getting through the process when they have lost so much.

Finally, the bill provides optional coverage for living expenses, business interruption insurance, basement repair costs and replacement of contents, things that obviously people who face these losses need so much.

Following the floods in my district, people were surprised to learn how much of their property was not covered. People were very surprised and disappointed to learn how much of their property was not covered, although their policy showed that it might be.

This legislation will ensure that they are able to receive compensation for the damages they actually experience, which is in line with what they have bought insurance to cover.

Again, I want to thank the chairman and the committee for listening to these concerns. The NFIP is supposed to fill the gaps for those who lose their homes and properties. Unfortunately, the inadequacies have caused so much harm in the past and made people's lives even worse. Programs like NFIP are supposed to be a safety net, and I believe this bill will help us fix it and make it the safety net that people expect.

The NFIP has been directed to make these changes. I urge Congress and my colleagues to support this legislation so that we can carefully oversee this process and ensure our constituents will not face these problems again.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), who is the ranking member of the subcommittee and who has been compiling a very productive record in the work of that subcommittee.

Ms. WATERS. Mr. Chairman and Members, I would like to thank both the chairman and Mr. FRANK, to make sure that we would work together to increase the coverage and raise the limit for flood insurance. It has not been increased for over 20 years.

I had the opportunity to be in the gulf coast region with my colleagues and to hear the stories of the people who had been devastated by Katrina. Not only did we find that there were residents who had been given mortgages and the banks and financial institutions had not required flood insurance but then this bickering with the insurance companies who were disputing damage. They said, no, it was not flood damage, it was wind damage, and vice versa.

I think this bill will go a long way toward dealing with some of the issues that we learned about.

Certainly, we want to make sure that the insurance companies are doing what they are supposed to do. My colleague from Mississippi, who will have an amendment, Mr. TAYLOR, on this floor today, I certainly support. I was there with him, and I saw the devastation and the destruction. We heard the complaints about the insurance companies.

Let me just say, in addition to raising the limit, this will go a little bit further, and it will deal with business interruption. It will help to meet the needs of those who are confronted and faced with this kind of devastation for the future.

Again, I would like to thank not only Mr. BAKER and Mr. FRANK but Mr. OXLEY and Mr. TAYLOR for the work that he is doing.

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

Mr. FRANK of Massachusetts. Mr. Chairman, at this time, I would yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), another representative who has great concerns, because of the area that she represents, with the fair worth of the program.

But, before we do, I would note that this bill is being supported by the National Taxpayers Union, Citizens Against Government Waste and Taxpayers for Common Sense. As I said, this is an unusual case, I think, where both environmental groups and groups primarily concerned with reducing government spending have come together in support of a piece of legislation.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his distinguished leadership on this issue, along with Mr. OXLEY, as well as the ranking subcommittee member, Mrs. WATERS, and the leadership of Mr. NEY.

Let me also acknowledge the leadership of Mr. BAKER, who I assume has walked the walk in our region, in our gulf coast region.

I, too, have walked those streets and seen the impact that the devastation of Katrina has caused, and likewise in the City of Houston, not only the, if you will, Katrina survivors but also those who experienced the flooding of Rita.

In addition, I walked along the pathways and saw the devastation in Mr. TAYLOR's district, and again thank him for his leadership, along with many, many Members who have addressed this question.

Mr. FRANK, I hold in my hand a book that says, From Poverty to Opportunity: A Covenant for a New America, which talks about overcoming poverty. I say that, and I support certainly this document, but I raise that with respect to H.R. 4973, because it helps those who have done everything right in America. They pay their taxes, and they have worked and invested in the American dream, and that is their home, to be able to find relief.

This bill provides an extra $25 billion to cover the Katrina-related claims, but it is also an overhaul, an important overhaul of the flood insurance program, because it allows the National Flood Insurance Program to offer actuarially priced business interruption. How many of those who came through these recent storms lost their homes and their businesses?

In fact, I was just with the FEMA director in Houston on Friday. In the room were two elderly persons who stood up and said, we have flood insurance, but nobody did anything. We didn't get anything. We lost everything. So there is a fracture in the system.

I hope that this will be able to, one, provide, if you will, an embellishment of this program but also be able to give people help for the losses that they experience.

I want to say very much thanks for the phase-out subsidy of vacation homes. That is the right way to do it. We know that sounds bad to some individuals. We thank them for having vacation homes, second homes, but we certainly don't want to strike it out immediately. Give them an opportunity to get coverage; and we recognize they, too, need coverage. But we understand the economies of scale. This is a reasonable and respectable approach to take.

Let me also say that we are also delighted that you are dealing with flood maps. Mr. ETHERIDGE and myself on the Science Committee did work on inland flooding. Hurricane Allison, what we call Storm Allison in Houston was what we call inland flooding. We lost billions of dollars in the medical center because it wasn't called a hurricane, but the flooding destroyed so much.

We appreciate the fact that this will update flood maps, maintain an inventory of levees in the United States and move more quickly to update flood elevation standards and flood maps in the areas affected by last year's hurricane. Most importantly, this is a model of what we can do to ensure that homeowners and taxpayers and hard-working Americans certainly are not thrown into poverty. Certainly we hope that we will move others out of poverty.

I would ask my colleagues to support this legislation.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I, along with my colleague Ms. GINNY BROWN-WAITE, have introduced the Homeowners Insurance Protection Act. The bill provides financial protection to all Americans that live in natural catastrophe-prone areas through a three-layered approach. Our goal is to keep homeowners' insurance premiums at affordable rates. This program would assure that when a big one hits, the responsibility for insured losses is with insurance companies and not with the bailouts from the Federal Government, such as FEMA.

First, this bill would create the Federal Catastrophe Fund, to be known as the Hurricane and Earthquake Loss Protection Fund, or the HELP Fund.

Second, each State that chooses to participate in this voluntary program must establish a State Catastrophe Fund, which we call the CAT Fund, similar to that which we have in Florida.

Third, the State CAT fund then purchases reinsurance from the Federal HELP fund. The HELP fund is thus financed directly by insurance premiums and not by taxpayer dollars.

We live in a diverse nation facing diverse natural catastrophes. This bill encourages States to take responsibility for their residents and gives the States the discretion of insuring for their own catastrophic needs.

I yield to the chairman.

Mr. OXLEY. I thank the gentleman for yielding.

I understand that this is an issue in many States around the country but especially in those States hit by hurricanes in the last 2 years. I would welcome the opportunity to explore this issue further with the gentleman and my good friend from Florida, as well as the gentlewoman from Florida.

Mr. SHAW. I thank the chairman for his comments.

I would just add, in closing, that we are facing a tremendous catastrophe in Florida, the economy. The gentleman from Pensacola can verify this.

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Insurance is almost unaffordable. We need a secondary insurance that would back this up, that would spread the risk further than just throughout one State. This isn't just Florida. This is all the gulf coast. The gentleman from Louisiana seated behind me will certainly verify that.

So it is a good bill. It prepares for the future and it does it in a very conservative and practical way.

Mr. FRANK of Massachusetts. Mr. Chairman, I now yield to one of the Members who has really been in the forefront of trying to improve our national response to this crisis because of his own firsthand experience and the leadership he has had to show in the region that he represents and trying to deal with the otherwise inadequate Federal Government response to Katrina.

I yield as much time as he may consume to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to thank the gentleman from Massachusetts, the gentleman from Ohio.

Mr. Chairman, not everything our Nation does is wrong. And one of the things our Nation does that the private sector wouldn't do or chose not to do was insure people against flooding. And that is a very good program.

When you consider that the predictions are that within the next 50 years 80 percent of all Americans will live within 50 miles of a coast line, then protection from flood insurance, protection from hurricanes is very important.

In southern Mississippi I have had very, very few complaints about the Federal flood insurance program. I have had tens of thousands of complaints about how people were treated by the wind coverage. So I want to commend the gentleman from Massachusetts and the gentleman from Ohio for raising the amounts that people can buy coverage for.

Most of southern Mississippi had older homes. People had lived in them for decades. And now they, and I, are going through simultaneous sticker shock. Houses that you may have bought 20, 30 years ago for $50,000, you have now got to replace for a heck of a lot more than that. So by raising the amount that people can cover themselves from $250,000 to $335,000 is a huge improvement. Also, raising the contents up to $135,000 again is a huge improvement. I think as people put a pad to their contents after they woke up the next morning and discovered that they were gone, I think everyone was surprised that they owned more than they thought they did and they lost more than they thought they did. So again this is a move in the right direction.

I want to commend the committee for putting in the money for the new flood maps. Water in Bay St. Louis got to be 26 feet above sea level in some places. That was unprecedented since the Europeans landed over 300 years ago. And the Navy Oceanographic Lab tells us we are in for 10 years of this. So, again, since this is a public entity funded with taxpayer dollars, I think it is very important, whether it is Pensacola, Florida, or Gulf Shores, Alabama. Anywhere in coastal America I think it is important that we know the propensity to flood, take adequate steps to minimize losses in future hurricanes.

I would also like to commend the committee for working with me on trying to address the Katrina fraud. Citizens of this country are noticeably upset that some of the generous money given to them, either as taxpayers or through groups like the Red Cross, was abused, that people milked the system, in some instances, to do things like a sex-change operation.

I happen to think the biggest fraud of all, though, Mr. Chairman, came from the insurance industry. And I will walk you through this. Under the National Flood Insurance Plan, we count on the private sector not only to sell the insurance policy; we count on the private sector to adjudicate the claim.

Now, wind damage is paid for by a private company. Flood damage is paid for by the Nation through the National Flood Insurance Plan.

So imagine yourself, a 25-year-old insurance adjuster. You have visions of being a company man or getting that next promotion. You may even own stock in your company. You are sent out to adjudicate a claim on a house that is no longer there, knowing that if you said the wind did it, it is coming out of your company's pocketbook. If you say the water did it, it is coming out of the taxpayers' pocketbook.

The FBI says that fraud is a crime of opportunity. And I think under this system, we have given the insurance industry the opportunity to stick the bill to the taxpayers every time there was any question. And I think they did.

Is it a coincidence that the insurance industry reported $44 billion in profits last year, in the same year that the National Flood Insurance Program lost $25 billion? Are they that much better at what they do? I don't think so.

I think they took claims that legitimately should have been paid by the wind policies and stuck it to the taxpayer to the tune of millions, if not billions, of dollars. And I am going to

offer an amendment in a little while to ask for an Inspector General's report to see if that is true. And if it is true, then we need to come back and change the system so that we don't just count on an insurance adjuster blindly sending the bill to the government and the government paying it every time.

Think about it. If the Members in this room want to be reimbursed for their trip to the airport, they have got to turn in a taxi receipt for 15 or 20 bucks. But in the case of the National Flood Insurance Program, Allstate, State Farm, Nationwide, fill in the blank, can bill the government for hundreds of billions of dollars, and we pay that claim without even bothering to look into this. That is wrong. It is a system ripe for abuse. And I am convinced it has been abused.

Last, and several other speakers have touched on this, we need to rethink the whole flood insurance program. Whether you are from Florida, Georgia, Alabama, Mississippi, any coastal State, we don't need people who have invested their life savings in their houses getting abused by their insurance company. And let me tell you, it is happening every day.

Senator TRENT LOTT, one of the most powerful men in the Senate, feels like the only way he is going to get justice out of his insurer is to sue them.

Federal Judge Lou Guirola had to drop hearing cases, like Senator LOTT, so that he could sue his insurance company.

Now, when U.S. Senators and Federal judges feel like the only way they are going to get justice is to go to court themselves, what is it like for the grandmas and grandpas out there? What kind of fair shake are they going to get? And the answer is they are not getting one.

So if the private sector is not going to do it fairly, if they are not going to do it right, then maybe we need to expand the National Flood Insurance Program and call it the National Hurricane Insurance Program. Because let me tell you what I think is going to happen. We spend a lot of money to send the hurricane hunters out there for the Air Force, a lot of money to tell us where these storms are going to hit and when. We have satellites up in space to tell us about these storms. Why do we do that? So that people will get the heck out of there before a storm hits.

Based on what has happened, based on the tens of thousands of southern Mississippians who have been denied legitimate claims for their wind coverage, I am convinced in the next hurricane people are going to die needlessly because they stay behind in their home with a camcorder so they can prove to the insurance adjuster whether it is wind or water. That is wrong. It is completely contrary to why we fund the hurricane hunters; it is completely contrary to why we put those satellites in space. A person should not have to die on his property to get justice from his insurance company. And although there is no Federal regulation of the insurance industry, maybe the abuses that took place after Katrina will cause some of my colleagues to rethink this.

So, again, the bill takes some very important steps on allowing people to purchase more flood insurance, to purchase more contents insurance. It is taking the right step on getting the flood maps much more accurate, not so much for the guys who have lived there for 20 or 30 years, but for all the new folks who are moving to the coast who need to know if their property has a propensity to flood.

So I am grateful for what has been done. I have offered some observations of what needs to be done.

Mr. OXLEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Chairman, I rise to support H.R. 4973, the Flood Insurance Reform and Modernization Act, before us today.

The National Flood Insurance Program is a valuable tool in addressing the losses incurred throughout this country due to floods. It assures that businesses and families have access to affordable flood insurance that would not be available on the open market.

Prior to the passage of the National Flood Insurance Act in 1968, insurance companies generally did not offer coverage for flood disaster because of the high risk involved. Today more than 20,000 communities participate in the National Flood Insurance Program. More than 90 insurance companies sell and service flood service insurance. There are more than four million policies covering the total of $800 billion.

The National Flood Insurance Program provides Federal flood insurance for properties located in flood-prone areas where the community has voluntarily agreed to institute floodplain management and land use control measures that minimize the risk of flooding and mitigate potential flood damage. The program is intended to provide a more cost-efficient alternative to costly Federal disaster assistance by encouraging communities to take preventive measures to reduce flood losses and providing affordable flood insurance that would not otherwise be commercially available.

Last year's hurricane season resulted in significant strains on the NFIP. The claims resulting from the losses from these catastrophic hurricanes is unprecedented in the history of the program.

Since the NFIP's inception in 1968, the program paid out $15 billion in claims. In contrast, claims for Hurricanes Katrina and Rita alone are expected to exceed $25 billion. This far surpasses claims paid by the entire history of the NFIP.

In the past, when losses exceeded premiums, the NFIP had been allowed to borrow from the U.S. Treasury to repay claims. Such loans have traditionally been paid back rather quickly with interest.

The bill before us today increases the amount that FEMA may borrow from the U.S. Treasury to $25 billion to cover the expenses incurred by the National Flood Insurance Program, NFIP, during the last year's hurricane season.

As CBO has stated, the funds borrowed from Treasury so far exceed the program's income from premiums and fees they will likely never be repaid. As such, this bill proposes a number of reforms to the program to ensure that it is actuarially sound in the future.

When we debated this in committee, some individuals made proposals; and for the best of reasons, they said we should look at a 100-year traditional floodplain, and anybody within a 100-year traditional floodplain should be required to pay for insurance.

The problem that many of us have who represent districts who have mitigated 100-year floodplains is that all of our people who are not at risk would be required to basically boost the program by increased premiums by them participating in it also.

And when Federal dollars, State, and local have been spent to mitigate 100-year floodplains, many of us thought that that was unreasonable. In fact, the 100-year floodplain would have impacted a large portion of L.A. County that I represent. Anything near the L.A. River would have been included, and most of Orange County would also because the Prado Dam mitigates that.

There was another proposal made with the best of heart and the best of concern for the people of this country. That said, let's look at a historical 500-year floodplain. The problem we had with that is there is no evidence available and then there is no information available either that we can dictate and determine how much a 500-year floodplain might be.

If we had taken a 500-year historical floodplain, it would have included all of L.A., most of L.A. County, and most of Orange County and any other city in this country that is next to a river or near the coast.

I offered an amendment and it was supported by the committee that said let's do a GAO study to determine if we need to expand the program, how it should be done, how it should be implemented. I think it is a reasonable approach, rather than us just making a knee-jerk reaction to a severe problem. And it is a problem we have to address. I am not saying we don't. But to tax people who are not impacted or not at risk of flood to boost the program, I think, is unreasonable. It would have impacted many of our districts that don't live in areas of high risk. And I do understand the need that we need to protect those who are within the program. We need to make the program actuarially sound. And I am pleased with the language in this bill that is included here, and it expands the coverage of the program. And I urge my colleagues to reject any amendment

that would further expand it without GAO studies.

Mrs. MCCARTHY. Mr. Chairman, H.R. 4973 is necessary but not sufficient.

It is necessary because the hurricanes and flooding in 2004 and 2005 have shown that the present flood insurance programs must be reformed.

It is not sufficient because those same hurricanes, especially Hurricane Katrina, convinced me that flood insurance alone will not protect the millions of Americans who now live in harm's way along our Nation's coasts and rivers.

I had the privilege of visiting the Gulf Coast earlier this year. I saw the devastating impact of wind and water on homes, on businesses, and on lives. I also heard the horror stories from people who were told that the damage to their lives was caused by water and not wind. In these cases, neither flood insurance nor homeowner's insurance protected them. Others indicated that officials told them they didn't need flood insurance because they were not in a danger zone.

It is time for Congress to go beyond the traditional approach of distinguishing between flood and wind damage. We have to develop a comprehensive natural disaster program that will protect homes from hurricanes, earthquakes, volcanoes, and other natural disasters that one day will affect 49 of our 50 states.

Insurance companies know that a disaster can occur. Some companies already are refusing to insure homes on Long Island and in other communities where a ''big one'' is overdue. The hurricane of 1938—the so-called Long Island Express—killed 600 to 700 people, destroyed 75,000 buildings and caused $300 million in damage. At that time, Long Island was the home to 600,000 people. Today, 2.8 million live there. A category 4 hurricane could cause $100 billion in insured damage alone.

Earlier this year, the gentleman from New York (Mr. ISRAEL) and I asked the Financial Services Committee to conduct hearings as soon as possible on the disaster insurance bills before the Committee. Our letter stated that ''We believe that Congress needs to pass a strong reinsurance program. Natural disasters can occur in any region at any time. Since the insurance industry appears unable or unwilling to provide protection for our constituents, then it is time for Congress to act swiftly and positively.''

The initial response indicated that we should wait until after the GAO completes its study of natural disaster insurance needs later this year. Fortunately, the real facts of Katrina, a number of extensive newspaper investigations, and the airing of several ''what if' programs on cable TV are opening eyes even here. The Housing Subcommittee is holding its second hearing tomorrow (June 28) on natural disaster insurance needs. This one will focus on ''The Housing Market and Natural Catastrophes.''

I am convinced that this country needs an insurance program that will cover all natural disaster risks. If properly crafted, this program, will reduce the amount of emergency funds that Congress will have to provide after the next emergency, whether it occurs in the Northeast, Midwest, West Coast, Southeast, or Gulf Coast regions.

I want to encourage the administration, all financial services companies, state and local officials, and this body to work together and to develop a comprehensive and responsible natural disaster insurance program. The policy should be priced according to the risks of that state; it should cover all major natural disasters. It must be mandatory and cover both homes and businesses. States need to update and enforce building codes and to require mitigation both before and after a natural disaster. Finally, the federal program would be a backup for private reinsurance. These are the goals that I will pursue.

The House should pass HR 4973 today. Then, we must turn our attention to the larger disaster insurance issue. The American people cannot afford to add another $20 billion or $50 billion or $100 billion natural disaster relief program to the deficit, not when a fiscally sound alternative may be within reach. Tomorrow may be too late.

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

Mr. OXLEY. Mr. Chairman, we have no further speakers. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 4973

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Flood Insurance Reform and Modernization Act of 2006''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Study regarding status of pre-FIRM properties and mandatory purchase requirement for natural 100-year floodplain and non-Federally related loans.
Sec. 4. Phase-in of actuarial rates for non-residential properties and non-primary residences.
Sec. 5. Reduction of waiting period for effective date of policies.
Sec. 6. Enforcement.
Sec. 7. Maximum coverage limits.
Sec. 8. Coverage for additional living expenses, basement improvements, business interruption, and replacement cost of contents.
Sec. 9. Increase in annual limitation on premium increases.
Sec. 10. Increase in borrowing authority.
Sec. 11. FEMA participation in State disaster claims mediation programs.
Sec. 12. FEMA reports on financial status of insurance program.
Sec. 13. Extension of pilot program for mitigation of severe repetitive loss properties.
Sec. 14. Notice of availability of flood insurance and escrow in RESPA good faith estimate.
Sec. 15. Reiteration of FEMA responsibilities under 2004 Reform Act.
Sec. 16. Updating of flood maps and elevation standards.
Sec. 17. National levee inventory.
Sec. 18. Clarification of replacement cost provisions, forms, and policy language.
Sec. 19. Authorization of additional FEMA staff.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) flooding has been shown to occur in all 50 States;

(2) the aggregate amount of the flood insurance claims resulting from Hurricane Katrina, Hurricane Rita, and other recent events has exceeded the aggregate amount of all claims previously paid in the history of the national flood insurance program, requiring a significant increase in the program's borrowing authority;

(3) flood insurance policyholders have a legitimate expectation that they will receive fair and timely compensation for losses covered under their policies;

(4) substantial flooding has occurred, and will likely occur again, outside the areas designated by the Federal Emergency Management Agency as flood hazard areas;

(5) properties located in low- to moderate-risk areas are eligible to purchase flood insurance policies with premiums as low as $112 a year;

(6) about 450,000 vacation homes, second homes, and commercial properties are subsidized and are not paying actuarially sound rates for flood insurance;

(7) phasing out subsidies currently extended to vacation homes, second homes, and commercial properties would result in estimated average savings to the taxpayers of the United States and the national flood insurance program of $335,000,000 each year;

(8) the maximum coverage limits for flood insurance policies should be increased to reflect inflation and the increased cost of housing;

(9) significant reforms to the national flood insurance program required in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 have yet to be implemented; and

(10) in addition to reforms required in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004, the national flood insurance program requires a modernized and updated administrative model to ensure that the program is solvent and the people of the United States have continued access to flood insurance.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect the integrity of the national flood insurance program by fully funding existing legal obligations expected by existing policyholders who have paid policy premiums in return for flood insurance coverage;

(2) to increase incentives for homeowners and communities to participate in the national flood insurance program and to improve oversight to ensure full participation in the program for owners of properties for which such participation is mandatory; and

(3) to increase awareness of homeowners of flood risks and improve the quality of information regarding such risks provided to homeowners.

SEC. 3. STUDY REGARDING STATUS OF PRE-FIRM PROPERTIES AND MANDATORY PURCHASE REQUIREMENT FOR NATURAL 100-YEAR FLOODPLAIN AND NON-FEDERALLY RELATED LOANS.

(a) IN GENERAL.—The Comptroller General shall conduct a study as follows:

(1) PRE-FIRM PROPERTIES.—The study shall determine the status of the the national flood insurance program, as of the date of the enactment of this Act, with respect to the provision of flood insurance coverage for pre-FIRM properties (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note)), which shall include determinations of—

(A) the number of pre-FIRM properties for which coverage is provided and the extent of such coverage;

(B) the cost of providing coverage for such pre-FIRM properties to the national flood insurance program;

(C) the anticipated rate at which such pre-FIRM properties will cease to be covered under the program; and

(D) the effects that implementation of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 will have on the national flood insurance program generally and on coverage of pre-FIRM properties under the program.

(2) MANDATORY PURCHASE REQUIREMENT FOR NATURAL 100-YEAR FLOODPLAIN.—The study shall assess the impact, effectiveness, and feasibility of amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to properties located in any area that would be designated as an area having special flood hazards but for the existence of a structural flood protection system, and shall determine—

(A) the regulatory, financial and economic impacts of extending such mandatory purchase requirements on the costs of homeownership, the actuarial soundness of the national flood insurance program, the Federal Emergency Management Agency, local communities, insurance companies, and local land use;

(B) the effectiveness of extending such mandatory purchase requirements in protecting homeowners from financial loss and in protecting the financial soundness of the national flood insurance program; and

(C) any impact on lenders of complying with or enforcing such extended mandatory requirements.

(3) MANDATORY PURCHASE REQUIREMENT FOR NON-FEDERALLY RELATED LOANS.—The study shall assess the impact, effectiveness, and feasibility of, and basis under the Constitution of the United States for, amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to any property that is located in any area having special flood hazards and which secures the repayment of a loan that is not described in paragraph (1), (2), or (3) of section 102(b) of such Act, and shall determine how best to administer and enforce such a requirement, taking into consideration other insurance purchase requirements under Federal and State law.

(b) REPORT.—The Comptroller General shall submit a report to the Congress regarding the results and conclusions of the study under this subsection not later than the expiration of the 6-month period beginning on the date of the enactment of this Act.

SEC. 4. PHASE-IN OF ACTUARIAL RATES FOR NONRESIDENTIAL PROPERTIES AND NON-PRIMARY RESIDENCES.

(a) IN GENERAL.—Section 1308(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(c)) is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

''(2) NONRESIDENTIAL PROPERTIES.—Any nonresidential property.

''(3) NON-PRIMARY RESIDENCES.—Any residential property that is not the primary residence of an individual.''.

(b) TECHNICAL AMENDMENTS.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''Subject only to the limitations provided under paragraphs (1) and (2), the'' and inserting ''The''; and

(B) in paragraph (1), by striking '', except'' and all that follows through ''subsection (e)''; and

(2) in subsection (e), by striking ''paragraph (2) or (3)'' and inserting ''paragraph (4)''.

(c) EFFECTIVE DATE AND TRANSITION.—

(1) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply beginning on the publication by the Director of the Federal Emergency Management Agency of the certification under section 16(b)(2), except as provided in paragraph (2) of this subsection.

(2) TRANSITION.—In the case of any property described in paragraph (2) or (3) of section 1308(c) of the National Flood Insurance Act of 1968, as amended by subsection (a) of this section, that, on the date of the enactment of this Act, is covered under a policy for flood insurance made available under the national flood insurance program for which the chargeable premium rates are less than the applicable estimated risk premium rate under section 1307(a)(1) for the area in which the property is located, the Director of the Federal Emergency Management Agency shall increase the chargeable premium rates for such property over time to such applicable estimated risk premium rate under section 1307(a)(1). Such increase shall be made by increasing the chargeable premium rates for the property (after application of any increase in the premium rates otherwise applicable to such property) by 15 percent (or such lesser amount as may be necessary so that the chargeable rate does not exceed such applicable estimated risk premium rate) once during the 12-month period that begins upon the date of the enactment of this Act and once every 12 months thereafter until such increase is accomplished. The provisions of paragraphs (2) and (3) of such section 1308(c) shall apply to such a property upon the accomplishment of such increase and thereafter.

SEC. 5. REDUCTION OF WAITING PERIOD FOR EFFECTIVE DATE OF POLICIES.

Section 1306(c)(1) is amended by striking ''30-day'' and inserting ''15-day''.

SEC. 6. ENFORCEMENT.

Section 102(f) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)) is amended—

(1) in paragraph (5)—

(A) in the first sentence, by striking ''$350'' and inserting ''$2,000''; and

(B) in the last sentence, by striking ''$100,000'' and inserting ''$1,000,000''; and

(2) in paragraph (6), by adding after the period at the end the following: ''No penalty may be imposed under this subsection on a regulated lending institution or enterprise that has made a good faith effort to comply with the requirements of the provisions referred to in paragraph (2) or for any non-material violation of such requirements.''.

SEC. 7. MAXIMUM COVERAGE LIMITS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2), by striking ''$250,000'' and inserting ''$335,000'';

(2) in paragraph (3), by striking ''$100,000'' and inserting ''$135,000''; and

(3) in paragraph (4), by striking ''$500,000'' each place such term appears and inserting ''$670,000''.

SEC. 8. COVERAGE FOR ADDITIONAL LIVING EXPENSES, BASEMENT IMPROVEMENTS, BUSINESS INTERRUPTION, AND REPLACEMENT COST OF CONTENTS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5)—

(A) by inserting ''pursuant to paragraph (2), (3), or (4)'' after ''any flood insurance coverage''; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(6) in the case of any residential property, each renewal or new contract for flood insurance coverage shall provide not less than $1,000 aggregate liability per dwelling unit for any necessary increases in living expenses incurred by the insured when losses from a flood make the residence unfit to live in, which coverage shall be available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1);

''(7) in the case of any residential property, optional coverage for additional living expenses described in paragraph (6) shall be made available to every insured upon renewal and every applicant in excess of the limits provided in paragraph (6) in such amounts and at such rates as the Director shall establish, except that such chargeable rates shall not be less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1);

''(8) in the case of any residential property, optional coverage for losses, resulting from floods, to improvements and personal property located in basements, crawl spaces, and other enclosed areas under buildings that are not covered by primary flood insurance coverage under this title, shall be made available to every insured upon renewal and every applicant, except that such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1);

''(9) in the case of any commercial property, optional coverage for losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from a flood shall be made available to every insured upon renewal and every applicant, except that—

''(A) for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood not occurred; and

''(B) such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1); and

''(10) in the case of any residential property and any commercial property, optional coverage for the full replacement costs of any contents related to the structure that exceed the limits of coverage otherwise provided in this subsection shall be made available to every insured upon renewal and every applicant, except that such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1).''.

SEC. 9. INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.

Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended by striking ''10 percent'' and inserting ''15 percent''.

SEC. 10. INCREASE IN BORROWING AUTHORITY.

(a) BORROWING AUTHORITY.—The first sentence of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)), as amended by the National Flood Insurance Program Further Enhanced Borrowing Authority Act of 2005 (Public Law 109–106; 119 Stat. 2288), is amended by striking ''$18,500,000,000'' and inserting ''$25,000,000,000''.

(b) FEMA REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to the Congress setting forth a plan for repaying any amounts borrowed pursuant to increase in borrowing authority authorized under the amendments made by subsection (a).

SEC. 11. FEMA PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

The National Flood Insurance Act of 1968 is amended by inserting after section 1313 (42 U.S.C. 4020) the following new section:

''SEC. 1314. FEMA PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

''(a) REQUIREMENT TO PARTICIPATE.—In the case of the occurrence of a natural catastrophe that may result in flood damage claims under the national flood insurance program, upon a request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Director in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a natural catastrophe, the Director shall cause appropriate representatives of national flood insurance program to participate in such State program to expedite settlement of any flood damage claims under the national flood insurance program resulting from such catastrophe.

''(b) EXTENT OF PARTICIPATION.—Participation by representatives of the Director required under subsection (a) with respect to flood damage claims resulting from a natural catastrophe shall include—

''(1) providing adjusters certified for purposes of the national flood insurance program who are authorized to settle claims against such program resulting from such catastrophe in amounts up to the limits of policies under such program;

''(2) requiring such adjusters to attend State-sponsored mediation meetings regarding flood insurance claims resulting from such catastrophe at times and places as may be arranged by the State;

''(3) participating in good-faith negotiations toward the settlement of such claims with policyholders of coverage made available under the national flood insurance program; and

''(4) finalizing the settlement of such claims on behalf of the national flood insurance program with such policyholders.

''(c) COORDINATION.—Adjusters representing the national flood insurance program who participate pursuant to subsection (b)(1) in a State-sponsored mediation program with respect to a natural catastrophe shall at all times coordinate their activities with insurance officials of the State and representatives of insurers for the purpose of consolidating and expediting the settlement of claims under the national flood insurance program resulting from such catastrophe at the earliest possible time.''.

SEC. 12. FEMA REPORTS ON FINANCIAL STATUS OF INSURANCE PROGRAM.

Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027) is amended—

(1) in the section heading, by striking ''**REPORT TO THE PRESIDENT**'' and inserting ''**REPORTS**'';

(2) in subsection (a), by striking ''IN GENERAL'' and inserting ''BIENNIAL REPORT TO PRESIDENT''; and

(3) by adding at the end the following new subsection:

''(c) SEMIANNUAL REPORTS TO CONGRESS ON FINANCIAL STATUS.—Not later than June 30 and December 31 of each year, the Director shall submit a report to the Congress regarding the financial status of the national flood insurance program under this title. Each such report shall describe the financial status of the National Flood Insurance Fund and current and projected levels of claims, premium receipts, expenses, and borrowing under the program.''.

SEC. 13. EXTENSION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

Section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a) is amended as follows:

(1) FUNDING.—In subsection (k)(1), by striking ''and 2009'' and inserting ''2009, 2010, and 2011''.

(2) TERMINATION.—In subsection (l), by striking ''September 30, 2009'' and inserting ''September 30, 2011''.

SEC. 14. NOTICE OF AVAILABILITY OF FLOOD INSURANCE AND ESCROW IN RESPA GOOD FAITH ESTIMATE.

Subsection (c) of section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(c)) is amended by adding at the end the following new sentence: ''Each such good faith estimate shall include the following conspicuous statements: (1) that flood insurance coverage for residential real estate is generally available under the National Flood Insurance Program whether or not the real estate is located in an area having special flood hazards and that, to obtain such coverage, a home owner or purchaser should contact a property insurance agent, broker, or company; and (2) that the escrowing of flood insurance payments is required for many loans under section 102(d) of the Flood Disaster Protection Act of 1973, and may be a convenient and available option with respect to other loans.''.

SEC. 15. REITERATION OF FEMA RESPONSIBILITIES UNDER 2004 REFORM ACT.

(a) APPEALS PROCESS.—As directed in section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note), the Director of the Federal Emergency Management Agency is again directed to, not later than 90 days after the date of the enactment of this Act, establish an appeals process through which holders of a flood insurance policy may appeal the decisions, with respect to claims, proofs of loss, and loss estimates relating to such flood insurance policy as required by such section.

(b) MINIMUM TRAINING AND EDUCATION REQUIREMENTS.—The Director of the Federal Emergency Management Agency is directed to continue to work with the insurance industry, State insurance regulators, and other interested parties to implement the minimum training and education standards for all insurance agents who sell flood insurance policies that were established by the Director under the notice published September 1, 2005 (70 Fed. Reg. 52117) pursuant to section 207 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).

(c) REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to the Congress describing the implementation of each provision of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264) and identifying each regulation, order, notice, and other material issued by the Director in implementing each such provision.

SEC. 16. UPDATING OF FLOOD MAPS AND ELEVATION STANDARDS.

(a) FLOOD MAPPING PROGRAM.—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following new subsection:

''(k) PROGRAM TO REVIEW, UPDATE, AND MAINTAIN FLOOD INSURANCE PROGRAM MAPS.—

''(1) IN GENERAL.—The Director, in coordination with the Technical Mapping Advisory Council established pursuant to section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) and section 16(c) of the Flood Insurance Reform and Modernization Act of 2006, shall establish a program under which the Director shall review, update, and maintain national flood insurance program rate maps in accordance with this subsection.

''(2) INCLUSIONS.—

''(A) COVERED AREAS.—Each map updated under this subsection shall include a depiction of—

''(i) the 500-year floodplain;

''(ii) areas that could be inundated as a result of the failure of a levee, as determined by the Director; and

''(iii) areas that could be inundated as a result of the failure of a dam, as identified under the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

''(B) OTHER INCLUSIONS.—In updating maps under this subsection, the Director may include—

''(i) any relevant information on coastal inundation from—

''(I) an applicable inundation map of the Corps of Engineers; and

''(II) data of the National Oceanic and Atmospheric Administration relating to storm surge modeling;

''(ii) any relevant information of the Geographical Service on stream flows, watershed characteristics, and topography that is useful in the identification of flood hazard areas, as determined by the Director; and

''(iii) a description of any hazard that might impact flooding, including, as determined by the Director—

''(I) land subsidence and coastal erosion areas;

''(II) sediment flow areas;

''(III) mud flow areas;

''(IV) ice jam areas; and

''(V) areas on coasts and inland that are subject to the failure of structural protective works, such as levees, dams, and floodwalls.

''(3) STANDARDS.—In updating and maintaining maps under this subsection, the Director shall establish standards to—

''(A) ensure that maps are adequate for—

''(i) flood risk determinations; and

''(ii) use by State and local governments in managing development to reduce the risk of flooding; and

''(B) facilitate the Director, in conjunction with State and local governments, to identify and use consistent methods of data collection and analysis in developing maps for communities with similar flood risks, as determined by the Director.

''(4) HURRICANES KATRINA AND RITA MAPPING PRIORITY.—In updating and maintaining maps under this subsection, the Director shall—

''(A) give priority to the updating and maintenance of maps of coastal areas affected by Hurricane Katrina or Hurricane Rita to provide guidance with respect to hurricane recovery efforts; and

''(B) use the process of updating and maintaining maps under subparagraph (A) as a model for updating and maintaining other maps.

''(5) ANNUAL REPORT.—Not later than June 30 of each year, the Director shall submit a report to the Congress describing, for the preceding 12-month period, the activities of the Director under the program under this section and the reviews and updates of flood insurance program rate maps conducted under the program. Each such annual report shall contain the most recent report of the Technical Mapping Advisory Council pursuant to section 576(c)(3) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note).

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director to carry out this subsection $300,000,000 for each of fiscal years 2007 through 2012.''.

(b) REVIEW AND UPDATING OF ALL FLOOD ZONES AND ANNUAL MAP MODERNIZATION REPORTS.—

(1) REQUIRED REVISION.—In carrying out the program under subsection (k) of section 1360 of the National Flood Insurance Act of 1968 (as added by subsection (a) of this section), the Director of the Federal Emergency Management Agency shall, as soon as possible after the date of the enactment of this Act, conduct a review of all floodplain areas and flood-risk zones identified, delineated, or established pursuant to such section 1360 and shall revise and update all such areas and zones.

(2) CERTIFICATION OF COMPLETION.—Upon completing the review, revision, and updating required under paragraph (1), the Director shall submit to the Congress a report certifying such completion.

(3) ANNUAL REPORTS.—During the period that ends upon certification under paragraph (2) of this subsection by the Director, the Director shall include in the annual report required under section 1360(k)(5) of the National Flood Insurance Act of 1968 (as added by subsection (a) of this section) a description of the extent to which the review and updating required under paragraph (1) of this subsection has been completed.

(c) REESTABLISHMENT OF TECHNICAL MAPPING ADVISORY COUNCIL.—

(1) REESTABLISHMENT.—There is reestablished the Technical Mapping Advisory Council, in accordance with this subsection and section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note).

(2) MEMBERSHIP.—Paragraph (1) of section 576(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended—

(A) by redesignating subparagraphs (E), (F), (G), (H), (I), and (J) as subparagraphs (F), (G), (H), (K), (M), and (N), respectively;

(B) by inserting after subparagraph (D) the following new subparagraph:

''(E) a representative of the Corps of Engineers of the United States Army;'';

(C) by inserting after subparagraph (H) (as so redesignated by subparagraph (A) of this paragraph) the following new subparagraphs:

''(I) a representative of local or regional flood and stormwater agencies;

''(J) a representative of State geographic information coordinators;''; and

(D) by inserting after subparagraph (K) (as so redesignated by subparagraph (A) of this paragraph) the following new subparagraph:

''(L) a representative of flood insurance servicing companies;''.

(3) APPOINTMENT.—The Director of the Federal Emergency Management Agency, or the Director's designee, shall take action as soon as possible after the date of the enactment of this Act to appoint the members of the Technical Mapping Advisory Council pursuant to section 576(b)(1) of the National Flood Insurance Reform Act of 1994, as amended by paragraph (2) of this subsection.

(4) DUTIES.—Subsection (c) of section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended to read as follows:

''(c) DUTIES.—The Council shall—

''(1) make recommendations to the Director for improvements to the flood map modernization program under section 1360(k) of the National Flood Insurance Act of 1968 (42 U.S.C. 41010(k));

''(2) make recommendations to the Director for maintaining a modernized inventory of flood hazard maps and information; and

''(3) submit an annual report to the Director that contains a description of the activities and recommendations of the Council.''.

(5) TERMINATION.—Subsection (k) of section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended by striking ''under subsection (b)(1)'' and inserting ''pursuant to subsection (b)(1) of this section and section 16(c)(3) of the Flood Insurance Reform and Modernization Act of 2006''.

(d) POST-DISASTER FLOOD ELEVATION DETERMINATIONS.—Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended by adding at the end the following new subsection:

''(h) EXPEDITED COMMUNITY ADOPTION OF POST-DISASTER ADVISORY FLOOD ELEVATIONS.—If the Director determines that it is appropriate to examine flood elevation determinations after flood-related disasters, to incorporate data gathered since the publication of an effective flood insurance rate map or other flood hazard map and to issue advisory flood elevations, the Director shall expedite the notification and publication procedures in this section. The Director shall require community adoption of the advisory flood elevation information under such expedited procedures for the purposes of local land use and control measures and for the purposes of facilitating flood-resistant reconstruction when Federal funds are made available. Expediting the notification and publication procedures shall be accomplished to preserve all rights to submit information and to appeal the Director's findings.''.

SEC. 17. NATIONAL LEVEE INVENTORY.

To identify levees for the national flood insurance program, the Director of the Federal Emergency Management Agency shall maintain and periodically publish an inventory of levees in the United States, and shall consult with the Secretary of the Army as necessary to maintain such inventory.

SEC. 18. CLARIFICATION OF REPLACEMENT COST PROVISIONS, FORMS, AND POLICY LANGUAGE.

Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall—

(1) issue regulations, and revise any materials made available by such Agency, to clarify the applicability of replacement cost coverage under the national flood insurance program;

(2) revise any regulations, forms, notices, guidance, and publications relating to the full cost of repair or replacement under the replacement cost coverage to more clearly describe such coverage to flood insurance policyholders and information to be provided by such policyholders relating to such coverage, and to avoid providing misleading information to such policyholders; and

(3) revise the language in standard flood insurance policies under such program regarding rating and coverage descriptions in a manner that is consistent with language used widely in other homeowners and property and casualty insurance policies, including such language regarding classification of buildings, basements, crawl spaces, detached garages, enclosures below elevated buildings, and replacement costs.

SEC. 19. AUTHORIZATION OF ADDITIONAL FEMA STAFF.

Notwithstanding any other provision of law, the Director of the Federal Emergency Management Agency may employ such additional staff of such Agency as may be necessary to carry out all of the responsibilities of the Director pursuant to this Act and the amendments made by this Act. There are authorized to be appropriated to Director such sums as may be necessary for costs of employing such additional staff.

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109–530. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OXLEY

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109–530.

Mr. OXLEY. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OXLEY:

Page 9, strike lines 9 and 10 and insert ''the submission to the Congress, by the Director of the Federal Emergency Management Agency, of the report required under''.

Page 9, line 17, strike ''date of the enactment of this Act'' and insert ''effective date under paragraph (1) of this subsection''.

Page 10, line 10, strike ''date of the enactment of this Act'' and insert ''effective date under paragraph (1) of this subsection''.

Page 10, line 18, after ''Section 1306(c)(1)'' insert ''of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(1))''.

Page 11, line 2, after ''$1,000,000'' (and before the close quotation marks) insert the following: ''; except that such limitation shall not apply to a regulated lending institution or enterprise for a calendar year if, in any three (or more) of the five calendar years immediately preceding such calendar year, the total amount of penalties assessed under this subsection against such lending institution or enterprise was $1,000,000''.

Strike line 20 on page 15 and all that follows through line 8 on page 16 and insert the following:

''(a) REQUIREMENT TO PARTICIPATE.—In the case of the occurrence of a natural catastrophe that may have resulted in flood damage covered by insurance made available under the National Flood Insurance Program and a loss covered by personal lines residential property insurance policy, upon request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Director in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a natural catastrophe, the Director shall cause such representatives to participate in such State program, when claims under the national flood insurance program are involved, to expedite settlement of flood damage claims resulting from such catastrophe.''.

Page 17 lines 4 through 6, strike ''Adjusters representing the national flood insurance program who participate pursuant to subsection (b)(1)'' and insert ''Representatives of the Director who participate pursuant to this section''.

Page 17, line 12, strike the quotation marks and the last period.

Page 17, after line 12 insert the following:

''(d) MEDIATION PROCEEDINGS AND PRIVILEGED DOCUMENTS.—As a condition of the participation of Representatives of the Director pursuant to this section in State-sponsored mediation, all statements made and documents produced pursuant to such mediation involving representatives of the Director shall be deemed privileged and confidential settlement negotiations made in anticipation of litigation.

''(e) EFFECT OF PARTICIPATION ON LIABILITY, RIGHT, AND OBLIGATIONS.—Participation of Representatives of the Director pursuant to this section in State-sponsored mediation shall not affect or expand the liability of any party in contract or in tort, nor shall it affect the rights or obligations of the parties as provided in the Standard Flood Insurance Policy under the national flood insurance program, regulations of the Federal Emergency Management Agency, this Act, or Federal common law.

''(f) EXCLUSIVE FEDERAL JURISDICTION.—Participation of Representatives of the Director pursuant to this section in State-sponsored mediation shall not alter, change or modify the original exclusive jurisdiction of United States courts as provided in this Act.

''(g) COST LIMITATION.—Nothing in this section shall be construed to require the Director or representatives of the Director to pay additional mediation fees relating to flood claims associated with a State-sponsored mediation program in which representatives of the Director participate.

''(h) EXCEPTION.—In the case of the occurrence of a natural catastrophe that results in flood damage claims under the national flood insurance program and does not result in any loss covered by a personal lines residential property insurance policy—

''(1) this section shall not apply; and

''(2) the provisions of the Standard Flood Insurance Policy under the national flood insurance program and the appeals process established pursuant to section 205 of the Bunning-Bereueter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264; 118 Stat. 726) and regulations issued pursuant to such section shall apply exclusively.

''(i) REPRESENTATIVES OF DIRECTOR.—For purposes of this section, the term 'representatives of the Director' means representatives of the national flood insurance program who participate in the appeals process established pursuant to section 205 of the Bunning-Bereueter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264; 118 Stat. 726) and regulations issued pursuant to such section.''.

Page 15, line 5, strike ''$18,500,000,000'' and insert ''$20,775,000,000''.

Page 24, line 22, before ''REVIEW'' insert ''ONE-TIME''.

Strike line 24 on page 24 and all that follows through line 2 on page 25 and insert the following:

(2) REQUIRED REVISION.—The Director of the

Page 25, line 8, after the period insert the following: ''The revisions and updating under this paragraph shall not be subject to the requirements of section 1360(k) of the National Flood Insurance Act of 1968 (as added by subsection (a) of this section).''.

Strike line 8 on page 28 and all that follows through line 2 on page 29 and insert the following:

(d) POST-DISASTER FLOOD ELEVATION DETERMINATIONS.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(l) INTERIM POST-DISASTER FLOOD ELEVATIONS.—

''(1) AUTHORITY.—Notwithstanding any other provision of this section or section 1363, the Director may, after any flood-related disaster, establish by order interim flood elevation requirements for purposes of the national flood insurance program for any areas affected by such flood-related disaster.

''(2) EFFECTIVENESS.—Such interim elevation requirements for such an area shall take effect immediately upon issuance and may remain in effect until the Director establishes new flood elevations for such area in accordance with section 1363 or the Director provides otherwise.''.

The CHAIRMAN. Pursuant to House Resolution 891, the gentleman from Ohio (Mr. OXLEY) and a Member opposed each will control 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, in the absence of any opposition, I ask unanimous consent to be recognized for the other 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

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

Mr. Chairman, I rise in support of the manager's amendment to H.R. 4973. In addition to making technical changes necessary for the bill, the manager's amendment will clarify the drafter's intent in a handful of areas.

□ 1430

This amendment establishes that the phasing in of actuarial rates for second homes and nonresidential properties will begin once FEMA has certified completion of their map modernization efforts. This is necessary to ensure that subsidies are eliminated fairly and without inaccurate information about which homeowners should be purchasing flood insurance in the first place.

In addition, the amendment provides that the $1 million cap on penalties for nonenforcement of NFIP requirements not apply to regulated entities that have been assessed a penalty of $1 million in any 3 of the past 5 calendar years. This will help ensure that bad actors not get away with ignoring the need for adequate enforcement or mandatory flood insurance purchase requirements.

This amendment more clearly defines FEMA participation in State disaster claims mediation programs and ensures the confidentiality of documents and conversations during the mediation process.

In addition, it clarifies that mediation participation does not interfere with the exclusive Federal jurisdiction enjoyed by the Federal courts over the NFIP and provides that FEMA will not incur any additional fees as a result of mediation participation.

The manager's amendment also more clearly sets out the timeline for FEMA's inclusion of certain features on updated floodplain maps and clarifies the FEMA Director's authority regarding the ability to issue interim postdisaster flood elevation building requirements.

This amendment is a bipartisan effort that makes this bill better and more technically sound. I urge my colleagues to support it.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I concur fully with the gentleman from Ohio.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BURTON OF INDIANA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–530.

Mr. BURTON of Indiana. Mr. Chairman, I rise to discuss my amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BURTON of Indiana:

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.''.

The CHAIRMAN. Pursuant to House Resolution 891, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

Mr. BLUMENAUER. Mr. Chairman, I seek time in opposition to the amendment.

The CHAIRMAN. The gentleman will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BURTON of Indiana. Congressman STARK and I both realized a problem that exists in the redrawing of the floodplain maps across this country. FEMA is in the process of reshooting the maps in several parts of the country, and the only way people who are in the affected areas know about it is, in the classified section of the newspaper, there is some very fine print that says that there is going to be a meeting discussing the elevations of the new floodplains. We had about 3 or 400 people in my district that didn't know anything about this until after the fact.

Now, the problem is, once FEMA has redrawn these maps and they have been approved, the only way a person in a projected floodplain knows about it is if the insurance company contacts him and says you have 45 days to buy insurance or else we will add it to your mortgage payment. We had about 300 people in moderate income areas that were going to be hit with an extra thousand or $2,000 a year for flood insurance when there hadn't been a flood there for 100 or 150 years. In fact, nobody ever heard of having a flood in this area. Yet these people have been adversely affected.

Once these maps have been drawn and approved, the only way a person in a newly affected area can have restitution is to go and spend maybe a thousand or $2,000 hiring a lawyer and then fighting the governmental process, the agency, to prove that they are not in a floodplain.

What my bill does and Mr. STARK's bill does is simply say that FEMA has to send a first-class letter to everybody in the affected area so they know there is going to be a meeting talking about them being in a newly designated floodplain. It will cost maybe 35 to 40 cents a letter, maybe even less than that if they would use bulk mail.

In this particular case, the 300 families in the affected area, it would have cost $120 to notify them that there was a change in their status. There had not been a flood there in anybody's recollection, at least not in 100 or 150 years.

I think this is a very important amendment. It helps people all across the country. I really appreciate the chairman of the committee and the ranking member saying they would approve this amendment. So I thank you very much, Mr. Chairman and Mr. Ranking Member.

I yield to my colleague, Mr. STARK.

Mr. STARK. I thank the distinguished gentleman from Indiana for yielding. I would like to associate myself with his remarks.

In my community, this came to my attention several years back when 3 or 4,000 households in two different cities received notification just 45 days before the insurance bill was due from their mortgage companies and were told that within 45 days they would have to pay between $1,000 and $2,000 in insurance. In both communities, half of the households were excluded, but each household had to go individually, perhaps at a cost of $1,000 to $2,000 a household. That was a million to $2 million without even hiring lawyers or surveyors in my district to relieve themselves from this onerous, unneeded insurance premium. We can send a million letters for less than $400,000 if that became necessary.

It is a question of timely notification. I think it is only fair for us to notify the individual property owners, to give them time to be able to get the surveys and get the information they needed before they have to pay up the first thousand or $2,000 in premium and then later try and escape from under this, if their property is excludable, from the floodplain. I urge the adoption of the amendment.

Mr. Chairman, I want to thank the gentleman from Indiana for yielding and for his work on this issue.

This first came to my attention back in 2000 when flood maps were updated in Alameda County in the 13th Congressional District. Thousands of residents in San Leandro and Fremont found out that they were added to a floodplain by getting a letter from their lender. They had 45 days to select a policy and pay the annual premium or the lender would choose for them and add it to their monthly payment.

There was no explanation of what had suddenly determined them to be in a floodplain and the community appeal window was already closed. Needless to say, the National Flood Insurance Program ranks somewhere just above the IRS in popularity in my district.

Considering the ongoing nationwide map modernization program and the new FEMA requirement to assume houses behind levees require flood insurance unless the levees are certified, this problem will affect almost every congressional district in the country, if it hasn't already.

The logic of the Burton/Stark amendment is simple. Translating flood maps into on-the-ground information about households is already happening, but often only in time to send the first bill for flood insurance.

Our amendment merely changes the timeline to guarantee that property owners will find out earlier in the process when there is still time to get involved and appeal as a community.

In my district, more than half of the households added to the floodplain were later taken out. If they could have done so as a group rather than individually appealing and hiring their own surveyors, it would have saved both time and money, not to mention the reputation of the flood insurance program.

I urge my colleagues to support the Burton/Stark amendment. All our constituents deserve to be kept informed about federal requirements that directly impact their pocketbooks.

I thank the gentleman for yielding.

Mr. BURTON of Indiana. Once again, I want to thank my colleague for being a cosponsor; and I want to thank the chairman for accepting.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I just want to be clear that I support this amendment.

Mr. BURTON of Indiana. Thank you, Mr. FRANK. Thank you, Mr. Chairman.

Mr. FRANK of Massachusetts. If the gentleman would yield further, I would just say that anytime the gentleman from Indiana and the gentleman from California support an amendment, I will be there.

Mr. BURTON of Indiana. Thank you, BARNEY.

Mr. BLUMENAUER. Let me say, I appreciate the intent that is offered by the sponsors of this amendment. I was prepared, however, to argue rather strongly in opposition in terms of the reimbursement mechanism that was involved, but I understand that that has been stripped out and it is now just purely a notification. While I am hopeful that, as this works its way through the process, we can deal with making sure that the notification process doesn't get in the way of trying to move this in an orderly fashion, I am not prepared to demand a rollcall or be cranky about it, because I do think you have adjusted your amendment so that it loses its onerous nature in the way that it was originally filed.

I appreciate the direction you are going and would look forward to working with the gentlemen to make sure that this furthers the public notification but does not bog down the process unnecessarily. As I say, I appreciate the direction that you are going.

Mr. STARK. Mr. Chairman, will the gentleman yield?

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

Mr. STARK. I appreciate his usual tenacity in watch-dogging the Federal dollar.

I would apologize. On our side of the aisle, the whip notice had it incorrect as it came out this morning. The gentleman is correct. It has been corrected. The distinguished gentleman from Indiana has seen that the amendment is limited to the notification, and I think it will assuage concerns.

I thank the gentleman for yielding.

Mr. BLUMENAUER. I personally feel more comfortable about that. I didn't know it when I claimed time in opposition because I had some outdated information. I didn't realize how fast this legislative train was rolling, but I feel better now.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. GARRETT OF NEW JERSEY

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–530.

Mr. GARRETT of New Jersey. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GARRETT of New Jersey:

Page 8, line 4, after ''**PROPERTIES**'' insert ''**, CERTAIN PRE-FIRM PROPERTIES,**''.

Page 8, line 17, strike the quotation marks and the second period.

Page 8, after line 17, insert the following new paragraph:

''(4) RECENTLY PURCHASED PRE-FIRM PROPERTIES.—Any property that—

''(A) has been constructed or substantially improved and for which such construction or improvement was started, as determined by the Director, before December 31, 1974, or before the effective date of the initial rate map published by the Director under paragraph (2) of section 1360 for the area in which such property is located, whichever is later; and

''(B) is purchased after the date of the enactment of the Flood Insurance Reform and Modernization Act of 2006.''.

Page 9, line 14, strike ''or (3)'' and insert '', (3), or (4)''.

Page 10, line 12, strike ''and (3)'' and insert '', (3), and (4)''.

The CHAIRMAN. Pursuant to House Resolution 891, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

Mr. BLUMENAUER. Mr. Chairman, I would claim the time in opposition.

The CHAIRMAN. The gentleman will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, back in 1968, Congress created the National Flood Insurance Program, the NFIP, with the intent of providing homeowners that live in floodplains the opportunity to purchase flood insurance from the Federal Government. At the time, there were little to no opportunities to purchase flood insurance from the private insurance market.

Over the years, some problems have developed in that program, and so I come to the floor of this House today to thank Chairman OXLEY, Chairman BAKER and Ranking Member FRANK for all their hard work in putting together the important piece of legislation that is before this House today to try to address some of those problems that have been experienced in the past and to make sure that we have a national flood program worthy of the constituents at home and the problems that they face.

There were several different solutions to address one of the issues that came up, and that is dealing with homeowners who were in existing pre-FIRM homes and the insurance that they could afford to buy and coming forward with those homes maybe right across the street from them that did not qualify.

In an effort to reach a compromise between the two sides, I am offering today an amendment that is a compromise, a commonsense one, I think, a middle ground, if you will, that would provide additional resources to the flood insurance program in a fair way and not subject current homeowners of pre-FIRM houses to an unanticipated or unplanned increase in their flood insurance premiums.

My amendment would simply require any purchaser of a pre-FIRM residential home to pay a phased-in actuarially correct flood insurance price using the same phase-in structure that nonresidential and nonprimary homes are currently subject to in this system.

In essence, it comes down to this. If someone has a pre-FIRM home and had that home for a period of time and someone across the street came in and purchased that home, that current purchaser would look across the street and say that they are subsidizing the gentleman across the street. We are saying that should not occur indefinitely. That when that pre-FIRM homeowner eventually, whenever that date occurs, sells that home, that property then would phase into the current system, there would no more subsidization of those homes any further, and everyone would be on the same level playing field.

Again, I thank the members of the committee, I thank the chairman as well, for working with us on this program as we brought it up in the committee at that time.

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

Mr. BLUMENAUER. Mr. Chairman, I would yield myself 3 minutes.

Let me say, I appreciate the gentleman's deep interest in making sure that we are moving forward with reform in the flood insurance program and that we are dealing with some of the idiosyncratic ways that there are some folks that never get out of being an exception. With all due respect, that the approach that has been adopted by the committee is one that over the long run is going to be the most advantageous.

I share your concern, but as I have been working with the floodplain managers from the various States around the country, the people on the ground are concerned about the impact that the rapid movement towards dealing with these other subsidized residential properties would have. There is a very real problem because a lot of these properties do change hands frequently, in knowing what the impact is, and that many people would end up not seeking subsidized property, that communities may opt out, all this could end up being counterproductive. Particularly as it relates to the area, and again I referenced in my opening comments being sensitized by Mr. TAYLOR and by Mr. BAKER, about some of the practical realities, particularly for low-income communities. While it seems that this would be a way to phase it in only when the property changes hands, this would have the practical effect of discounting the value overnight to the people who own these properties, many of whom may be low income. So it would depress the price of the homes that they own because the seller would be subjected to the higher premium.

You and I know that in the long run that is a more rational policy for the taxpayer and for the people who hold those policies, but there is a psychology that is at work with some communities and with some owners and it may well be counterproductive.

So, with all due respect, I would suggest that what we ought to be doing is looking for ways to phase it in over time with these communities, that we deal with emphasizing mitigation like we had in the 2004 legislation, because I fear there may be a double whammy, where communities are less interested in participating and that you may be penalizing some of the very low-income property owners in a way that I don't think any of us want.

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So while I sympathize with the approach, while I applaud the committee for advancing the boundaries, this is one area where I would suggest that this, what looks like a simple phase-in, actually may not be a simple phase-in and may have unintended consequences.

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

Mr. GARRETT of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his leadership on this issue. I also want to thank Chairman OXLEY and Chairman BAKER for all of their good work in bringing this bill to the floor, because it addresses a very, very serious challenge that we have.

We all know that Hurricanes Katrina and Rita represented a great physical catastrophe for this generation. I think it is incumbent upon us to make sure that it does not turn into a great fiscal tragedy for the next.

I remember speaking to a factory worker at the Pepsi plant in my district in Mesquite, Texas. He said, Congressman, I want to do everything I can to help those people on the gulf coast, but tell me you are going to do a few things differently so I don't have to do it again.

We know that the National Flood Insurance Program is not actuarially sound. It is not fiscally solvent. Congress is having to bail it out. Yet if you look at the legislative history, since 1981 it was supposed to be fiscally solvent. So the underlying bill takes a

number of steps to start taking us in that direction.

But if we are going to have a National Flood Insurance Program, we should not be subsidizing people and incenting them to live in places that, frankly, put them in harm's way, especially at the taxpayers' expense. If they are going to put themselves in harm's way, that is the decision they need to make, but we should not be a party to incenting them to do it.

So I think that the gentleman from New Jersey, his amendment takes a very, very reasonable small step towards helping make this program a little bit more fiscally solvent, and I think it is fair.

It is one thing to say on the pre-FIRM properties when we were trying to incent people to get into the program, okay, to some extent you are grandfathered. But new people who are coming in, if we are going to save this program for new future generations, I believe we need to take more steps toward fiscal responsibility, and the gentleman from New Jersey, his amendment is a very reasoned amendment that takes us in that direction, and I believe the House should support it.

Mr. BLUMENAUER. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman.

We sometimes get into confusing phrases here. We are talking about pre-FIRM. I know a lot of us are worrying about that stage in life when you are post-FIRM. But here we are talking about an important issue.

I am torn on this. I have been ambivalent. I opposed this amendment in committee. I thought some more about it. Both my friends, both the gentleman from Oregon and the gentleman from New Jersey, make some good points, and I would say this: I expect this amendment will probably get adopted. But I hope we can do this. In general, I think it is a reasonable thing to do, but there are low-income buyers, owners, who, through no fault of their own, they weren't warned, find themselves in this position, and there is the danger that the one small asset they have can get devalued.

Our colleague from Texas, Mr. GREEN, had an amendment that tried to provide some relief on premiums for people in the very low end. I would hope if this amendment were adopted, I would address this to the chairman, the gentleman from Louisiana and others, we might then as a committee take up the question of whether some relief might be appropriate for people who are at the lowest end of the spectrum, people who do own a home, but that is about all they have.

I think this is a case where the general principle is a good one, but a negative impact may be excessive on some people at the lower end. So that would be my hope, we would then, because this is an ongoing process, be able to look at that.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will just conclude by saying to the ranking member the same thing the ranking member said to me in the committee, and that is when we first proposed it, I will be glad to work with you to try to make this amendment an even better amendment.

I appreciate your consideration that there were two ends of the spectrum, one that said we should eliminate this subsidy, if you will, today, and other people have said we should never eliminate it, it should just continue on; and we were just trying to find that proverbial middle ground. Hopefully, we have gotten one step closer to that with this amendment.

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

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

Mr. Chairman, I appreciate what the gentleman is saying. I have spent the last 6 years trying to inject some fiscal responsibility into the program. I have supported the work that the committee has done. But along the way, I have been sensitized to some of the impacts that we don't want to have that are unintended in terms of discouraging participation.

So as you are working with the committee in terms of refining this, I would hope that there would be some sensitivity, if this amendment passes, to the impact on low income.

For instance, one of the unintended consequences may be driving people who are in this circumstance to be seeking financing from sub prime lenders there by avoiding flood insurance, by very expensive financing mechanisms. It ought to go hand in hand with what we do in terms of having more mandatory coverage so there aren't people that are sort of drifting along, and that it doesn't have unintended consequences for having people and communities opt out, or for low-income people, being unduly disadvantaged. I sympathize with what you are saying, and I would be happy to work with you as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. TAYLOR OF MISSISSIPPI

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–530.

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TAYLOR of Mississippi:

At the end of the bill, add the following new section:

SEC. 20. INVESTIGATION OF WRITE-YOUR-OWN INSURERS' ADJUSTMENT OF CLAIMS RELATING TO HURRICANE KATRINA.

(a) INVESTIGATION.—The Inspector General of the Department of Homeland Security shall carry out an investigation of insurers making flood insurance coverage available under the Write-Your-Own program pursuant to section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) and subpart C of part 62 of title 44, Code of Federal Regulations to determine—

(1) whether any such insurers, in adjusting and settling claims resulting from Hurricane Katrina, improperly attributed damages from such hurricane to flooding covered under coverage provided under the national flood insurance program rather than to windstorms covered by other coverage provided by such insurers or by windstorm insurance pools in which such insurers participated; and

(2) the extent to which such improper attribution of damages occurred.

(b) REPORT.—Not later than the expiration of the 6-month period that begins upon the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Congress a report setting forth the conclusions of the investigation pursuant to subsection (a).

The CHAIRMAN. Pursuant to House Resolution 891, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

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

Mr. Chairman, when the National Flood Insurance Program was put together, a couple of steps were taken to minimize the administrative costs of that program. One, under the National Write Your Own Program, allowed the private sector, companies like Allstate, State Farm and Nationwide, to sell this policy, get a fee for selling this policy, but the cost of actually paying the claims would be borne by the Federal Government. There is really nothing wrong with that. The problem came in when at the same time they allowed the same companies to adjudicate the claim in the aftermath of the storm.

The example I used earlier is that you have got a young claims adjuster. He is a company man. He works for State Farm; he works for Allstate or Nationwide. He has visions of being promoted to a manager. He has stock in that company. He wants to go far.

He is sent out to what is now a slab that just a few days ago was someone's home. There is nothing there. And he has to determine whether that house was destroyed by wind or by water.

In the case of south Mississippi, the Navy Oceanographic Lab tells us we had 6 to 8 hours of maximum hurricane winds before the water ever got there. In the case of the little town of Bay St. Louis, that meant you had winds for 6 to 8 hours from 100 miles an hour up to 150 miles an hour before the tidal surge came in and destroyed the evidence of what the wind did.

So this claims adjuster, who wants to go far with the company, can decide whether his company is going to pay

that claim through the wind pool, or whether the taxpayers are going to pay through the flood insurance program.

The FBI says that fraud is a crime of opportunity. No matter how well-intended Congress was when they wrote this, they created the opportunity for a heck of a lot of fraud. In fact, I think the biggest fraud that occurred after Hurricane Katrina wasn't people getting an extra FEMA check or two or three extra checks from the Red Cross, although that is deplorable. The biggest fraud occurred at the corporate level where the insurance industry made a corporate decision to, whenever possible, blame flooding every time and stick the taxpayers with bills that they should have paid.

Mr. Chairman, last year the insurance industry reported a $44 billion profit after everything. Last year Federal flood insurance lost $25 billion. That is the reason this bill is on the floor today. I don't think it is a coincidence, because I think what happened was whenever given the opportunity, the insurance industry stuck the taxpayer with bills that they should have paid.

So what I am asking for is for the Inspector General to look into this and hopefully use the Fraudulent Claims Act, which requires treble damages for anyone who submits a false claim to our Nation, in addition to a $5,000 or $10,000 fine every time a false claim is submitted. Because I am convinced that is precisely what happened.

Mr. Chairman, after we are told that that is what happened, I hope this Congress will come back and find a way to where we as a Nation won't just blindly accept the claims of an insurance industry when we pay that bill.

I used the analogy before. If Mr. OXLEY, if Mr. PICKERING, any Member of this body wants to be reimbursed for their trip to the airport, they have got to submit a claims ticket from that taxi driver for the 15 bucks, or they don't get paid.

But in the instance of national flood insurance, these insurance companies submitted claims for $100,000, $200,000, $250,000, and the taxpayer paid it every time without anyone second guessing. That is the opportunity for fraud, and I believe that fraud took place.

So, Mr. Chairman, I don't know of anyone who in their right mind could oppose this, I don't know of anyone who wants to see our tax dollars used unwisely, and I don't know of anyone who wants to see the National Flood Insurance Program defrauded or the subject of fraud.

So, again, it is my understanding that Mr. OXLEY will accept this amendment. I very much appreciate that. I hope that when the Inspector General report comes back 6 months from now that the next Congress will take steps to take away this opportunity for fraud.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I appreciate the gentleman yielding and also say to my friend from Mississippi, congratulations on a well-thought-out amendment. I know the gentleman has had personal issues with this, as well as our good friend, former House Member Senator LOTT; and we have had a number of discussions about the frustration that you and many of your constituents feel.

We think that it is appropriate that the IG conduct that investigation and report back within 6 months, and therefore we are prepared to accept the amendment.

Mr. TAYLOR of Mississippi. Again, Mr. Chairman, I very much thank the gentleman from Ohio, and I thank the gentleman from Massachusetts.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–530.

AMENDMENT NO. 6 OFFERED BY MR. PICKERING

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 109–530.

Mr. PICKERING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. PICKERING:

Page 10, line 16, strike "**REDUCTION OF**".

Page 10, line 18, before "Section" insert "(a) REDUCTION.—".

Page 10, after line 18, insert the following new subsection:

(b) EXCEPTION.—Section 1306(c)(2)(A) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(2)(A)) is amended by inserting before the semicolon the following: "or is in connection with the purchase or other transfer of the property for which the coverage is provided (regardless of whether a loan is involved in the purchase or transfer transaction)".

The CHAIRMAN. Pursuant to House Resolution 891, the gentleman from Mississippi (Mr. PICKERING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

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

Mr. Chairman, my amendment will simply allow the flood insurance coverage to become effective immediately upon the purchase or transfer of real property for which coverage is provided without regard to the financial mechanism used to purchase such property.

In sum, whether you buy using a loan as a mechanism of purchase or if you make a cash purchase of the property, what we discovered after Katrina is that some individuals had purchased a home using full payment, cash, and not using a loan, thinking that they would have the coverage of the flood insurance. They came to discover that unless it was through a loan mechanism, they would not be eligible for that coverage.

So this simply closes the loophole that has been discovered in the aftermath of Katrina, without undoing the congressional intent of protecting against the fraud or the actions of people who just go out to buy coverage when a hurricane or a flood warning comes. It is only with the purchase and the transfer of property that they are able to purchase the flood insurance. But it makes the policy clear, whether you are buying with cash or by loan, you will be able to have the protection that you believe you have a right to and are entitled to and assume that you would have in the event of a disaster.

I want to thank the committee for working with me and my staff as we close this loophole and would ask for their support as we go forward in this amendment. Again, I thank them for their cooperation as we went through the policy.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. PICKERING. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, we are pleased to accept the amendment. I congratulate the gentleman on his foresight. We are prepared to vote in favor of the amendment.

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

The Acting CHAIRMAN (Mr. BONILLA). The question is on the amendment offered by the gentleman from Mississippi (Mr. PICKERING).

The amendment was agreed to.

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AMENDMENT NO. 7 OFFERED BY MS. MATSUI

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 109–530.

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. MATSUI:

Page 23, line 13, strike "and".

Page 23, line 19, strike the final period and insert "; and".

Page 23, after line 19 insert the following:

"(C) ensure that emerging weather forecasting technology is used, where practicable, in flood map evaluations and the identification of potential risk areas.".

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

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

My amendment, Mr. Chairman, simply asks that FEMA utilize emerging weather forecasting technology as they update our national flood maps. Applying such technologies gives us new

ways to solve old problems and address rising challenges. FEMA needs to be prepared to utilize this technology as it becomes more available to us.

This amendment makes sense. It will ensure that FEMA has the highest quality information when it works to determine the level of risk for vulnerable geographies. This language would not impose any additional financial burdens on FEMA.

As a member of the Science Committee, I made it one of my priorities to find ways to integrate emerging technologies into complex policy initiatives.

Mr. Chairman, I ask my colleagues to support my amendment.

Mr. OXLEY. Mr. Chairman, will the gentlewoman yield?

Ms. MATSUI. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, the Chair is prepared to accept the amendment. I want to thank the gentlewoman for her foresight and also for merging this new technology with the ability of FEMA to make better and more accurate mapping.

Ms. MATSUI. Mr. Chairman, reclaiming my time, I thank the gentleman very much for supporting my amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 109–530.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 24, after line 6 insert the following new paragraph:

''(5) EDUCATION PROGRAM.—The Director shall, after each update to a flood insurance program rate map, in consultation with the chief executive officer of each community affected by the update, conduct a program to educate each such community about the update to the flood insurance program rate map and the effects of the update.''.

Page 24, line 7, redesignate paragraph (5) as paragraph (6).

Page 24, line 18, redesignate paragraph (6) as paragraph (7).

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, last year, our Nation was devastated with a series of natural disasters that negatively impacted our economic and social structures. The South especially incurred severe flood damage to their infrastructure and local communities. The floods varied from severe, slow and fast rising but were consistent in destroying people's homes and businesses.

This past hurricane season brought forth a series of catastrophes that devastated southern communities, injuring people's livelihoods and souls. The wave of destruction was insurmountable to none ever experienced.

The amendment that I have, Mr. Chairman, is to amend the Act simply to indicate the responsibility we feel that FEMA has to reach out and educate our communities.

FEMA uses the information produced by the flood insurance studies to prepare a flood insurance rate map that depicts the spatial extent of special flood hazard areas and our thematic features related to flood risk assessment.

The rate map is the basis for floodplain management, mitigation and insurance activities of the insurance program. As a result, flood risks have been assessed at approximately 20,400 communities nationwide.

As it stands, FEMA currently has a regulatory function that calls for communities to implement local outreach. However, no such function exists to mitigate any outreach responsibility on FEMA. Neither the code nor the regulations require FEMA to proactively implement outreach programs to educate local landowners.

In response to this oversight, I offer this amendment that requires FEMA to conduct educational programs to better inform local communities of changes made in the flood insurance map.

Currently, H.R. 4973, the Flood Insurance Reform and Modernization Act of 2006, lacks a mandate that calls for FEMA to implement the initiatives necessary to reach out to local communities and educate property owners who are affected by the map update. Many homeowners do not know about changes in the map. The only thing they know is that, after they have suffered a severe flood, they are not covered.

I think this amendment is a necessary step to ensure that FEMA is made responsible to make the vital information available to everyone who might be a flood victim. I believe that this is a necessary step to protect the lives of innocent people who have no choice but to rely on this congressional body to implement necessary safeguards that protects their well-being.

I urge adoption of this amendment.

Mr. OXLEY. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, we have reviewed the amendment and are prepared to accept it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the gentleman very much.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

Mr. OXLEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. MILLER of Michigan) having assumed the chair, Mr. BONILLA, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes, had come to no resolution thereon.

PERMISSION TO OFFER AMENDMENT NO. 5 OUT OF SEQUENCE DURING FURTHER CONSIDERATION OF H.R. 4973, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that, during further consideration of H.R. 4973 pursuant to H. Res. 891, I may offer amendment No. 5 out of sequence.

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

There was no objection.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 891 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4973.

□ 1511

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes, with Mr. BONILLA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 8 printed in House Report 109–530 offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) had been disposed of.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–530.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. JACKSON-LEE of Texas:

Page 5, line 24, strike ''and''.

Page 6, line 4, strike the period and insert ''; and''.

Page 6, after line 4, insert the following:

(E) the extent to which eligibility standards for pre-FIRM properties were inconsistent and resulted in disparities in coverage among such properties.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman very much. I thank the Speaker, and I thank this extraordinary effort on behalf of my amendment.

My amendment includes a provision to the Government Accountability Study on the status of the National Flood Insurance Program before the changes that will be in effect with the enactment of this Act.

This amendment seeks to identify any inconsistencies in eligibility standards for coverage.

As I said earlier, this is an enormous step toward helping homeowners get out of poverty when they lose everything. Insurance is just that.

I thank Mr. BAKER, I thank Mr. OXLEY of the full committee, Mr. FRANK of the full committee, the ranking member of the subcommittee, Ms. WATERS, and the chairman of the subcommittee, Mr. NEY. This had to be a yeoman's task of bipartisan effort. And all of my other colleagues on the jurisdiction.

And might I just add, I thank Mr. FRANK for including my eminent domain amendment in previous legislation on this issue dealing with Katrina, but the overall question of flooding. This bill develops an appropriate reform on the demands on flood insurance in times of natural disaster, such as what we saw with Hurricanes Katrina and Rita.

The Government can serve a crucial role in the ability of our Nation to be resilient to natural disaster. This program, for instance, provides for properties located in low to moderate risk areas to be eligible to purchase flood insurance policies for premiums as low as $112.

With FEMA being led by a new director, and knowing that under Homeland Security, a committee that I sit on, that we want to reform, we want to make this system work for those who have experienced a disaster, then this legislation is a step toward making it work.

In 1968, Congress created the National Flood Insurance Program in response to the rising costs of taxpayer-funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes federally backed flood insurance available in communities that agree to adopt and enforce the floodplain's management ordnances to reduce future flood damage.

□ 1515

The NFIP is self-supporting for the average historical loss year. This means that, unless there is a widespread disaster, operating expenses and flood insurance claims are financed through premiums collected.

According to a RAND Corporation study conducted for the Federal Emergency Management Agency, nationwide about 49 percent of single family homes in special flood hazard areas are covered by flood insurance from the National Flood Insurance Program. In the South and West, the percentage is higher, about 60 percent. However, outside of the high-risk areas there is a steep drop-off in coverage. Only about 1 percent of homeowners purchase flood insurance in these low-risk areas.

We can see by what is happening in this region, in the Maryland, Washington, Virginia region, that we need to have a sensitivity to the need for flood insurance because we cannot predict the weather. My district in Harris County had only a 25 percent market penetration rate, which means that only one in four households was covered with a flood insurance plan. Given the extent of damage and flooding from circumstances as extreme as Hurricanes Katrina and Rita and as common as our recent storms last week, this rate is unsustainable for my constituents and others around the Nation.

As we all know, many Members of Congress have been fighting to make their constituents whole, and so we know that it has been important to understand what happened.

It is important to remember that often residents will not receive Federal aid for flooding in the disaster area, but, on average, households can receive $700 from organizations such as the Red Cross, but this amount is clearly not enough.

So this particular amendment requires the GAO to establish the extent to which eligibility standards for pre-FIRM properties were inconsistent and resulted in disparities in coverage among such properties and their owners. That can be a narrow and selective study so we can have this as part of the larger report. The intent is to discover whether or not the application of eligibility standards remained consistent and, if not, whether some homeowners who should have been eligible for flood insurance did not receive it.

We hope with this amendment that the GAO study will be able to answer the following question: Has there ever been a case where someone should have gotten insurance but did not?

A small, isolated selection of cases will help bring about this very important data and add to this legislation and add to the studies that are necessary to make hard-working homeowners and others who desire the American dream to be made whole in the face of terrible disasters.

With that, I would ask my colleagues to support this amendment.

My amendment includes a provision to the Government Accountability Study on the status of the national flood insurance program before the changes that will be in effect with the enactment of this act. This amendment seeks to identify any inconsistencies in eligibility standard for coverage.

First, let me say that I applaud Mr. BAKER, Mr. FRANK, and my other colleagues on committees of jurisdiction who developed a bill that appropriately addresses the demands on flood insurance in times of natural disaster, such as what we saw with Hurricanes Katrina and Rita. The government can serve a crucial role in the ability of our Nation to be resilient to natural disaster. This program, for instance, provides for properties located in low-to-moderate risk areas to be eligible to purchase flood insurance policies with premiums as low as $112.

In 1968 Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer-funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes Federally backed flood insurance available in communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage. The NFIP is self-supporting for the average historical loss year. This means that unless there is a widespread disaster, operating expenses and flood insurance claims are financed through premiums collected.

According to a RAND Corporation study conducted for the Federal Emergency Management Agency (FEMA), nationwide about 49 percent of single-family homes in special flood hazard areas (SFHAs) are covered by flood insurance from the National Flood Insurance Program. In the South and West the percentage is higher, about 60 percent. However, outside of the high risk areas there is a steep drop-off in coverage. Only about one percent of homeowners purchase flood insurance in these low risk areas.

My district in Harris County, Texas, had only a 25 percent market penetration rate, which means that only 1 in 4 households was covered with a flood insurance plan. Given the extent of damage and flooding from circumstances as extreme as Hurricanes Katrina and Rita, and as common as our recent storms last week, this rate is unsustainable for my constituents, let alone for their local governments.

It is important to remember that often, residents won't receive Federal aid for flooding or other natural disaster damage if the area is not declared a disaster area. On average, households can receive $700 from organizations such as the Red Cross—but this amount clearly won't cover the full cost of the damage.

Nationwide, flash flooding is the leading cause of weather-related deaths in the U.S.—approximately 200 deaths per year.

Implicit in the reforms established in this bill, however, is the need for an honest and transparent government process. My amendment contributes language to the GAO study analyzing the pre-FIRM (Flood Insurance Reform and Modernization Act) properties and mandatory purchase requirements for natural 100-year floodplain and non-Federally related loans.

Specifically, my amendment requires the GAO to determine the extent to which eligibility standards for pre-FIRM properties were inconsistent and resulted in disparities in coverage among such properties and their owners. The intent is to discover whether or not the application of eligibility standards remained consistent, and if not, whether some homeowners who should have been eligible for flood coverage did not receive it. With this amendment, I hope the GAO will be able to answer the following question: Has there ever been the case where someone should have gotten insurance, but didn't?

I urge my colleagues to support this amendment and support effectively reforming the National Flood Insurance Program.

Mr. OXLEY. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, we are prepared to accept the amendment on this side.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Me, too.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlemen, both, and in fact, Mr. Chairman, with great appreciation for both of you for this deference to me today.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. MATSUI

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 109–530.

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. MATSUI:

Page 29, after line 2, insert the following new subsection:

(e) GAO STUDY OF LOW-INCOME DISCOUNT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of potential methods, practices, and incentives that would increase the extent to which low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))) that own residential properties located within areas having special flood hazards purchase flood insurance coverage under the national flood insurance program. In conducting the study the Comptroller General shall analyze—

(A) the feasibility and effectiveness of providing such coverage to low-income families at rates that are discounted from the rates at which such coverage is otherwise provided, the amounts by which such rates should be discounted to ensure that coverage is affordable to such families and to encourage purchase of coverage by such families, and the effects of such discounts on the national flood insurance program; and

(B) the extent to which residential properties occupied by low-income families would be affected by expanding the mandatory purchase requirements of the national flood insurance program to the areas included in the national flood insurance program rate maps pursuant to section 1360(k) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(k)), as amended by subsection (a) of this section.

(2) REPORT.—The Comptroller General shall submit to the Congress a report setting forth the conclusions of the study under this subsection not later than 12 months after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Mr. Chairman I yield myself 1½ minutes.

Mr. Chairman, this amendment directs the GAO to study potential methods, practices and incentives that would increase the degree to which low-income property owners living in high-risk locations participate in the National Flood Insurance Program.

I am joined in offering this amendment by two of my colleagues from Texas, Representative GENE GREEN and RUBEN HINOJOSA. I thank them for supporting this amendment. This is an important issue for our districts, but I think this is an equally important issue for Congress to consider.

Most of the amendments we are considering address the impact of the pending updates of our national flood maps on property owners.

It is difficult to craft a policy or an approach when you are missing the correlative information. In this case, the revised flood maps.

We will reauthorize NFIP in 2008. Anticipating the degree to which these new maps will affect low-income property owners' participation in the National Flood Insurance Program is a good and necessary first step toward writing that legislation.

I want to take this opportunity to begin to address the needs of low-income individuals who live in the floodplains or in high-risk flooding areas now.

This amendment will ensure today's legislation will provide us with the information required to plan for the future of the flood insurance program. This is responsible and forward-looking policy, and I hope my colleagues will be able to support our amendment.

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

Mr. OXLEY. I am not going to claim opposition because we support the amendment. I would just say to the gentlewoman, we are pleased to accept her amendment.

Ms. MATSUI. Thank you.

I have two additional speakers to speak on this.

Mr. Chairman, I yield 1½ minutes to my colleague from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of the Matsui/Hinojosa/Gene Green amendment to H.R. 4973.

I want to thank my colleagues, Congresswoman MATSUI and Congressman GENE GREEN, and their staff for collaborating with me on this amendment.

This amendment will protect the ability of low-income individuals to purchase a home once the 500-year plain mapping section of this legislation has been completed.

Should it occur in the future, mandating flood insurance coverage for all those that fall in the 500-year floodplain map will add an additional burden to low-income individuals throughout the United States that might make them unable to afford a home.

I hasten to note that, in all likelihood, the majority of the United States will fall within these new borders. Such insurance requirements will tip the scale in the wrong direction, and low-income individuals will lose their home-buying power and be once again penalized more than those most fortunate in America.

This amendment's study will help ensure that low-income individuals receive the help they need when the 500-year floodplain maps are drawn.

I strongly encourage all of my colleagues to support this amendment.

Ms. MATSUI. Mr. Chairman, I yield 1½ minutes to my other colleague from Texas who is cosponsoring, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague from California and my colleague from Texas for working with us on this amendment.

I rise in support of the Matsui-Hinojosa-Green amendment to the Flood Insurance Reform Act. The amendment addresses an issue that I have been concerned with for a very long time.

Our district has a per capita income of $12,000 per year, with over 20 percent of the residents in poverty. Over one-third of our households are worth less than $100,000. Many of these households are senior citizens on fixed incomes.

These families and households know the dangers of flooding in the Houston area. They want to protect themselves, and we recently had severe flooding with hundreds of homes with several inches of water.

Some Members in Congress act like it is the victim's fault when their houses flood, but these critics do not realize that many people did not move to the floodplains, the floodplains are moving to them.

When we redraw the flood maps, thousands of people are suddenly required to pay hundreds of thousands of dollars in flood insurance. If they not afford to pay, they sometimes lose their mortgage and their house, or when it floods, they can lose all of their property.

It is not fair to evict low-income people from homes that they have been making payments on for years. It would also not be fair to deny Federal disaster assistance to seniors who

could not afford the flood insurance when they suddenly were required to have it.

The 100-year floodplains in Houston and Harris County and across the country, at least our area, have been expanding rapidly. Many of my constituents have been living outside the floodplain for decades. This year they are going to be suddenly redrawn into the 100-year floodplain and required to buy flood insurance.

I believe they should buy flood insurance, and we should encourage low-income people to voluntarily buy flood insurance, also. However, when we are going to impose a new Federal financial burden on low-income folks who have managed against the odds to own their own home, I think we should keep those premiums affordable.

Mr. Chairman, I would hope that we would support this amendment so we could actually have the study.

This legislation is going to increase the rate of premium increases from 10 percent to 15 percent, due to the recent losses to the program.

In return, I think it should also show compassion to low-income homeowners who may be threatened with the loss of their home due to a new flood insurance rate map.

Unfortunately my bill that was redrafted as an amendment to this legislation to provide a discount to low-value homes was not accepted.

As a result, I ask Members to support the Matsui-Hinojosa-Green amendment to require the GAO to determine the best ways to increase flood insurance participation for low-income homeowners, both in voluntary and mandatory programs.

When we reauthorize the NFIP again in 2008, we will need to address this issue, because we do not want the Flood Insurance Reform Act to become the Low-Income Homeowner Eviction Act.

Ms. MATSUI. Mr. Chairman, I yield myself the remaining time.

We direct GAO to report this study to Congress no later than one year after enactment of this legislation, but I want to make so clear, the sooner we have this report the better.

Mr. Chairman, I thank you and my colleagues from Texas for your support on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. MATSUI. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I will just say that it would certainly be my intention and I think that of whoever the successor is to my friend from Ohio will be next year to take this seriously; that is, this is a study that will not simply languish.

I think it has been indicated there are some concerns about the impact of a fully fiscally responsible program on people, low-income homeowners, and that will be helpful as we try to work out an approach to that.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. RUPPERSBERGER

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 109–530.

Mr. RUPPERSBERGER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. RUPPERSBERGER:

Page 29, line 16, insert before ''issue regulations'' the following: ''in plain language using easy to understand terms and concepts,''.

Page 29, line 20, insert before ''revise any'' the following: ''in plain language using easy to understand terms and concepts,''.

Page 30, line 2, strike ''and''.

Page 30, line 11, strike the final period and insert ''; and''.

Page 30, after line 11, insert the following new paragraph:

(4) include in each standard flood insurance policy a one-page description of the policy using plain language and easy to understand terms and concepts.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentleman from Maryland (Mr. RUPPERSBERGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself as much time as I may consume.

First, let me say that this amendment is very direct and simple. All it does is require the FEMA director to use plain language and easy to understand terms when issuing regulations and revising materials and publications for policyholders regarding insurance coverage in standard flood insurance policies.

This issue hits very close to home for me and several Members of the House. On September 18, 2003, Hurricane Isabel made landfall at the Outer Banks of North Carolina as a Category 2 hurricane. Over the next 24 hours, the hurricane moved across southern Virginia, into Western Pennsylvania and Maryland. The storm surge in the Chesapeake Bay area surrounding Baltimore was 6 to 8 feet above normal levels.

Even though Isabel was only a Category 2 when making landfall, the hurricane was directly or indirectly responsible for 50 deaths, including 7 in Maryland. The hurricane caused approximately $410 million in insured property damage in Maryland alone, with the number even higher when including uninsured property damage.

In my district alone, several hundred of my constituents lost their homes and everything they owned due to the flooding.

People who lost everything have to pick themselves up and try to rebuild if they can. Many hurricane victims thought they had the right insurance and were covered for these losses. They were wrong.

Hundreds who thought they were covered discovered that they did not have the proper coverage. They thought they understood their policies and what they were covered for. They did not.

It was the technical nature of the policy documents and materials that were provided to these people that led to their confusion.

My amendment seeks to remedy this situation so that, in the future, flood insurance policyholders will have a better understanding of what exactly their policy covers. We need to do that. We need to do what we can to make it crystal clear to policyholders what they are signing up for.

My amendment will not rebuild houses or levees, but it is my hope that this amendment will help people better understand their policies and the National Flood Insurance Program so they are better prepared in the future. Our constituents deserve it, and I urge my colleagues to support this amendment.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. RUPPERSBERGER. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I thank the gentleman for yielding. We are prepared to accept the amendment on this side.

Mr. RUPPERSBERGER. Thank you, Mr. Chairman.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. JINDAL

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 109–530.

Mr. JINDAL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. JINDAL:

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''.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentleman from Louisiana (Mr. JINDAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

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

Hurricanes Katrina and Rita impacted hundreds of thousands of individuals and caused billions of dollars in

damage to public and private property. However, in the greater New Orleans area, directly in the path of the hurricane, Hurricane Katrina, 63 mitigated private residences survived the hurricane and did not flood despite being surrounded by properties receiving 3 to 4 feet of water from levee breaches.

□ 1530

In 2004, these properties were demolished and rebuilt in place to higher code-compliant standards under an authorized pilot program for mitigation of severe repetitive-loss properties. It is estimated that total benefits to the Nation of mitigation grants between mid-1993 and mid-2003 yielded $14 billion in savings at a cost of $3.5 billion, presenting an overall benefit-to-cost ratio of 4.0.

Despite clear cost savings stemming from predisaster mitigation efforts, FEMA has failed to include intrinsic project eligibility criteria from its widely successful 2004 severe repetitive-loss pilot program into its national Flood Mitigation Assistance grant program. Many communities are interested in buying out repetitively flooded properties, but other communities and property owners are interested in measures that retain affordable housing and private ownership.

The list of eligible activities under FEMA does not include demolition and rebuilding, and FEMA has interpreted this omission as a statutory limitation, despite language that allows approval of other activities not explicitly described in the National Flood Insurance Reform Act of 1994.

My amendment is fairly straightforward. It merely clarifies that demolition and rebuilding should be a mitigation option available under the regular Flood Mitigation Assistance program. The demolition and rebuilding option is specifically allowed under the Severe Repetitive Loss Program created by the Flood Insurance Reform Act of 2004 and FEMA has interpreted the difference to mean it cannot approve the measure under FMA. This creates unnecessary confusion, restricted options at local government levels, and a waste of taxpayer money.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. JINDAL. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, we are prepared to accept the amendment.

Mr. JINDAL. I thank the chairman and the ranking member for their support.

Mr. FRANK of Massachusetts. If the gentleman would yield, I am perfectly prepared to offer support subsequent to the thanks. Sequence doesn't seem important.

Mr. JINDAL. I thank the gentleman, and I want to thank the chairman and the ranking member for their work on this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JINDAL).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MRS. JO ANN DAVIS OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 109–530.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mrs. JO ANN DAVIS of Virginia:

At the end of the bill, add the following new section:

SECTION 20. SAMPLING METHODS FOR QUALITY ASSURANCE.

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) is amended by adding at the end the following new subsection:

''(d) SAMPLING METHODS FOR QUALITY ASSURANCE.—In selecting the cases and claims for operational reviews and claims re-inspections regarding the national flood insurance program under this title, the Director shall use a statistically valid probability sample whose results can be generalized to the entire population of reviews and claims from which the sample is drawn and whose sampling error can be quantified.''.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Virginia.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the Financial Services Committee under Chairman OXLEY, Representative BAKER and Representative NEY, and their leadership in taking aggressive action to address the long-term financial security and management of the National Flood Insurance Program.

After Hurricane Isabel struck my district in 2003, I have watched as many of my constituents have struggled to rebuild their lives. My heart goes out to all those along the gulf coast as they face the monumental task of rebuilding as well.

I still have concerns with oversight policies of the National Flood Insurance Program. Thousands trust and rely on their flood insurance to restore property destroyed by flood waters. However, many have been disappointed to find that the claims adjustment process is unfair and inadequate.

Although the NFIP falls under FEMA, the majority of flood insurance policies are sold and administered by private insurance agencies. Most of the management and oversight functions have been contracted to the Computer Sciences Corporation, CSC. As a result, billions of dollars in policyholders' premiums and, ultimately the borrowing authority of the United States Treasury, pass through a few hands.

I believe that lack of oversight by FEMA has resulted in mismanaged and underpaid claims. A 2005 GAO study highlighted FEMA's oversight failures, stating that FEMA did not use a statistically valid method for sampling files to be reviewed in monitoring and oversight activities. As a result, FEMA cannot determine the overall accuracy of claims settled for specific flood events or assess the overall performance of insurance companies and adjustors in fulfilling their responsibilities to the NFIP.

This amendment is in line with GAO's recommendation and would direct FEMA to utilize a statistically appropriate sampling method for claims reviews and quality assurance purposes. I offer this amendment to improve the oversight of the National Flood Insurance Program.

My constituents, flood victims in Louisiana, Mississippi, Alabama, Texas, and Florida, and the American taxpayer deserve it; and I urge my colleagues to support this amendment.

Mr. OXLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. JO ANN DAVIS of Virginia. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, we are prepared to accept the amendment and congratulate the gentlewoman on her foresight and her amendment.

Mr. FRANK of Massachusetts. If the gentlewoman would continue to yield, we also find the amendment very acceptable.

Mrs. JO ANN DAVIS of Virginia. I thank my colleagues.

Mr. Chairman, I yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MRS. JO ANN DAVIS OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 109–530.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mrs. JO ANN DAVIS of Virginia:

At the end of the bill, add the following new section:

SEC. 20. EXTENSION OF DEADLINE FOR FILING PROOF OF LOSS.

(a) IN GENERAL.—Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by inserting ''(a) PAYMENT.—'' before ''The Director''; and

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

''(b) FILING DEADLINE FOR PROOF OF LOSS.—

''(1) IN GENERAL.—In establishing any requirements regarding notification, proof, or approval of claims for damage to or loss of property which is covered by flood insurance made available under this title, the Director may not require an insured to notify the Director of such damage or loss, submit a claim for such damage or loss, or certify to or submit proof of such damage or loss, before the expiration of the 180-day period that

begins on the date that such damage or loss occurred.

''(2) EXCEPTIONS.—Notwithstanding any deadline established in accordance with paragraph (1), the Director may not deny a claim for damage or loss described in such paragraph solely for failure to meet such deadline if the insured demonstrates any good cause for such failure.''.

(b) APPLICABILITY.—Subsection (b) of section 1312 of the National Flood Insurance Act of 1968, as added by subsection (a)(2) of this section, shall apply with respect to any claim under which the damage to or loss of property occurred on or after September 18, 2003.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Virginia.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Hurricane Isabel struck the eastern United States in September of 2003, one of the worst disasters in Virginia history. The financial damages exceeded $1.5 billion. Winds destroyed homes, knocked down trees and power lines, leading to massive power outages. Large storm surges flooded homes and properties across eastern Virginia, Maryland, North Carolina, and Pennsylvania.

Many residents in my district, the First District of Virginia, are still struggling to rebuild following Hurricane Isabel which struck them in 2003. Some are still living in FEMA trailers. Many have been shattered to learn that flood insurance won't cover their losses.

I have spoken to many misled policyholders who had their claims mismanaged by the National Flood Insurance Program. Claimants were reportedly pressured to sign adjustors' proof of loss within 60 days of the flood, even though they believed that the adjustors had underestimated both the scope of damage and the associated cost of repairs to their properties.

My amendment would extend the proof-of-loss filing deadline to 180 days and should not be used as a technical basis to deny a claim, and make it retroactive to September 18, 2003 to provide much-needed relief for Isabel victims.

I urge my colleagues to support this amendment.

Mr. OXLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. JO ANN DAVIS of Virginia. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, once again, I am prepared to accept the gentlewoman's amendment.

Mr. FRANK of Massachusetts. If the gentlewoman will yield, we also accept the amendment.

Mrs. JO ANN DAVIS of Virginia. I thank my colleagues.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. ROHRABACHER

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 109–530.

Mr. ROHRABACHER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. ROHRABACHER:

At the end of the bill, add the following new section:

SEC. 20. RATES FOR PROPERTY AFFECTED BY FEDERALLY FUNDED FLOOD CONTROL PROJECTS.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following new subsection:

''(g) EFFECT OF FLOOD CONTROL PROJECTS.—Notwithstanding any other provision of law, in any case where a flood control project constructed with Federal assistance causes a property to become at greater risk for a flood than before the construction of the project, the chargeable rate for the property shall be—

''(1) the rate that the Director would have prescribed under subsection (a) if the flood control project had not been constructed; or

''(2) in the case of property that would not have been considered part of a flood-risk zone prior to construction of the flood control project, zero dollars.''.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I rise to offer this amendment for the purpose of bringing equitable treatment to people who have inadvertently been made subject to the National Flood Insurance Program by the unintended consequences of a Federal flood control project.

This amendment protects families who have been included in a flood zone due to the completion of a Federal flood control project in Southern California. I have seen this situation firsthand, where homeowners were required to purchase flood insurance, even though the home in which they reside and have lived in for decades has never been subject to flood insurance before.

Ironically, this new flood insurance obligation came after the completion of a massive flood control project within sight of their own home. The Santa Ana River Mainstream Project is a multi-billion dollar Army Corps of Engineers flood control project in California's Orange and San Bernardino Counties. As a consequence of this Federal project, new flood maps were redrawn. These redrawn maps designated hundreds of households to be at risk of flooding which were not previously so classified. Many of these fixed-income residents cannot readily afford the newly required flood insurance and must choose between the new costly insurance and other necessities of life.

This downside, of course, does not diminish the tremendous good that has come from this and other flood control projects. In my district alone, the Santa Ana River Mainstream Project has made thousands of families safer and guarded billions of dollars' worth of homes and other properties from damage and destruction, all of this achieved by the Army Corps of Engineers on time and under budget. So I applaud the Army Corps' dedication and professionalism and would like to thank them for a job well done. Those people in the floodplain have seen their insurance bills eliminated or reduced.

That said, it is still important not to accomplish something good for many at the expense of a small, yet significant, part of our community. As I have said, for some local people, upon completion of the flood control project, their flood liability inexplicably shot sky high. My amendment addresses this unfortunate and unintended consequence.

Under my amendment, homeowners not included in a flood zone prior to a Federal project but who become included in a Federal flood zone because of that project will be issued flood insurance at no cost to them. Households that were included in a flood zone prior to a Federal project but are put at greater flood risk because of the project will be provided flood insurance at a price formula that was in place before the Federal project was completed.

This is the least we can do to help these people out, making them whole, due to their suffering from a Federal project, especially when we realize that their neighbors enjoy the benefits of this Federal project in the form of lower or no insurance premiums and end up with safer houses and safer homes.

Mr. Chairman, we shouldn't be making a small group bear a huge burden in order to accomplish something good. My amendment will prevent the unintended harm done to a few as a result of a flood control project aimed at helping many. So I ask my colleagues to support this fairness amendment.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

First, to the extent there is an issue here, it is being addressed in the wrong place, that is, if we have decided to get benefits from the Federal flood insurance program, any cost that accrues from that ought to be part of the flood control program. That is, it does not make sense from the budgetary standpoint to give a hit to the Federal flood

insurance program because of a Federal flood control program.

That is what this amendment does in this structure, that is, we pay for the Federal flood control program over here, and that will result in some people under this amendment now getting Federal flood insurance and not paying anything for it. It will, therefore, undercut our efforts to make the Federal flood insurance program a fiscally sound one.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. ROHRABACHER. Do you think if we have imposed a liability on someone, and they have not in any way contributed to that, that we should then——

Mr. FRANK of Massachusetts. No, the gentleman misses my point entirely. I was talking now, assuming that point, as to where the compensation should come from. I do not think it is reasonable to charge the Federal flood insurance program. We have problems with Federal flood insurance.

If in fact the gentleman wants to pursue that principle, it ought to be with regard to the financing of the flood control programs. That is, if as a consequence of flood control there is going to be this problem, I do not think, Mr. Chairman, that we ought to charge the Flood insurance program with it.

The second thing I would say is that the gentleman talked about people on fixed incomes. Several times today in the amendment by the gentleman from New Jersey (Mr. GARRETT) and an amendment that was going to be offered by the gentleman from Texas (Mr. GREEN), the question of some special consideration for lower-income homeowners has come up. I am all in favor of that. I think we should go forward with that. I think we ought to be looking at some kind of relief for lower-income people, and I would include those who will be affected this way and others.

But where we are talking about people who are quite prosperous, the Federal flood control programs are done for a good reason; and it may be, by the way, that while, yes, you, as a result of the Federal flood control program have some more costs, you may also get some benefits. I don't think you can do a general principle in that. You may benefit.

But the main problem I have is this: the result of this amendment, if adopted, would be to weaken the principle of the fiscal balance and integrity of the flood insurance program.

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It would say that people would get flood insurance who were at risk of flooding and either pay nothing for it or pay far less than they should be. I hope this amendment is defeated.

I would then be glad to join the gentleman in talking to the committee of jurisdiction, to say when you are doing a flood control program take this into account, and maybe you want to put some funding into that. But I do not want to weaken the fiscal integrity of the flood insurance program.

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

Mr. ROHRABACHER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we are not talking about establishing policy here. This is not the government's money or the program's money. We are talking about the people's money. The money comes directly from people's pockets. I personally think a lot of people out there will personally resent being called affluent or what you hinted at, more affluent people.

Let me note for my colleague many people affected by this are lower-middle-income people who live in trailers and the like. Why should we have these people pay a hefty penalty in order to help other people? All they know is that the Federal Government has established policies that end up costing them, perhaps the money they need for their children, perhaps the money they need for their grandchildren.

These are the policies we are establishing for a small group of people. That is unfair, and we should not condone those policies.

This will not put at risk the insurance program. It will make it fairer, and it will mean in the future that these things will have to be taken into consideration instead of just robbing some small group of citizens.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1¼ minutes.

Mr. Chairman, once again, the gentleman totally misrepresents my argument. I didn't say everyone was affluent. I said, in fact, that those who are of low income ought to get the relief here, as they should elsewhere in the program. But some will be affluent. The point, however, is this.

If you give some people flood insurance for free, as this amendment would do, then everybody else who gets flood insurance pays for it. The flood insurance program is supposed to be self-financing, so it will result in increases in flood insurance premiums.

The gentleman said, if it is going to impose costs, that should be taken into account. That was precisely my original point. The costs to people who will now have a flood insurance obligation ought to be taken into account when you do the benefit/cost analysis of the flood control program. But that is not what happens.

Under the gentleman's amendment, we have two separate processes. You decide to do flood control; and then, having done flood control, if that results in some people having to pay flood insurance, the flood insurance program gets stuck with it. It has nothing to do with the financial side of flood control.

I agree we should look at that but from the same source the flood control programs come in. Telling everyone who now pays flood insurance premiums that they will be subsidizing these people is also an unfairness.

As the gentleman said, if you start this principle of I was here first and then the flood came, I don't know how extendable that would be. I think it is a mistake to set the precedent that some people will get flood insurance for nothing.

Mr. ROHRABACHER. Mr. Chairman, I yield myself my final 30 seconds.

Mr. Chairman, let me just note we have a chance to undo a grave injustice here. Some people, yes, have large homes. Some people have small homes who have been done this injustice.

It is wrong, it is unjust to take money from people and force them into a flood insurance program when they had bought their property based on totally different circumstances and we have changed the circumstances on them. This is not fair.

We have a chance to rectify it now. We can sit here and argue what budget it should come out of. That doesn't do them any good.

We need to try to rectify the situation for hundreds of homes in my area where the homeowners bought property knowing that it was not under flood risk, and we, through our actions, put them in jeopardy.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time is remaining for me?

The Acting CHAIRMAN. Forty-five seconds remain.

Mr. FRANK of Massachusetts. I yield to the gentleman from Oregon.

The Acting CHAIRMAN. The gentleman is recognized for the remaining time.

Mr. BLUMENAUER. This is not a unique circumstance. What is happening is that, when you have a situation where development that might be federally financed, it might be a freeway project, it might be something in a military base, it might be something in a flood control, that changes the circumstance that results in people being in a flood plain.

Mr. FRANK's point is that, regardless of the program, are you going to have the Federal Government somehow pay, are you going to stick four million flood insurance premium payers to pay the cost of the military or of the Corps of Engineers or of the road project? His point is, you shouldn't stick four million innocent flood insurance premium payers.

If you want to set a standard that the Federal Government will pay for these, then go ahead and do that. Finance it separately, but don't stick innocent people who have flood insurance..

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California Mr. ROHRABACHER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote, and pending

that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 15 OFFERED BY MR. PEARCE

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 109–530.

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. PEARCE:

Page 9, line 6, strike ''AND TRANSITION.—'' and all that follows through ''EFFECTIVE DATE''.

Page 9, strike line 13 and all that follows through page 10, line 15.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

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

Mr. Chairman, I rise today to offer an amendment to the Flood Insurance Reform and Modernization Act, H.R. 4973.

Chairman BAKER's bill make some great strides in helping insure the stability of our Nation's flood insurance system, yet, like most legislation, there is room for improvement. For that reason, I am offering an amendment that helps insure the National Flood Insurance Program has the resources it needs to cover all its costs.

We have a duty to find savings wherever possible to make sure the National Flood Insurance Program has sufficient resources to cover all its costs by phasing out subsidies for pre-FIRM nonresidential properties, vacation and secondary homes. The committee has already agreed that these subsidies are a luxury we can no longer afford. I agree with the committee's premise that these subsidies should be eliminated.

However, I believe that we can go further and eliminate these subsidies now. We should not wait another half decade to restore fiscal responsibility to the program. When the next flood strikes, how will we explain to those who have lost everything that help is tight because we are still subsidizing someone's vacation home? In the wake of the Katrina disaster, with the flood insurance program facing liabilities of between 23 and $25 billion, why should we continue to subsidize flood insurance for vacation homes? My amendment will inject $335 million into the flood insurance program next year.

While the committee predicts that their phase-in saves $1.5 billion from 2007 to 2016, I respectfully submit that the Pearce amendment will save much more much sooner. While I respect my chairman's commitment to phasing out these subsidies, I believe we can and should, for the good of the program, eliminate them now.

I hope my colleagues will join me supporting this amendment to eliminate those costly subsidies and help bring the NFIP back into sound fiscal condition.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, we debated earlier an amendment by the gentleman from New Jersey, which as adopted would put residential properties into the phase-in. This would take nonresidential properties and second homes out of the phase-in.

I believe it would be a mistake and could result in a severe economic shock to a number of communities. We are talking about, in the bill, accomplishing the goal that this amendment accomplishes.

The question is, how quickly do you do it? We have a phase-in to full actuarial rates at 15 percent a year. For some individuals who may own an isolated second home, that is one thing. We have many communities in this country where the basis of their economy is second homes, vacation homes and also facilities that service vacation homes. To immediately raise all the insurance rates on all of those properties in that community seems to me to subject them to an economic shock which is unwise.

The 15 percent rate, we think, is an unreasonable one. We are talking about a period of years, 5 or 6 years, before you get to the full amount.

But that is the issue. Do you go to these communities, and, again, we do have, and that has been one of the issues here, people who bought under certain assumptions, people who paid for property figuring a certain amount. Vacation homes is one thing. People brought commercial properties. People figured out, okay, I bought this property. This is how I am going to make my living. How can I make money on this? What is the cash flow?

And the insurance premiums are a part of it. To increase those insurance premiums in 1 year, without a phase-in, could threaten the viability from small businesses, small business people who have been careful about calculating their risk.

We have given them the 15 percent increase. There was obviously resistance to that. There were people in shoreline communities and vacation communities and elsewhere who don't like the notion of getting to actuarial soundness.

But to do it without any phase-in at all, to do it overnight, is a problem, not just for the second homes, and maybe people are less sympathetic to people's vacations, but with noncommercial property small business owners. You are talking about a significant, immediate significant increase in the insurance of small business owners. That seems to me an unwise thing for us to do when we can get there a little bit slower but get there with the phase-in.

I would remind people that, even with the phase-in, the Taxpayers Union, Citizens Against Government Waste support this bill. I do not think it is a mistake for us to be gradual, not taking forever, 5 or 6 years, in hitting business owners, small business owners with a very significant increase in their flood insurance.

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

Mr. PEARCE. Mr. Chairman, as I listen to the arguments of the other side, I would just note that the people in the Second District of New Mexico generally average under $30,000 a year net income; $70,000 would buy most homes in the Second District of New Mexico. To explain to those people why they are subsidizing vacation homes on coastlines, many times they are seeing on TV the same reports that I am seeing that someone with a 4 or $500,000 home gets to rebuild it multiple times. It is very difficult for me to explain that to my constituents. Just understand and appreciate the gentleman's argument that it could provide a severe economic impact.

Frankly, to tax the lower income people of the rest of the country to avoid those impacts seems to me that we are making choices that are not ours to make.

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

Mr. FRANK of Massachusetts. Mr. Chairman, first, you don't get $500,000. There is a cap.

Secondly, we do agree that people should reach to full actuarial amounts. It depends on when.

Third, I would say, every time something comes up, there are cost subsidies.

People in my district don't grow much corn or much wheat, and we pay some subsidies. There are people who don't have any public transportation, and they do.

This is one country. The government is not a supermarket where you go in and pay for only exactly what you buy off the shelf. There is some joint effort.

But the other problem is the gentleman from New Mexico has not described his amendment completely.

What about small business people, he says, second homes and other properties? You have that problem with people who have businesses. What do you do with smaller businesses, people who have brought businesses in these vacation areas who are trying to make a living and who made a calculation based on insurance? What about them? These are not necessarily fat guys. What do you do to them when you immediately and without any phase-in at

all give them what could be a very significant increase in their insurance?

So that is the problem that we have. That is where we have the difference with our friend from New Mexico, not simply with regard to the second home but to the businesses.

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

Mr. PEARCE. Mr. Chairman, you have heard the gentleman from Massachusetts speak against this amendment. He highlights his interest in preserving a phase-in period included in the underlying bill. I have the utmost respect for him, but I must disagree.

At a time when the flood insurance program system is facing record borrowing and interest payments, we have the responsibilities to remove luxuries from the program.

The final point we should make is simple. This amendment will result in an additional $335 million in premium payments to the flood insurance program. This will help preserve the financial stability of the program and reduce the burden on taxpayers. This is a good amendment, and I urge all my colleagues to vote ''yes.''

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

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, there are two aspects that have to be considered, one, the impact on vacation communities. It is not only wealthy people. You are talking about the businesses, the hotel owners, the small business people, the restaurant owners, the rooming house owners. They would get a heavy impact here. Cumulatively, if you affect all the commercial property in one of these areas, then you will also affect the whole area.

The economic impact on small business people and on entire communities of a 100 percent overnight significant increase in insurance is not something we ought to be inflicting on people. The phase-in is reasonable. They should be getting actuarial rates but at a reasonable pace.

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The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 16 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 109–530.

Mrs. MILLER of Michigan. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mrs. MILLER of Michigan:

Page 24, after line 6, insert the following:

''(5) GREAT LAKES FLOOD LEVEL STUDY.—

''(A) IN GENERAL.—Not later than 90 days after the completion by the International Joint Commission of The Upper Great Lakes Study, the Director shall request the Corps of Engineers to complete a new inundation map for areas surrounding the upper Great Lakes and their interconnecting channels to assist the Director in the development of maps identifying 100- and 500-year flood inundation areas for those areas.

''(B) REQUIREMENTS.—The Director shall request the Corps of Engineers, in completing new inundation map under subparagraph (A), to—

''(i) utilize data and findings from The Upper Great Lakes Study by the International Joint Commission, including any changes to the International Joint Commission's Order of Approval at St. Mary's River; and

''(ii) accurately show the flood inundation of each property by flood risk in the floodplain.

''(C) VALIDITY OF STUDY.—The Director shall take such actions as may be necessary to ensure that the maps completed pursuant to the request under subparagraph (A) are valid and appropriate for use for purposes of the national flood insurance program.

''(D) COMPLETION OF STUDY.—In making the request under subparagraph (A), the Director shall request that the Corps of Engineers complete the new inundation map not later than 18 months after the date of the completion of The Upper Great Lakes Study by the International Joint Commission.

''(E) LIMITATION OF ELEVATION INCREASES.—The Director shall not increase the base flood elevation in any community surrounding the upper Great Lakes and their interconnecting channels until the Corps of Engineers completes the new inundation map pursuant to the request under subparagraph (A).

''(F) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

''(i) The term 'upper Great Lakes' means Lake Superior, Lake Michigan, Lake Huron, and Lake Erie.

''(ii) The term 'interconnecting channels' means the St. Mary's River, St. Clair River, Lake St. Clair, the Detroit River, and the Niagara River up to Niagara Falls.''.

Page 24, line 7, strike ''(5)'' and insert ''(6)''.

Page 24, line 18, strike ''(6)'' and insert ''(7)''.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Mr. Chairman, I yield myself as much time as I might consume.

Mr. Chairman, this amendment has the potential actually to impact millions of property owners, millions of them, property owners that live on, near or around the Upper Great Lakes, which is essentially everything in the Great Lakes Basin upstream from Niagara Falls. So Lake Superior, Lake Michigan, Lake Huron, Lake Erie, Lake St. Clair, and then the rivers of Saint Mary, the Saint Clair River, the Detroit River and the Niagara River.

Mr. Chairman, FEMA is currently engaged in doing what the Congress directed them to do, and that is to update and to modernize flood maps across the entire Nation. And I certainly recognize that with new technology, we can and we should update the maps to convert them into a user-friendly digital format which will account for property development and growth as well as changes in topography. So I certainly want to make clear that I support authorizing funds so that this important work continues.

However, I do believe that property owners on the Upper Great Lakes are being treated unfairly by this process, because I can show over and over and over again how these property owners, who very rarely flood nor have the potential to flood, are actually being abused by the National Flood Insurance Program. Just those in the current floodplain are already paying in substantially more in premiums than they will ever, ever receive in claims out. And now FEMA wants to include more. And they want more.

Mr. Chairman, I would submit that if any private insurance company was trying to get away with this, the State insurance commissioners in the Great Lakes States would be revoking their licenses to sell insurance. Let me just give you one example: in regards to FEMA's proposal for remapping in the Great Lakes region they are basing raising the base flood elevation an additional 14 inches, they say to accurately reflect the risk of flooding.

But this is predicated on data from 1988. This was 2 years after the absolute high recorded rate levels for the Great Lakes ever. And during that time, none of the new properties FEMA is talking about bringing into the floodplain actually flooded, nor was it in danger of flooding.

Since that time, in Lake St. Clair alone, the lake levels have dropped over 3 feet and they are now, it is now almost 5 feet below the current flood elevation. And most importantly, if you really want to look at historic averages, the lake level has only changed an average depth of less than 6 inches per year. Yet, if FEMA goes ahead with their proposal, the new base flood elevation will be 6 feet above the current lake levels. And for the lake levels to rise that much, I think that the polar ice caps would probably have to melt next year. And I don't believe even Al Gore is predicting something like that.

Mr. Chairman, the amendment simply asks for FEMA to do no more harm, to keep their status quo on the Great Lakes property owners and base their new maps on updated data.

My amendment would require that the Army Corps of Engineers would

have to wait until they have the results of a 5-year study, which is currently being undertaken by the International Joint Commission, the IJC. I believe they are 2 years into their 5-year study. This will be the most comprehensive lake level study completed. And certainly we can all agree that using sound science when literally hundreds of millions of dollars are about to be assessed against American property owners is the most prudent course of action. I would urge my colleagues to support the Miller amendment.

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

Mr. BLUMENAUER. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN (Mr. BONNER). The gentleman is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Chairman.

I yield myself 3 minutes.

Mr. Chairman, I rise in strong opposition to this amendment. Part of what I find a little ironic is the notion that these flood levels will never increase for the lakes. I have heard already in the last 24 hours here in Washington, D.C. as people say, ''my basement has never flooded before''. Welcome to the world of flood management.

The Gentlewoman referenced global warming. We don't know where we are going in terms of melting the ice caps. But the point is, we don't have to get that far into the future and invoke former Vice President Al Gore.

We are not treating anybody unfairly under the mapping program. The National Flood Insurance Program is a voluntary program. If a community really feels that the building insurance requirements are too burdensome, they don't have to participate. Participation in the NFIP and its requirements is not a malicious financial burden on communities. It is a privilege that provides the community with the resources it needs to protect itself from floods.

This amendment would have the effect of delaying the implementation of flood maps meant to protect communities and having Congress intervene. And I, with all due respect, think our record in approving projects, we just heard from Mr. ROHRABACHER, that actually increased flooding, is not a very strong record. For us to sit in judgment and second guess the experts, I think is wrong. It would be a terrible precedent.

Congress should not be involved with determining flood maps. FEMA determines base flood elevations using widely accepted statistical engineering analysis. Artificially preventing flood elevations from going up would be the same as underestimating flood risks and leading people to build homes that are not safe and putting Congress's stamp of approval.

There is no such thing as zero risk. A property in the 100-year floodplain has a 96 percent chance of being flooded in the next hundred years without global warming. The fact that several years go by without a flood does not change that probability. For example, water levels in the Great Lakes fluctuated. In 1986 the Great Lakes hit their highest levels in recorded history. This could happen again.

Raising the base flood elevations will not impact homes that were built before a revised map was issued. Nothing in the regulations requires a pre-existing home to be upgraded simply because a new map with a higher base flood elevation is produced. Only new buildings and substantially improved buildings that are started after the new maps become effective will be impacted.

We have heard after Katrina hit people were shocked. They didn't think they would be affected. We found out that we haven't done enough to include wide enough areas. This amendment would be a tragic and unnecessary step backwards.

Mrs. MILLER of Michigan. Mr. Chairman, I appreciate the arguments opposed to my amendment. I did not say that we never thought that the lake levels would ever rise or that we would flood. Obviously, I think there are a lot of factors that go into the lake levels rising. You have factors that are manmade, like the Chicago diversionary canal. You have got the Sault Locks. You have got the St. Laurence Seaway. The biggest factor has nothing to with man, and that is God. God makes the lake levels go up and down, I think.

But I would say this: I think this is an issue of financial fairness. I really do believe that. And the brutal reality is that FEMA actually needs more money to pay for all these flood insurance claims that they have had in recent years. Let me just cite this statistic, and let me ask anyone to tell me with a straight face that it is fair and equitable: between 1978 and 2002, there were 10 States that received more in claims than what they paid in policies, in fact, over $1.5 billion more. And the average premium for policyholders in those States was $223.

Michigan, on the other hand, paid almost $120 million more into the program than it received back in claims. Yet the average premium for our policyholders was $260. And this is a common element in all of the Great Lakes States, the same States that are paying year after year after year, decade after decade, much more than others. And I think they are being taken advantage of by the flood insurance program.

Again, I would urge my colleagues to support the Miller amendment. This is a good bill. I think my amendment makes a good bill better.

The Acting CHAIRMAN. The gentlewoman's time has expired.

The gentleman from Oregon is recognized for 2 minutes.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 1 of the remaining 2 minutes.

The fact that Michigan has paid in more than they have received, or that 10 States have paid in more than they have received during the last 20 years is irrelevant. The point is that it is a flood insurance program. And some years you are going to get more; some years you are going to get less. And you don't look at it over a 10-year or a 20-year program.

We make it as fair as we can, and we look at the probabilities. We need to update all of the floodplain maps so that we minimize any fluctuation. If everybody who was upset that they got back less than they paid in was monkeying around with updating the maps, then the system would be more and more out of whack and there would be more and more inequity.

What we should do is allow FEMA, the Corps of Engineers, to do their job, to update all of the maps and make it fair. Make no mistake, make no mistake; if a tremendous flood comes, people are going to want their help now, and they will understand why they paid a little more at another time.

Mr. Chairman, I reserve the balance of my time, and I reserve the right to close.

The Acting CHAIRMAN. The gentlewoman's time has expired, so the gentleman is recognized to close.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BLUMENAUER. I yield to the distinguished ranking member.

Mr. FRANK of Massachusetts. Mr. Chairman, I want to say, as I said before, we are running here a national program. And if it becomes 50 separate State programs or a couple of thousand separate county programs, you lose the insurance principle.

And it is also the case, and I understand that there are programs into which Massachusetts pays more than it gets back. Under Medicaid, we get a lower percentage of reimbursement than other States do. We have public transportation and we benefit. But we don't have much that is subsidized agriculturally.

I think the notion that every State can have a balance sheet destroys, the Articles of Confederation embody that principle, but not the Constitution.

You cannot run a national program based on need, based on response to situations on a nationwide basis if you have this kind of a balance thing.

So I agree, we should be pushing FEMA to do the right thing; but if we begin to pick and choose based on one State, you know, we will have a situation where every State will be looking to make money and none will be paying in, and pretty soon there won't be anything left.

Mr. LEVIN. Mr. Chairman, I rise in support of the Miller amendment. It is important that the record here today reflects that FEMA is proposing to revise base flood elevations using flawed methods and old data.

In my home state of Michigan, FEMA has proposed raising the base flood elevation, significantly in some areas. While FEMA should work to keep flood maps up-to-date, indeed updating these maps is one of the purposes of

this bill, it must do so in a responsible manner, utilizing accurate data. Unfortunately, that has not been true in this case.

FEMA's proposal for base flood elevations in Michigan is based on a study that is 18 years old. More to the point, the last year of data included in this 1988 study of Great Lakes water levels is the same year that the Great Lakes hit historic highs. Since then, water levels in the Great Lakes have fallen to historic lows. These elevations, which determine who is required to purchase flood insurance, need to reflect the actual risk of flooding. Commonsense, let alone science, should tell us very clearly that the risk of flooding is lower today that it was 18 years ago when this study was completed.

Right now, the International Joint Commission, or IJC, is conducting a comprehensive study of Great Lakes water levels that will be completed in 2010 or 2011. This study will take a more realistic view of factors affecting lake levels, including increased population, water consumption, environmental changes and higher flow through the Great Lakes system.

This amendment would require FEMA to use the more up-to-date and accurate data that the IJC study will provide. I am not arguing that Great Lakes states like Michigan should not have their flood maps updated, or that there should be some fixed ratio between premiums paid and damage claims received. What I am saying is that the revised flood maps should use the best data available, rather than 20-year old data that does not reflect the true flood risk.

Mr. Chairman, this bill is about reforming and improving the National Flood Insurance Program. In doing so, we must signal to FEMA that they must be responsible in setting these flood elevations. In Michigan, FEMA is proceeding on the basis of bad data, and that's going to lead to bad policy.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. MILLER of Michigan. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Michigan will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 14 by Mr. ROHRABACHER of California.

Amendment No. 15 by Mr. PEARCE of New Mexico.

Amendment No. 16 by Mrs. MILLER of Michigan.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 14 OFFERED BY MR. ROHRABACHER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 98, noes 327, not voting 7, as follows:

[Roll No. 322]

AYES—98

Aderholt
Akin
Bartlett (MD)
Bass
Beauprez
Bilbray
Boehlert
Bono
Boozman
Bradley (NH)
Burton (IN)
Calvert
Campbell (CA)
Chabot
Coble
Cole (OK)
Culberson
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Ehlers
Emerson
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Gillmor
Gingrey
Gohmert
Graves
Green, Gene
Gutknecht
Hall
Hayworth
Hefley
Hostettler
Hulshof
Hunter
Hyde
Jenkins
Jindal
Kelly
King (IA)
King (NY)
Kingston
Kuhl (NY)
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
Miller (MI)
Miller, Gary
Nadler
Norwood
Nunes
Oberstar
Obey
Otter
Paul
Pearce
Peterson (MN)
Petri
Pitts
Poe
Price (GA)
Radanovich
Rahall
Rehberg
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Schwarz (MI)
Sensenbrenner
Shadegg
Sherwood
Shuster
Sodrel
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Tiahrt
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)

NOES—327

Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nussle
Olver
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Abercrombie
Cannon
Carson
Evans
Johnson, Sam
Ortiz
Strickland

□ 1641

Mr. CARDOZA, Mr. TAYLOR of Mississippi and Mr. SULLIVAN changed their vote from ''aye'' to ''no.''

Messrs. SHUSTER, POE, HALL, SODREL, GILLMOR, FOSSELLA, BOOZMAN, TIAHRT and GALLEGLY and Mrs. KELLY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. PEARCE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) on which further proceedings

were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 347, not voting 9, as follows:

[Roll No. 323]

AYES—76

Akin
Bachus
Barrett (SC)
Barton (TX)
Beauprez
Bilbray
Blackburn
Burgess
Campbell (CA)
Cantor
Chabot
Chocola
Cooper
Deal (GA)
Duncan
Everett
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Gutknecht
Hastings (WA)
Hayworth
Hensarling
Hoekstra
Hostettler
Inglis (SC)
Istook
Jenkins
King (IA)
Kingston
Kolbe
Lungren, Daniel E.
Marchant
McCotter
McHenry
McMorris
Miller (MI)
Musgrave
Myrick
Neugebauer
Northup
Norwood
Otter
Paul
Pearce
Pence
Petri
Pitts
Price (GA)
Radanovich
Ramstad
Rehberg
Renzi
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Schwarz (MI)
Sensenbrenner
Shadegg
Sherwood
Shuster
Sodrel
Stearns
Tancredo
Thornberry
Wamp
Westmoreland
Wu

NOES—347

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Reichert
Reyes
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Abercrombie
Bishop (UT)
Cannon
Carson
Evans
Johnson, Sam
Ortiz
Strickland
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1648

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 120, noes 304, not voting 8, as follows:

[Roll No. 324]

AYES—120

Aderholt
Akin
Bachus
Baldwin
Barrett (SC)
Barton (TX)
Bass
Bean
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Bono
Bradley (NH)
Burton (IN)
Buyer
Camp (MI)
Cantor
Chabot
Chocola
Cole (OK)
Conyers
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Duncan
Ehlers
English (PA)
Feeney
Gerlach
Gillmor
Gingrey
Green (WI)
Hastings (WA)
Hayworth
Hefley
Herger
Higgins
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Jenkins
Johnson (CT)
Jones (NC)
Kaptur
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Levin
Lewis (KY)
Lucas
Lynch
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McHugh
McMorris
Mica
Miller (MI)
Moore (WI)
Moran (KS)
Myrick
Northup
Obey
Otter
Paul
Pearce
Petri
Pitts
Platts
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Schakowsky
Schwarz (MI)
Sensenbrenner
Shuster
Simmons
Simpson
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tiahrt
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wolf
Young (AK)
Young (FL)

NOES—304

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baker
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Campbell (CA)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gohmert
Gonzalez
Goode
Goodlatte

Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hensarling
Herseth
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick (MI)
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Olver
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn

NOT VOTING—8

Abercrombie
Cannon
Carson
Evans
Johnson, Sam
Lewis (CA)
Ortiz
Strickland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1657

Mr. CONYERS and Mr. BURTON of Indiana changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BISHOP of Utah) having assumed the chair, Mr. BONNER, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes, pursuant to House Resolution 891, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 4, not voting 12, as follows:

[Roll No. 325]

YEAS—416

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Higgins
Inglis (SC)
Rohrabacher
Tancredo

NOT VOTING—12

Abercrombie
Cannon
Carson
Evans
Garrett (NJ)
Johnson, Sam
King (NY)
Markey
Ortiz
Shuster
Strickland
Whitfield

□ 1719

Mr. FLAKE changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4973, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

Mr. NEY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4973, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

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

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 5672, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 5672 pursuant to House Resolution 890, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clause 9 of rule XX.

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

There was no objection.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5672, and that I may include tabular material on the same.

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

There was no objection.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 890 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5672.

□ 1720

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 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, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

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

The gentleman from Virginia (Mr. WOLF) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I yield myself 11 minutes.

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

Mr. WOLF. Mr. Chairman, I am pleased to begin consideration of H.R. 5672, making appropriations for fiscal year 2007 for Science, the Departments of State, Justice, Commerce, and related agencies. This bill provides a funding for programs whose impact ranges from the safety of people in their homes and communities to the conduct of diplomacy around the world and to the farthest reaches of space exploration.

The bill before the House today reflects the delicate balancing of needs and requirements. We have drafted what I consider a responsible bill for fiscal year 2007 spending levels for the Departments and agencies under the subcommittee's jurisdiction. We have carefully prioritized the funding in the bill and made hard choices about how to spend the scarce resources.

We have been very fair. We, the entire Committee, have been very fair with each and every Member that has approached the subcommittee as we went through this entire process.

I want to thank Chairman LEWIS for supporting us with what I believe is a fair allocation and helping us to move the bill forward. I also want to thank the ranking member, Mr. MOLLOHAN, who has been a very effective and valued partner and colleague on the bill. I appreciate his principled commitment and understanding of the programs in the bill.

I also want to thank members of the subcommittee for their help and assistance: CHARLES TAYLOR, MARK KIRK, DAVE WELDON, Tom DeLay, VIRGIL GOODE, JOHN CULBERSON, RODNEY ALEXANDER, JOSÉ SERRANO, BUD CRAMER, PATRICK KENNEDY, CHAKA FATTAH, and also Mr. OBEY, the ranking member of the full committee.

I truly appreciate the professionalism and cooperation of the minority staff. In particular, I want to thank David Pomerantz, Michelle Burkett, Sally Moorhead, Julie Aaronson and Rob Nabors from the Democratic staff, who have been an enormous help during all the long hours spent putting this bill together.

I also, Mr. Chairman, want to thank the members of the subcommittee staff on both sides for their long hours to produce the fiscal year 2007 Science, State, Justice, Commerce bill. I would like to particularly thank Mike Ringler, the clerk of the subcommittee, who has done an outstanding job and really spent hours and hours away from his family, as have the others, and who has led the subcommittee through the House appropriations process.

I also want to thank publicly and personally Christine Kojac, John Martens, Anne Marie Goldsmith, Clelia Alvarado, and Darryl Hill for their tireless efforts. Their work is very much appreciated. Only a handful of us know how much time and effort they have put in, but I want to thank them. And the record ought to show, frankly, when history looks back, who gets credit for a lot of what has taken place.

In my personal office, I would like to thank Dan Scandling, Janet Shaffron, J.T. Griffin, Samantha Stockman, and Courtney Schlieter for their efforts in working with the subcommittee; and from the minority, if I left out anybody, I mentioned, I think, Dave Pomerantz, Michelle Burkett, and Julie Aaronson, but also Rob Nabors for their efforts with regard to this.

We have worked in a bipartisan manner. And that is just not rhetoric for the CONGRESSIONAL RECORD, but it has truly been a bipartisan effort in putting the bill together. And as a former staff member up here on Capitol Hill, I personally want to thank each and every one of them. They have really done an outstanding job.

The bill contains $59.8 billion in discretionary spending. At a time of fiscal constraint, we have developed a bill that preserves critical domestic and international programs while living within our allocations. We have had to make some difficult choices and focus limited resources on programs that are most critical to the Nation. Program increases are focused on the most critical areas, including science and competitiveness, counterterrorism, and law enforcement.

For the Department of Justice, the bill includes $22.1 billion, $1 billion above the request. The bill includes a total of $2.57 billion for proven State and local law enforcement crime-fighting programs to keep our communities safe.

We have restored, and I stress the word ''restored,'' $1.1 billion above the request to the highest priority programs, including SCAAP, justice assistance grants, and juvenile justice programs, all which the Administration proposed to eliminate or dramatically reduce. That is $1.1 billion with a ''B.''

The bill also includes important new investments to fight the national epidemic of methamphetamine abuse; $367 million for justice assistance grants to support local drug task forces, a $50 million increase; $99 million in grants to combat meth, a $36 million increase; and $40 million for drug courts, a $30 million increase, which is a 300 percent increase in drug courts; and a $15 million increase for DEA to support State

and local efforts to fight international trafficking.

Gangs pose one of the greatest threats to the safety and security of all Americans. Today, gangs are more violent, more organized, and more widespread than ever before. This bill focuses funding on fighting gangs and gang violence. We have increased the FBI and the ATF antigang programs, and restored funding to the gang resistance training program. In addition, we have supported a $40 million gang program following the Project Safe Neighborhoods model that would allow each U.S. Attorney's Office to finance antigang strategies in cooperation with State and local law enforcement.

The bill also includes $6.04 billion for the FBI to include counterterrorism and counterintelligence capabilities, while continuing to fight crimes such as child exploitation, human trafficking, and gang violence. Again, programs we have increased far over the administration level.

I would also like to highlight that the bill continues funding for the eight faith-based rehabilitation programs in the Federal prison system and recognizes the success that faith-based programs have had in reducing recidivism. Before I got elected to Congress I was involved in a prison program. You must give these men and women hope and an opportunity. So, I think this is a very important program at all the State, local, and Federal levels.

Statistically, two out of every three inmates are likely to re-offend and end up back in prison, often with only days or months in their release. Therefore, it is critical we promote programs that help break this cycle, thereby improving the safety and the security of our communities. In light of the success the values-based programs have had in this regard, I encourage the Bureau of Prisons and state departments of correction to continue alternative treatment programming that emphasizes the teaching of positive social values and reform character.

It is immoral just to warehouse people and not give them any rehabilitation, faith-based programs, mental health or other programs. I have long been a supporter of these value-based types of programs and think they should be continued in Federal and State prisons. I hope that Congress will work to protect these programs.

If you take these programs away, faith-based, mental health, what type of society will we have?

In Science, the other focus in the bill this year is science and competitiveness. The capacity to innovate is the primary engine of our economy and our way of life. In order to sustain it, we must increase our investment in basic scientific research and strengthen science education.

For this reason, the bill fully funds the President's American Competitiveness Initiative, which includes a recommitment to doubling the funding for basic science research over 10 years.

We have dramatically increased the NSF and NIST.

For NASA, the bill includes $16.7 billion.

I want to thank NASA and NIST chairman SHERWOOD BOEHLERT and VERN EHLERS, who really played a major role in this, and Mr. MOLLOHAN.

In NASA, the bill restores $100 million of the cut proposed to the aeronautic research and responds to the lower than anticipated increases for space science programs.

The space shuttle is set to launch on Saturday, and the bill before you includes full funding for the shuttle program to support the completion of the International Space Station and continuation of the shuttle safety improvements.

In Commerce, we have dealt with critical functions of the National Weather Service and NOAA's weather and climate forecasting.

□ 1730

We have also included a 5.2 percent increase for the PTO and an increase of $72 million. For the State Department, and the broadcasting Board of governors, a recommendation of $9.66 billion within this Federal, $1.7 billion to provide full funding request for worldwide security and improvements.

We have included the requested funds for international peacekeeping to pay the assessed costs for missions in Sudan, Haiti and elsewhere. We have included language to require notification to the Committee that prevention and prosecution measures are taken to ensure zero tolerance in sexual abuse in peacekeeping. We also added language supporting the maintenance of a flat U.N. budget.

On the Small Business Administration, we have provided $90 million for small business development grants, a $2 million increase; also allows up to $17.5 billion in general 7(a) business loans, an unprecedented level, while requiring no appropriation.

In closing, a summary of the bill provides the increase necessary to maintain strength in critical law enforcement, fight terrorism, deal with drugs.

I again want to thank the staff and thank the committee.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, FY 2007 (H.R. 5672)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	86,289	115,505	90,136	+3,847	-25,369
Office of Intelligence and Policy Review	36,577	---	---	-36,577	---
Subtotal	122,866	115,505	90,136	-32,730	-25,369
Justice information sharing technology	123,404	175,007	125,000	+1,596	-50,007
Tactical wireless communications	88,851	89,217	89,000	+149	-217
Administrative review and appeals	212,930	229,212	229,152	+16,222	-60
Detention trustee	1,206,392	1,332,326	1,331,026	+124,634	-1,300
Prior year unobligated balances	-45,000	---	-5,000	+40,000	-5,000
Direct appropriation	1,161,392	1,332,326	1,326,026	+164,634	-6,300
Office of Inspector General	67,922	70,558	70,558	+2,636	---
Total, General Administration	1,777,365	2,011,825	1,929,872	+152,507	-81,953
United States Parole Commission					
Salaries and expenses	10,859	11,951	11,500	+641	-451
Legal Activities					
General legal activities:					
Direct appropriation	653,505	684,324	668,739	+15,234	-15,585
Vaccine injury compensation trust fund (permanent)	6,252	6,333	6,292	+40	-41
National Security Division					
Salaries and expenses	---	66,970	66,970	+66,970	---
Antitrust Division	144,088	147,742	145,915	+1,827	-1,827
Offsetting fee collections - current year	-116,000	-129,000	-129,000	-13,000	---
Direct appropriation	28,088	18,742	16,915	-11,173	-1,827
United States Attorneys					
Salaries and expenses	1,579,565	1,664,400	1,664,400	+84,835	---
Emergency appropriations (P.L. 109-148)	9,000	---	---	-9,000	---
Project Seahawk (rescission)	---	-27,000	---	---	+27,000
Total, United States Attorneys	1,588,565	1,637,400	1,664,400	+75,835	+27,000
United States Trustee System Fund	211,664	236,116	223,447	+11,783	-12,669
Offsetting fee collections	-206,728	-229,000	-218,447	-11,719	+10,553
Interest on U.S. securities	-4,936	-5,000	-5,000	-64	---
Direct appropriation	---	2,116	---	---	-2,116
Foreign Claims Settlement Commission	1,303	1,559	1,431	+128	-128
United States Marshals Service					
Salaries and expenses	782,903	825,924	825,924	+43,021	---
Emergency appropriations (P.L. 109-148)	9,000	---	---	-9,000	---
Construction	8,769	---	---	-8,769	---
Total, United States Marshals Service	800,672	825,924	825,924	+25,252	---
Fees and expenses of witnesses	168,000	171,000	171,000	+3,000	---
Community Relations Service	9,536	10,229	9,882	+346	-347
Assets forfeiture fund	21,194	21,211	21,202	+8	-9
Total, Legal activities	3,277,115	3,445,808	3,452,755	+175,640	+6,947

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, FY 2007 (H.R. 5672)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Interagency Law Enforcement					
Interagency crime and drug enforcement	483,189	706,051	498,457	+15,268	-207,594
Federal Bureau of Investigation					
Salaries and expenses	3,395,906	3,680,664	3,651,634	+255,728	-29,030
Emergency appropriations (P.L. 109-148)	45,000	---	---	-45,000	---
Counterintelligence and national security	2,259,663	2,307,994	2,307,994	+48,331	---
Direct appropriation	5,700,569	5,988,658	5,959,628	+259,059	-29,030
Construction	37,128	51,392	80,422	+43,294	+29,030
Total, Federal Bureau of Investigation	5,737,697	6,040,050	6,040,050	+302,353	---
Drug Enforcement Administration					
Salaries and expenses	1,866,591	1,948,569	1,963,569	+96,978	+15,000
Emergency appropriations (P.L. 109-148)	10,000	---	---	-10,000	---
Diversion control fund	-201,673	-212,078	-212,078	-10,405	---
Total, Drug Enforcement Administration	1,674,918	1,736,491	1,751,491	+76,573	+15,000
Bureau of Alcohol, Tobacco, Firearms and Explosives					
Salaries and expenses	911,817	860,128	950,128	+38,311	+90,000
Emergency appropriations (P.L. 109-148)	20,000	---	---	-20,000	---
Legislative proposal	---	120,000	30,000	+30,000	-90,000
Legislative proposal	---	-120,000	-30,000	-30,000	+90,000
Total, Bureau of Alcohol, Tobacco and Firearms	931,817	860,128	950,128	+18,311	+90,000
Federal Prison System					
Salaries and expenses	4,830,161	4,987,059	4,987,059	+156,898	---
Buildings and facilities	88,961	117,102	88,961	---	-28,141
Emergency appropriations (P.L. 109-148)	11,000	---	---	-11,000	---
Subtotal	99,961	117,102	88,961	-11,000	-28,141
Rescission	---	-142,000	---	---	+142,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,322	2,477	2,477	-845	---
Total, Federal Prison System	4,933,444	4,964,638	5,078,497	+145,053	+113,859
Violence against women office	381,566	347,013	390,296	+8,730	+43,283
Office of Justice Programs					
Justice assistance	230,254	1,033,952	215,575	-14,679	-818,377
Public safety officers benefits, death benefits	---	65,000	---	---	-65,000
Total, Justice assistance	230,254	1,098,952	215,575	-14,679	-883,377
State and local law enforcement assistance:					
Justice assistance grants	411,159	---	558,077	+146,918	+558,077
Boys and Girls clubs	(83,914)	---	(75,000)	(-8,914)	(+75,000)
National Institute of Justice	(9,872)	---	---	(-9,872)	---
Byrne grants (discretionary)	---	---	(115,225)	(+115,225)	(+115,225)
Indian assistance	21,719	---	---	-21,719	---
Tribal prison construction	(8,885)	---	---	(-8,885)	---
Indian tribal courts program	(7,898)	---	---	(-7,898)	---
Indian grants	(4,936)	---	---	(-4,936)	---
State criminal alien assistance program	399,827	---	405,000	+5,173	+405,000
Southwest border prosecutors	29,617	---	30,000	+383	+30,000
Byrne grants (discretionary)	189,255	---	---	-189,255	---
Drug courts	9,872	---	40,000	+30,128	+40,000
Other crime control programs	840	---	---	-840	---
Assistance for victims of trafficking	9,872	---	21,488	+11,616	+21,488

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, FY 2007 (H.R. 5672)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Prescription drug monitoring	7,404	---	10,000	+2,596	+10,000
Prison rape prevention	17,943	---	22,943	+5,000	+22,943
State prison drug treatment	9,872	---	5,000	-4,872	+5,000
Intelligence sharing	9,872	---	2,000	-7,872	+2,000
Cannabis eradication	4,936	---	---	-4,936	---
Capital litigation	987	---	2,000	+1,013	+2,000
Mentally ill offender act	4,936	---	5,000	+64	+5,000
Sex Offender Registry	---	---	1,984	+1,984	+1,984
Emergency appropriations (P.L. 109-148)	125,000	---	---	-125,000	---
Undesignated	---	---	---	---	---
Total, State and local law enforcement	1,253,111	---	1,103,492	-149,619	+1,103,492
Weed and seed program fund	49,361	---	---	-49,361	---
Community oriented policing services:					
Training and technical assistance	3,949	3,997	3,997	+48	---
Bullet proof vests	29,617	---	20,000	-9,617	+20,000
Tribal law enforcement	14,808	31,065	31,065	+16,257	---
Meth hot spots	62,778	40,084	99,000	+36,222	+58,916
COPS technology	138,117	---	100,000	-38,117	+100,000
Interoperable communications	(9,872)	---	---	(-9,872)	---
Criminal records upgrade	9,872	---	4,873	-4,999	+4,873
DNA backlog/crime lab	107,145	---	175,568	+68,423	+175,568
Paul Coverdell forensics science	18,264	---	---	-18,264	---
Crime identification technology	28,407	---	---	-28,407	---
Project safe neighborhoods	14,808	---	54,808	+40,000	+54,808
Reduce gang violence	---	---	(40,000)	(+40,000)	(+40,000)
Offender reentry	4,936	---	4,936	---	+4,936
Reduce gang violence	39,489	---	---	-39,489	---
Weed and seed strategies	---	---	49,348	+49,348	+49,348
Management and administration	---	26,950	26,950	+26,950	---
Total, Community oriented policing services	472,190	102,096	570,545	+98,355	+468,449
Juvenile justice programs	338,361	---	280,739	-57,622	+280,739
Public safety officers benefits:					
Death benefits	64,000	---	65,000	+1,000	+65,000
Disability and education benefits	8,834	---	8,828	-6	+8,828
Total, Public safety officers benefits program	72,834	---	73,828	+994	+73,828
Total, Office of Justice Programs	2,416,111	1,201,048	2,244,179	-171,932	+1,043,131
Total, title I, Department of Justice	21,624,081	21,325,003	22,347,225	+723,144	+1,022,222
Appropriations	(21,395,081)	(21,494,003)	(22,347,225)	(+952,144)	(+853,222)
Rescissions	---	(-169,000)	---	---	(+169,000)
Emergency appropriations	(229,000)	---	---	(-229,000)	---
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
RELATED AGENCIES					
Office of the United States Trade Representative					
Salaries and expenses	44,207	42,197	46,207	+2,000	+4,010
International Trade Commission					
Salaries and expenses	61,950	64,200	62,575	+625	-1,625
Total, Related agencies	106,157	106,397	108,782	+2,625	+2,385

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, FY 2007 (H.R. 5672)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	401,728	421,782	424,782	+23,054	+3,000
Offsetting fee collections	-8,000	-13,000	-13,000	-5,000	---
Direct appropriation	393,728	408,782	411,782	+18,054	+3,000
Bureau of Industry and Security					
Operations and administration	60,451	63,815	62,039	+1,588	-1,776
CWC enforcement	14,579	14,767	14,767	+188	---
Total, Bureau of Industry and Security	75,030	78,582	76,806	+1,776	-1,776
Economic Development Administration					
Economic development assistance programs	250,741	297,467	230,741	-20,000	-66,726
Salaries and expenses	29,691	29,700	29,700	+9	---
Total, Economic Development Administration	280,432	327,167	260,441	-19,991	-66,726
Minority Business Development Agency					
Minority business development	29,641	29,641	29,641	---	---
Total, Trade and Infrastructure Development	884,988	950,569	887,452	+2,464	-63,117
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	79,278	80,482	79,880	+602	-602
Bureau of the Census					
Salaries and expenses	195,500	184,067	190,067	-5,433	+6,000
Periodic censuses and programs	606,363	694,092	694,092	+87,729	---
Total, Bureau of the Census	801,863	878,159	884,159	+82,296	+6,000
National Telecommunications and Information Administration					
Salaries and expenses	17,837	17,837	17,837	---	---
Public telecommunications facilities, planning and construction	21,719	---	---	-21,719	---
Total, National Telecommunications and Information Administration	39,556	17,837	17,837	-21,719	---
United States Patent and Trademark Office					
Current year fee funding	1,683,086	1,771,000	1,771,000	+87,914	---
Offsetting fee collections	-1,683,086	-1,771,000	-1,771,000	-87,914	---
Total, Economic and Information Infrastructure	920,697	976,478	981,876	+61,179	+5,398
SCIENCE AND TECHNOLOGY					
Technology Administration					
Salaries and expenses	5,923	1,485	2,000	-3,923	+515
National Institute of Standards and Technology					
Scientific and technical research and services	394,762	467,002	467,002	+72,240	---
(Transfer out)	(-987)	(-9,450)	(-9,450)	(-8,463)	---

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, FY 2007 (H.R. 5672)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Industrial technology services	183,624	46,332	92,000	-91,624	+45,668
Rescission (P.L. 109-148)	-7,000	---	---	+7,000	---
Construction of research facilities	173,651	67,998	67,998	-105,653	---
Working capital fund (by transfer)	(987)	(9,450)	(9,450)	(+8,463)	---
Total, National Institute of Standards and Technology	745,037	581,332	627,000	-118,037	+45,668
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	2,727,930	2,587,843	2,375,464	-352,466	-212,379
(By transfer from Promote and Develop Fund)	(66,144)	(77,000)	(77,000)	(+10,856)	---
By transfer from Coastal zone management	2,962	3,000	3,000	+38	---
Emergency appropriations (P.L. 109-148)	17,200	---	---	-17,200	---
Total, Operations, research, and facilities	2,748,092	2,590,843	2,378,464	-369,628	-212,379
Procurement, acquisition and construction	1,109,919	1,024,467	996,703	-113,216	-27,764
Emergency appropriations (P.L. 109-148)	37,400	---	---	-37,400	---
Total, Procurement, acquisition and construction	1,147,319	1,024,467	996,703	-150,616	-27,764
Pacific coastal salmon recovery	66,638	66,825	20,000	-46,638	-46,825
Coastal zone management fund	-3,000	-3,000	-3,000	---	---
Fisheries finance program account	-9,000	-3,000	-5,000	+4,000	-2,000
Total, National Oceanic and Atmospheric Administration	3,950,049	3,676,135	3,387,167	-562,882	-288,968
Total, Science and Technology	4,701,009	4,258,952	4,016,167	-684,842	-242,785
OTHER					
Salaries and expenses, Departmental Management	46,860	56,999	52,760	+5,900	-4,239
Travel and tourism	3,949	---	---	-3,949	---
HCHB renovation and modernization	---	18,000	---	---	-18,000
Office of Inspector General	22,467	22,531	22,531	+64	---
National Intellectual Property Law Enforcement Coordination Council	---	990	---	---	-990
Total, Other	73,276	98,520	75,291	+2,015	-23,229
Total, Department of Commerce	6,473,813	6,178,122	5,852,004	-621,809	-326,118
Total, title II, Department of Commerce and related agencies	6,579,970	6,284,519	5,960,786	-619,184	-323,733
Appropriations	(6,532,370)	(6,284,519)	(5,960,786)	(-571,584)	(-323,733)
Emergency appropriations	(54,600)	---	---	(-54,600)	---
(By transfer)	(67,131)	(86,450)	(86,450)	(+19,319)	---
(Transfer out)	(-987)	(-9,450)	(-9,450)	(-8,463)	---
TITLE III - SCIENCE					
Executive Office of the President					
Office of Science and Technology Policy	5,493	5,369	5,369	-124	---
National Aeronautics and Space Administration					
Science, aeronautics and exploration	9,636,727	10,523,805	10,482,000	+845,273	-41,805
Exploration capabilities	6,577,901	6,234,922	6,193,500	-384,401	-41,422
Emergency appropriations (P.L. 109-148)	349,800	---	---	-349,800	---
Office of Inspector General	31,986	33,500	33,500	+1,514	---
Total, NASA	16,596,414	16,792,227	16,709,000	+112,586	-83,227

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, FY 2007 (H.R. 5672)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Science Foundation					
Research and related activities (non-defense)	4,264,825	4,598,430	4,598,430	+333,605	---
Defense function	66,658	67,520	67,520	+862	---
Major research equipment and facilities construction	190,881	240,250	237,250	+46,369	-3,000
Education and human resources	796,693	816,220	832,432	+35,739	+16,212
Salaries and expenses	246,807	281,822	268,610	+21,803	-13,212
National Science Board	3,949	3,910	3,910	-39	---
Office of Inspector General	11,353	11,860	11,860	+507	---
Total, National Science Foundation	5,581,166	6,020,012	6,020,012	+438,846	---
Total, title III, Science	22,183,073	22,817,608	22,734,381	+551,308	-83,227
Appropriations	(21,833,273)	(22,817,608)	(22,734,381)	(+901,108)	(-83,227)
Emergency appropriations	(349,800)	---	---	(-349,800)	---
TITLE IV - DEPARTMENT OF STATE AND RELATED AGENCY					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	3,633,018	3,856,703	3,709,914	+76,896	-146,789
(Transfer out)	(-3,949)	(-4,000)	(-4,000)	(-51)	---
Worldwide security upgrades	680,716	795,170	795,170	+114,454	---
Emergency appropriations (P.L. 109-148)	16,000	---	---	-16,000	---
Rescission (P.L. 109-148)	-10,000	---	---	+10,000	---
Total, Diplomatic and consular programs	4,319,734	4,651,873	4,505,084	+185,350	-146,789
Capital investment fund	58,143	68,298	58,143	---	-10,155
Centralized IT modernization program	68,482	---	---	-68,482	---
Office of Inspector General	29,646	32,508	32,508	+2,862	---
Educational and cultural exchange programs	426,275	474,288	436,275	+10,000	-38,013
Representation allowances	8,175	8,201	8,175	---	-26
Protection of foreign missions and officials	9,270	9,288	9,270	---	-18
Embassy security, construction, and maintenance	591,152	640,161	605,652	+14,500	-34,509
Worldwide security upgrades	898,574	899,368	899,368	+794	---
Rescission (P.L. 109-148)	-20,000	---	---	+20,000	---
Emergencies in the diplomatic and consular service	9,872	4,940	4,940	-4,932	---
Emergency appropriations (P.L. 109-148)	15,000	---	---	-15,000	---
(By transfer)	(3,949)	(4,000)	(4,000)	(+51)	---
(Transfer out)	(-987)	---	---	(+987)	---
Repatriation Loans Program Account:					
Direct loans subsidy	703	695	695	-8	---
Administrative expenses	599	590	590	-9	---
(By transfer)	(987)	---	---	(-987)	---
Total, Repatriation loans program account	1,302	1,285	1,285	-17	---
Payment to the American Institute in Taiwan	19,499	15,826	15,826	-3,673	---
Payment to the Foreign Service Retirement and Disability Fund	131,700	125,000	125,000	-6,700	---
Total, Administration of Foreign Affairs	6,566,824	6,931,036	6,701,526	+134,702	-229,510

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, FY 2007 (H.R. 5672)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
International Organizations					
Contributions to international organizations, current year assessment	1,151,318	1,268,523	1,151,318	---	-117,205
Contributions for international peacekeeping activities, current year	1,022,275	1,135,327	1,135,327	+113,052	---
Total, International Organizations and Conferences	2,173,593	2,403,850	2,286,645	+113,052	-117,205
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	27,643	28,453	28,453	+810	---
Construction	5,232	5,237	9,237	+4,005	+4,000
American sections, international commissions	9,911	9,587	9,587	-324	---
International fisheries commissions	23,694	20,651	20,651	-3,043	---
Total, International commissions	66,480	63,928	67,928	+1,448	+4,000
Other					
Payment to the Asia Foundation	13,821	10,000	13,821	---	+3,821
Center for Middle Eastern-Western dialogue	5,923	750	375	-5,548	-375
Eisenhower Exchange Fellowship program	494	500	500	+6	---
Israeli Arab scholarship program	370	375	375	+5	---
East-West Center	18,994	12,000	3,000	-15,994	-9,000
National Endowment for Democracy	74,042	80,000	50,000	-24,042	-30,000
Total, Department of State	8,920,541	9,502,439	9,124,170	+203,629	-378,269
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations	633,257	617,338	651,279	+18,022	+33,941
Broadcasting to Cuba	---	36,279	---	---	-36,279
Broadcasting capital improvements	10,753	18,286	7,624	-3,129	-10,662
Total, Broadcasting Board of Governors	644,010	671,903	658,903	+14,893	-13,000
Total, title IV, Department of State and Related Agency	9,564,551	10,174,342	9,783,073	+218,522	-391,269
Appropriations	(9,563,551)	(10,174,342)	(9,783,073)	(+219,522)	(-391,269)
Emergency appropriations	(31,000)	---	---	(-31,000)	---
(Transfer out)	(-4,936)	(-4,000)	(-4,000)	(+936)	---
(By transfer)	(4,936)	(4,000)	(4,000)	(-936)	---
TITLE V - RELATED AGENCIES					
Antitrust Modernization Commission					
Salaries and expenses	1,157	462	462	-695	---
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	493	493	493	---	---
Commission on Civil Rights					
Salaries and expenses	8,933	9,309	8,933	---	-376
Commission on International Religious Freedom					
Salaries and expenses	3,258	3,000	3,000	-258	---

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, FY 2007 (H.R. 5672)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Commission on Security and Cooperation in Europe					
Salaries and expenses	2,004	2,110	2,110	+106	---
Congressional-Executive Commission on the People's Republic of China					
Salaries and expenses	1,876	2,000	2,000	+124	---
Equal Employment Opportunity Commission					
Salaries and expenses	326,998	322,807	322,807	-4,191	---
Federal Communications Commission					
Salaries and expenses	289,758	302,542	294,261	+4,503	-8,281
Offsetting fee collections - current year	-288,771	-301,500	-293,261	-4,490	+8,239
Direct appropriation	987	1,042	1,000	+13	-42
Federal Trade Commission					
Salaries and expenses	210,079	223,000	213,079	+3,000	-9,921
Offsetting fee collections - current year	-116,000	-129,000	-129,000	-13,000	---
Offsetting fee collections, telephone database	-23,000	-18,000	-23,000	---	-5,000
Direct appropriation	71,079	76,000	61,079	-10,000	-14,921
HELP Commission					
Salaries and expenses	---	1,000	1,250	+1,250	+250
Legal Services Corporation					
Payment to the Legal Services Corporation	326,578	310,860	313,860	-12,718	+3,000
Marine Mammal Commission					
Salaries and expenses	2,883	2,133	2,000	-883	-133
National Veterans Business Development Corporation					
National Veterans Business Development Corporation	1,481	---	---	-1,481	---
Securities and Exchange Commission					
Salaries and expenses	888,117	904,846	900,517	+12,400	-4,329
Prior year unobligated balances	-25,000	-14,000	-20,000	+5,000	-6,000
Direct appropriation	863,117	890,846	880,517	+17,400	-10,329
Small Business Administration					
Salaries and expenses	309,031	303,550	303,550	-5,481	---
Legislative proposal	---	-7,000	---	---	+7,000
(Transfer out)	---	---	(-1,000)	(-1,000)	(-1,000)
Office of Inspector General	13,722	14,355	13,722	---	-633
Emergency appropriations (P.L. 109-148)	5,000	---	---	-5,000	---
Surety bond guarantees revolving fund	2,824	2,970	2,824	---	-146
Business Loans Program Account:					
Direct loans subsidy	1,283	---	---	-1,283	---
Administrative expenses	123,706	126,136	123,706	---	-2,430
(By transfer from SBA salaries and expenses)	---	---	(1,000)	(+1,000)	(+1,000)
Total, Business loans program account	124,989	126,136	123,706	-1,283	-2,430

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, FY 2007 (H.R. 5672)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Disaster Loans Program Account:					
Direct loans subsidy	---	85,140	85,140	+85,140	---
Emergency appropriations (P.L. 109-148)	264,500	---	---	-264,500	---
Transfer from FEMA (emergency)(P.L. 109-174)	712,000	---	---	-712,000	---
Administrative expenses	---	113,850	113,850	+113,850	---
Emergency appropriations (P.L. 109-148)	176,500	---	---	-176,500	---
Total, Disaster loans program account	1,153,000	198,990	198,990	-954,010	---
Total, Small Business Administration	1,608,566	639,001	642,792	-965,774	+3,791
State Justice Institute					
Salaries and expenses	3,455	---	2,000	-1,455	+2,000
United States - China Economic and Security Review Commission					
Salaries and expenses	2,962	4,000	4,000	+1,038	---
United States Senate-China Interparliamentary Group					
Salaries and expenses	149	---	---	-149	---
United States Institute of Peace					
Operating expenses	22,064	26,979	26,979	+4,915	---
Total, title V, Related agencies	3,248,040	2,292,042	2,275,282	-972,758	-16,760
Appropriations	(2,090,040)	(2,292,042)	(2,275,282)	(+185,242)	(-16,760)
Emergency appropriations	(1,158,000)	---	---	(-1,158,000)	---
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
Violent crime reduction trust fund (rescission)	---	---	-8,000	-8,000	-8,000
General Administration					
Working capital fund (rescission)	-2,500	---	---	+2,500	---
Telecommunications Carrier Compliance Fund(rescission)	---	---	-39,000	-39,000	-39,000
Legal Activities					
Assets forfeiture fund (rescission)	-102,000	-120,000	-152,787	-50,787	-32,787
Federal Bureau of Investigation					
Salaries and expenses (rescission)	-25,000	---	---	+25,000	---
Office of Justice Programs					
Office of Justice programs (rescission)	-110,500	-127,500	-127,500	-17,000	---
Community oriented policing services (rescission)	-86,500	-127,500	-127,500	-41,000	---
DEPARTMENT OF COMMERCE					
National Oceanic and Atmospheric Administration					
Rescission	-25,000	---	---	+25,000	---

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, FY 2007 (H.R. 5672)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Departmental Management					
Emergency steel guaranteed loan program account (rescission)	---	-48,607	-38,607	-38,607	+10,000
Department of State					
Center for Middle Eastern-Western Dialogue Trust Fund (rescission)	---	---	-10,000	-10,000	-10,000
RELATED AGENCIES					
Federal Communications Commission					
Salaries and expenses (rescission)	-25,300	---	---	+25,300	---
Federal Trade Commission					
Salaries and expenses (rescission)	-12,000	---	---	+12,000	---
Marine Mammal Commission					
Salaries and expenses (rescission)	-920	---	---	+920	---
Small Business Administration					
Salaries and expenses (rescission)	-3,000	-6,100	-6,100	-3,100	---
Business Loans Program Account (rescission)	-4,000	-5,000	-5,000	-1,000	---
Disaster Loans Program Account (rescission)	---	-3,700	-3,700	-3,700	---
GENERAL PROVISIONS					
Across-the-board cut (1%) (rescission) (P.L. 109-148)	492	---	---	-492	---
Total, title VII, Rescissions	-396,228	-438,407	-518,194	-121,966	-79,787
Grand total:					
New budget (obligational) authority	62,803,487	62,455,107	62,582,553	-220,934	+127,446
Appropriations	(61,303,815)	(62,935,014)	(62,973,247)	(+1,669,432)	(+38,233)
Emergency appropriations	(1,822,400)	---	---	(-1,822,400)	---
Rescissions	(-322,728)	(-479,907)	(-390,694)	(-67,966)	(+89,213)
(Transfer out)	(-5,923)	(-13,450)	(-14,450)	(-8,527)	(-1,000)
(By transfer)	(72,067)	(90,450)	(91,450)	(+19,383)	(+1,000)

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

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I first want to compliment Chairman WOLF on his efforts with regard to this bill. He has had a really tough job balancing the subcommittee's portfolio, which is considerable, with diverse important programs. He has managed in a very tough budgetary climate. I truly admire his passion, and his conviction, which are all evident in this bill.

Chairman WOLF characteristically does an excellent job, and certainly his experience working for a number of years on this bill has served him well in a very difficult situation. He is to be complimented here today.

There are very definitely some great things, Mr. Chairman, that can be said about this bill. Federal law enforcement is fully funded. Many of those accounts, such as the U.S. Attorney's account, the Drug Enforcement Administration, the Bureau of Prisons, are all funded above the President's requested level. Some are funded at the requested level, such as the U.S. Marshal's service and the Federal Bureau of Investigation.

This funding is a priority. It is important, and I support the Chairman's efforts to provide it.

The bill also fully funds the American Competitiveness Initiative, which in this bill will double over 10 years the research and development lines for physical science and engineering at NIST and the National Science Foundation.

Two significant funding improvements were made during full committee. The chairman accepted an amendment to increase funding for the Survey of Income and Program Participation by $10 million and accepted an amendment providing partial funding for the SBA Microloan program. These are two programs that many Members expressed concern about, and I am pleased the amendments were adopted after being accepted by the chairman.

Mr. Chairman, a number, around 80 to 90 at last count, of well-meaning Members will offer amendments today. We ought to be offering amendments to increase law enforcement funding. We ought to be offering amendments to restore science funding at NASA and to help NASA with the expensive and numerous tasks on its plate. We ought to be offering amendments to increase funding for the Economic Development Administration.

The list of programs needing more funding in this bill goes on and on. But the funding just isn't there. The offsets just aren't there. These well-intentioned amendments will come at the cost of important programs when they are offered up as offsets, important programs such as the census, U.N. peacekeeping efforts, salaries and expenses at the Department of State, the Department of Justice, and the Department of Commerce, which have already been cut back.

I just want to take a moment, Mr. Chairman, to remind Members about why many of these amendments will need to be opposed. It is because the insufficient budget resolution that was passed on this floor has resulted in a narrow allocation for this bill that will not allow us to fund all of the priorities that Members will advocate for on the floor.

As a matter of fact, the number of amendments that are being offered today is the greatest number that I can ever remember being offered on this bill. But they have been increasing every year as that budget allocation has become smaller and smaller because of the budget resolutions that we passed at the beginning of this process.

The number of amendments offered here today is in and of itself, I think, one of the best indicators that we are not providing enough money for domestic discretionary programs. Members are recognizing that program by program by program. Members are offering amendments, trying to increase funding for those programs, those worthy programs that I just mentioned.

It is beginning to really hurt. It is beginning to really hurt law enforcement, beginning to really hurt NASA and other science programs. It is beginning to really hurt economic development programs.

For example, I know the chairman is committed to providing adequate funding for our Nation's law enforcement, the men and women who put their lives on the line every day in the name of public safety back in our communities. The President's budget cut $1.3 billion out of State and local law enforcement, about half of the funding provided in fiscal year 2006.

Now, let me repeat that. The request that the President of the United States sent to the United States Congress cut $1.3 billion out of State and local law enforcement, about half the funding that we provided last year. These funds are important resources to the men and women who are keeping our districts safe, our communities safe.

Chairman WOLF restored $1.1 billion of this funding, for a total of $2.3 billion for Federal assistance to State and local law enforcement. That is what is in this bill, $2.3 billion for Federal assistance to State and local law enforcement.

Last year, Mr. Chairman, the Congress provided $2.5 billion for State and local law enforcement. That was $1 billion above the President's request then, but $300 million below the 2005 level. The 2005 level that we passed here was $1.2 billion above the request, but $200 million below the 2004 level. The 2004 level was $500 million below the 2003 level, and the 2003 level was $500 million below the 2002 level. The 2002 level was $400 million below the high water mark for Federal assistance to State and local law enforcement of $4.4 billion in 2001.

While we see what is happening here, the bottom line is that we have cut about $2 billion in funding for State and local law enforcement since 2001. Well, do we care about that? Does that have an effect? Well these cuts, Mr. Chairman, are not without consequences.

Preliminary data from the FBI's uniform crime report for 2005 indicate that violent crime rates have increased 2.5 percent from 2004 to 2005. This is the largest increase since 1992. Is anyone surprised? Certainly not.

Violent crime rates fell steadily from 1993 to 2002, and this nearly coincides with the establishment of the community policing program known as the COPS program under the Clinton administration. The Office of Community Oriented Policing Services, COPS, was created in 1994; 100,000 police officers were put on the beat by funds provided under the COPS program.

Consider these facts. COPS funded its 100,000th community policing professional in May of 1999, and violent crime rates continued to fall. Congress funded State and local assistance programs at $4.4 billion, their highest level in 2001. Violent crime rates dropped between 2001 and 2002. Congress decreased State and local law enforcement funding in 2002 by $400 million, as I mentioned before, and violent crime rates increased in 2003 and rose again in 2004 and rose again dramatically in 2005, coinciding with the lack of assistance coming from the Federal Government to help our State and local law enforcement.

Well, Mr. Chairman, there is a correlation between the funding we provide here in this committee for State and local law enforcement and incidents of violent crime. There is a relationship.

With respect to this bill, Mr. Chairman, the President's fiscal 2007 budget, for the second year in a row, contained a .02 cents per pound tax on the users of explosives. My State, due to its extraction industry, would bear the largest share of the burden with this tax. The repeated proposal of this tax by the President, coupled with the inadequate allocation provided our subcommittee, has resulted in an insufficient budget resolution; and this placed the chairman, Chairman WOLF, in a very difficult position. So he used part of that tax, understanding that in the process this would be challenged, and at the appropriate point, Mr. Chairman, during consideration of this bill, I intend to make a point of order against this tax. We appreciate the Rules Committee not protecting this provision.

Well, anyone on this subcommittee knows of the chairman's passion for helping the weakest and most vulnerable in our society. To that end, Chairman WOLF restored $367 million to the Justice Assistance Formula Grant Program funds that helps our youngest and our most troubled citizens. These funds were zeroed out by the President, and I applaud Chairman WOLF for restoring them.

Further, in continuance of his commitment to assisting law enforcement with the ever-increasing gang epidemic in this country, Chairman WOLF has restored $25 million cut from the President's budget from the anti-gang initiative in the COPS program.

In the Department of Commerce, the funding provided for the American Competitiveness Initiative came at a price. One of the programs that couldn't be fully restored is the Manufacturing Extension Partnership. This program is very important to basic industry areas across this country. Mr. Chairman, the President slashed the funding for this program but the chairman doubled it, bringing it to $92 million, about $17 million below last year's enacted program.

Another program that suffers is the Advanced Technology Program, which was eliminated by the President. We are able to fully fund the decennial census and the American Community Survey. I well remember the problems that arose during the last census and the fight for emergency funding for census on the floor, and full funding this year keeps us on track for the future.

In NASA, the President's budget request again made dramatic reductions to science and aeronautics funding, as NASA tries to fit in these programs and the return to flight, the International Space Station and the Moon-Mars proposal at the same time it fails to deliver on promised funding. The chairman again is forward-looking in his restoration of $75 million to the science programs and $100 million to aeronautics, which is a huge contributor to the American economy. Despite these increases, however, funding levels will still generate cause for alarm from our science community.

The bottom line is, for all of these programs and numerous others that I have not mentioned, $59.8 billion is simply not enough. The chairman has been extremely responsive to Members and to the needs of the people who benefit from these programs, restoring and increasing where he was able to do so in this tight allocation. But, despite these noble efforts, we have seen for the past several years and will see again this year programs being whittled away through attrition by the administration that is reducing necessary discretionary spending in the name of balancing a budget which, in truth, these actions would demonstrate the administration has no intention of balancing.

One could easily make the argument that this bill needs several billion dollar in additional funding, increased funding for the Economic Development Administration, for the Small Business Administration Microloans, for Legal Services Corporation, for funding above the restoration that the Chairman provided for State and local justice programs, funding for OSHA and for fisheries programs in the National Oceanic and Atmospheric Administration, a program supported by so many Members here. More funding is needed for life sciences funding at NASA and biology funding at the National Science Foundation and the perceived need to accelerate the Crew Exploration Vehicle at NASA to maintain the United States' access to space after shuttle retirement. These all add up quickly.

Each of these is a need for which I have heard support, either from constituents or from the community at large or from other Members.

□ 1745

And each of these needs has meritorious arguments for funding. I would hope all Members would view favorably any opportunity to seek an increased allocation to support these critical programs.

I would like to again note how fortunate we are to have had such a principled chairman for the past 6 years. It has been an honor to work with you, Mr. Chairman, and I look forward to working with you again next year, regardless of whether you remain on this subcommittee or move to another one.

And, Mr. Chairman, I would like to note that every member of the minority on this subcommittee has equally high regard for the chairman, as he has worked with more than one of us as his ranking member.

I also would like to thank the majority staff, Mike Ringler, Christine Kojac, John Martens, Anne Marie Goldsmith, Clelia Alvarado and Darryl Hill, as well as J.T. Griffin from the chairman's personal staff, for the fair and open way in which they have worked with the minority in crafting this bill. Our input and the chairman's output was accepted at every turn.

I also want to thank the minority appropriations staff, David Pomerantz, Michelle Burkett, and Chris Martin for their tireless efforts. And I want to thank Sally Moorhead and Julie Aaronson, of my personal staff, for their valuable work on this bill.

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

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to Mr. LEWIS, the chairman of the full Committee.

Mr. LEWIS of California. Mr. Chairman, I rise in support of H.R. 5672, the Science, State, Justice, Commerce Appropriations bill for fiscal year 2007.

This is the 10th of 11 bills the committee has brought to the House floor as we go to the Fourth of July recess. I want to praise especially Chairman WOLF as he goes about his sixth bill for this subcommittee, and Ranking Member MOLLOHAN. These two, working together, have been a model reflective of the best of bipartisan effort in the appropriations process.

In total, this measure provides $59.8 billion in discretionary spending. The bill contains critical funding to make America more competitive by investing in science. NASA is funded at $16.7 billion, which is $462 million above last year's level. The National Science Foundation receives $6 billion, the full amount requested as part of the American Competitiveness Initiative, and an increase of $439 million from last year.

This legislation also continues the critical effort to fight the scourge of meth and prosecute the war on terror. It also provides $2.6 billion for State and local law enforcement, including $405 million to reimburse States for the cost of incarcerating illegal aliens.

The bill also includes vital funding for the Department of Commerce, the State Department, the Small Business Administration and other Federal entities.

I would like to make two additional points about this measure. First, the Members should know the SSJC bill provides $387 million for Member projects, $1.3 billion less than last year's enacted level.

Secondly, this year's bill terminates eight programs resulting in $159 million taxpayer savings.

Mr. Chairman, I would like to make one final point. Last year, the House Appropriations Committee successfully eliminated 53 programs, for a savings of $3.5 billion. Building on that record in this year's 11 spending bills, the House Appropriations Committee has proposed eliminating 95 wasteful or redundant programs, saving the American taxpayer nearly $4 billion.

Mr. Chairman, this bill is a fine product worthy of your support. I want to especially commend Mr. MOLLOHAN for his cooperative work with the chairman and have the entire House recognize Mr. WOLF for his work on this year's bill.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the distinguished ranking member, Mr. OBEY.

Mr. OBEY. Mr. Chairman, first of all, I would like to alert Members to a practical fact associated with this bill. We have pending, once general debate is over, about 100 amendments. If we assume that each one of them will be debated for only 10 minutes, and that is a risky assumption, but it is nonetheless to be hoped for, but if we assume that we can get that kind of unanimous consent agreement, that means that, with slippage and the time it takes to transact business, we are talking about 25 hours of debate, not counting any time consumed by roll calls. So we could very easily hit 30 hours of activity on the House floor. I think Members need to understand that.

If they expect to get out of here at a reasonable time this week, I would suggest that perhaps some people might conclude that at least some of those amendments are duplicative, and that Members would choose not to offer them.

I don't mean that about all amendments. I think some amendments are deserving and need to be offered. But I would ask Members to look at this with a very dispassionate eye to see

whether or not an amendment needs to be offered and whether any useful message will be sent by its offering.

Secondly, I want to repeat or emphasize what the gentleman from West Virginia said about the gentleman from Virginia, the chairman of the subcommittee, Mr. WOLF. One of the things I most appreciate about him is that he is not one of those laid back, super cool people who so many people seem to think should dominate politics and government these days. He has passion, and I think that he often has passion about the right things. And I, for one, want to say that I respect greatly the job the gentleman has done as chairman of this subcommittee the last 6 years. I think that we are all proud to have been able to serve with him.

And thirdly, I would like to address this bill for just a moment, if I could, Mr. Chairman. I know that the chairman from Virginia has done his dead level best to produce a decent bill. I know the gentleman from West Virginia has done the same.

But I want to point out that as the gentleman from West Virginia says, there will be a good many amendments offered in the next 3 days. And I think it is clear, because of the number of amendments, that Members recognize that there are so many useful things, so many important things that this bill needs to do that it will not be able to accomplish because of the budget number assigned to it under the budget resolution.

Sometimes I hear people bemoaning the fact that the subcommittee doesn't have enough resources. And you would think that somehow this ceiling was imposed anonymously from on high. It was imposed from on high all right, but it wasn't anonymously. And in my view, every person who voted for the budget resolution has a responsibility for some of the important cuts in law enforcement, in Earth-based sciences, in legal services, and in other areas that this bill is forced to make because of that budget resolution. I want to point to just two.

With respect to law enforcement, what has been going on is a Kabuki dance between us and the White House over the past 5 years. The White House proposes draconian cuts; they slash deeply in law enforcement grants. The committee then restores about two-thirds of that funding. We all say, ''Oh, what good boys and girls are we.'' We pat ourselves on the back. But in the end, we haven't been able to salvage those programs, and we see that this bill is $2.1 billion below where law enforcement grants would have been in 2001.

Secondly, with respect to legal services, about which I will offer an amendment at a later point in the debate, that bill a decade ago was funded at $400 million. That program today is funded at slightly over $320 million, a slight increase over the President's request, but still a cut from last year, and a substantial reduction from where it was a decade ago.

Since that time, inflation has eaten up a significant portion of the purchasing power of that program. We should not be doing that to people in this society who, without this program, will have very little ability to take advantage of the court system when they feel that they have been abused, and they will be boxed out of our justice system simply because they have no money. I don't think that Congress ought to allow that to happen, and I regret that this bill contributes to this problem.

Having said that, I respect the work that both gentlemen have done.

Mr. WOLF. Mr. Chairman, I recognize Mr. KIRK, a member of the committee, for 2 minutes.

Mr. KIRK. Mr. Chairman, I rise to compliment my chairman, Mr. WOLF, and our ranking minority member, Mr. MOLLOHAN.

This bill will help small businesses to comply with the Sarbanes Oxley Act under a new bipartisan provision which establishes an ombudsman at the Securities and Exchange Commission. Both Minority Leader PELOSI and the Speaker have called for help in this area, and the bill does that.

With regard to our critical relationship with China, we recommended retaining the current U.S. embassy site even after the new embassy is complete. This is a wise step to allow for the expansion of the U.S. Government in China, especially to help protect the Olympic Games in 2008 from terrorists.

We also took action in this bill to preserve the Turkish Service of the VOA, a critical media market for the United States bordering Iran during these days of crisis. Our action will help stabilize that NATO ally.

At USTR, we called in this bill for stronger action to stop the theft of American intellectual property in China. And while the central government in Beijing has made the right promises, Congressman RICK LARSEN and I noted in our U.S. China Working Group work that this key trade issue between China and America remains unresolved at the local level. And this bill provides clear direction to the USTR in that area.

This bill also provides new resources to Federal law enforcement. ATF, the lead Federal antigang agency in this bill, gets $950 million, a $48 million increase from last year. We also provide a $15 million increase for DEA, and I applaud Chairman WOLF for approving new funding for a DEA aircraft to collect intelligence overseas against drug traffickers.

This bill funds a critical integration of DEA into the intelligence community. And in my experience, DEA has some of the best information on terror financing in the U.S. Government.

The bottom line on this bill is it funds key Federal law enforcement operations in Chicagoland, backing Andy Traver, the special agent in charge of ATF, Robert Grant, the special agent in charge of the FBI, and Rick Sanders, the special agent in charge of DEA. And that is a good thing, especially when they all support our legendary U.S. attorney, Patrick Fitzgerald.

It also provides $85 million more for U.S. Attorneys—61 more Assistant U.S. Attorneys—giving more resources to our legendary U.S. Attorney for the Northern District of Illinois—Patrick Fitzgerald—and his crusade against terror on the Sears Tower and public corruption in Illinois.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. SERRANO), who served as the ranking member on this subcommittee in the last several years.

Mr. SERRANO. Mr. Chairman, I rise in support of this bill, and before I go any further, I want to join the well-deserved chorus of folks who have praised the chairman, Mr. WOLF. For 4 years I was his ranking member, and I have never met a gentleman who can be, in the middle of differences on issues, so fair and so humane. And Chairman WOLF knows that on many issues we didn't disagree and still don't disagree. But the way in which he handled them, the way in which he treated me, and the way in which he treated the minority party really says a lot about who you are. And if we took a poll over here, you would find out that we wish we could change the rules to make sure you remain in your position, as ranking member next year, but certainly in your position. And that is the kind of person that you are.

It is also a great pleasure for me to work with our ranking member, Mr. MOLLOHAN. And the respect that we have for each other has really made our working together a good experience. And I thank you for that.

□ 1800

This bill is such a huge bill that a lot of times when we stand on the floor and we speak about it we will say that there are 25 good things in it, then we will say there are 10 things that need fixing or vice versa, and people will say, well, they are being negative about a bill. But the public and a lot of Members just do not realize how many agencies are covered by this bill; and, in spite of what at times is a very difficult allocation, Chairman WOLF, with the assistance of Ranking Member MOLLOHAN, has been able to do wonders within this bill.

Just to give you some of the things that I pay attention to: A large increase in funding for the National Science Foundation as part of the American Competitive Initiative. Funding levels on which we can build for NOAA as we move through conference and full funding for the National Weather Service. Full funding for the crucial work that the Census Bureau must do in preparation for its next census, which we all know is mandated by the Constitution.

And if I may add to the comments that the ranking member made before,

there will be many amendments tonight, and I take this opportunity to say that some of those amendments will have offsets, I think, hurting the Census Bureau and hurting the Bureau's ability to conduct the next census. So I hope when Members put forth amendments, they will realize where the offset is coming from. It is not just this particular one but other agencies that would be hurt by the offsets. We all want to put money in certain areas. I surely will speak about that tonight. But we have to be careful where those dollars come from.

Forty million dollars in funding for the Drug Courts, which is at the fiscal year 2005 level. The full amount requested on the Diplomatic and Consular Programs for worldwide security upgrades and for security projects under the Embassy Security, Construction and Maintenance account.

Now, within the Department of Justice account, I continue to be concerned about the dwindling level of support we are providing to our State and local governments. And here is where the issue is and it is such a difficult issue. We, since September 11, and I come from New York City and I understand this issue well, have focused a lot of attention, and rightfully so, on the war on terrorism. But if you get the FBI and speak to them, they will even admit that they have had to focus a lot of their attention from other issues that they used to go after, other crimes, to focus on the war on terror.

So when you represent a district like I do in the South Bronx, you wonder just how long we can go without paying full attention to the war on drugs, to the war on crime, to the war on blue collar crime, to the war on crime in our streets. That is why recently, as we know, the FBI admitted that violent crime had spiked for the first time last year since 2001, and I believe it is a direct consequence of the war on terror. So one of our challenges for the future is to see how we can deal with and strike that balance.

Although the full amount requested was provided for international peacekeeping activities, I worry that there will not be sufficient funding for what we all know will be additional peacekeeping needs as we move forward in the fiscal year. I also regret the inability to fully fund our membership obligations to international organizations.

And, lastly, I have joined our committee ranking member, Mr. OBEY, in saying that the Legal Services Corporation is a program that needs to get the full funding that it deserves. We have come a long way when you realize that I am standing here defending a program that was created by Richard Nixon but which affects a community like ours to a great extent, the ability to have people who ordinarily cannot afford a lawyer be represented in the court.

As I said before, the bill strikes a balance. We wish, as we all know, that we had more funding. But in spite of the shortcomings, the bill that was put together by the committee and under the leadership of Mr. WOLF is a good bill and one that I will support and vote for.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), chairman of the Science Committee.

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this bill; and I want to thank my friend, Chairman FRANK WOLF, for working so closely with me on the science portions of the bill.

The passage of this bill may be looked back on as a landmark moment in American history. Now, that probably sounds like a lot of hyperbole, but I mean it. This bill puts us on course to enact the American Competitiveness Initiative, which will double the combined budgets of three key science agencies: the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy Office of Science, which already received appropriations in the Energy and Water bill.

These agencies, which are not exactly on the tip of the tongue of most Americans, are keystones of our Nation's economic future. Our Nation will remain strong and prosperous only if we remain innovative, and we will only remain innovative if we have the most robust research and education enterprise in the world. And it is these agencies that help enable the U.S. to lead the world in science, math, and engineering education and in research.

And I want to especially thank Chairman WOLF for supporting education funding as well as research funding in this bill, particularly for supporting the Noyce Scholarship Program at NSF, which attracts top science and math majors into teaching.

I also want to thank the chairman for the way he handled appropriations for the National Aeronautics and Space Administration. I have said repeatedly, and the authorization act we passed last year says clearly, that NASA must be a multi-mission agency. With this bill, the House will be putting money where its mouth is. Without interfering with the lunar mission, this bill puts desperately needed funding back in science and aeronautics.

I would like to see even more money going into science, particularly Earth science, but this is a good start, and I am especially pleased that the bill text includes explicit funding levels for science and aeronautics.

Finally, giving the competing priorities, I think the bill does the best it can for the National Oceanic and Atmospheric Administration, although, of course, I hope that, as in the past years, the final numbers are a little bit higher. I appreciate the language Chairman WOLF included in the report, drawing attention to the concerns we all share about the future of the polar satellite program, NPOESS.

So I urge my colleagues to support this forward-looking landmark bill.

Guess what? It all boils down to one thing. This bill is about my favorite four-letter word. And do not get nervous. You can say it on the House floor. You can say it in polite company. That favorite four-letter word is ''jobs.'' We must remain competitive. We must retain as much opportunity for our people here at home. This bill opens the door for that opportunity.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to speak to two different issues. One is the potential amendment to the Voting Rights Act, where a suggestion may be made to withhold funding for the enforcement of the Voting Rights Act. The Voting Rights Act is one of the most important civil rights pieces of legislation in the history of the United States, and we should not do anything to avoid the full and fair enforcement of the Voting Rights Act.

That bill should be coming up in a few days. We do not know exactly when. There has been an agreement with leadership that the bill be adopted as it came out of committee. It came out of committee 31-1, so we would hope that the leadership would bring it to the floor.

Mr. Chairman, there is another issue that is extremely important, and that is the Legal Services Corporation. If we are going to have people enjoy the rights that they have throughout America, we have to make sure that they have access to courts. The legal Services Corporation, primarily legal aid programs across the country, are extremely important; and we need to make sure that they are fully funded. The bill includes a provision where the number is lower than it should be, and we need to make sure that the amendments to increase Legal Services are adopted.

So, Mr. Chairman, I appreciate the gentleman's giving me the opportunity to bring these two issues to the floor.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. HOBSON), who has really done a lot of work on a very important issue with Mr. ROGERS.

Mr. HOBSON. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Michigan and the gentleman from Virginia on the FBI's Field Office Supervisory Term Limit Policy, commonly referred to as the Up and Out Policy.

This policy would require that Supervisory Special Agents who have served 5 years to transfer to headquarters and be assigned overseas or compete for an Assistant Special Agent in Charge position. If a Supervisory Special Agent

does not want to be transferred, they would be demoted at a substantial pay cut in some instances.

Representative ROGERS and I have been working with Chairman WOLF and the FBI on the implementation of this policy to minimize the significant financial burden it has on Special Agents, particularly those who became supervisors before this policy went into effect. Based on our discussions, we have a commitment from the FBI to seek legislation to ensure that the retirement benefits of Supervisory Special Agents who choose to step down are not negatively impacted.

In addition, the FBI is committed to creating a pilot housing allowance program for employees in the D.C. metro area. This pilot program will improve the FBI's ability to attract talented agents to come to headquarters and will help agents manage the burden of living in a high-cost city and will improve morale.

Mr. Chairman, I now yield to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I thank the gentleman for yielding.

I appreciate the hard work from Mr. HOBSON, Chairman WOLF, and the FBI to address the potentially devastating impact of the FBI's Up and Out Policy on agents in the field who have given decades of public service to protect our Nation. I cannot thank enough Chairman WOLF and Mr. HOBSON for the long hours of negotiation that allowed us to stand with the men and women who stand in harm's way in protection of the United States.

It is critical that the Federal Government protect the retirement benefits of Supervisory Special Agents who have honorably served their country, and I look forward to working with you to address this issue this year.

Further, I am very pleased that the FBI is committed to establishing a housing allowance pilot program here in Washington, D.C., within the funds provided in this bill. We ask a lot of our agents in the field, agents who risk their lives every single day to put mobsters in jail, break up terrorist plots across America, protect the public integrity by Federal, State, and local officials, and so much more. The least we can do is give them the fair compensation that allows them to provide for their family and have a home that is not hours away from their field office. By creating this first-ever housing allowance within the Bureau, agents will be able to reduce their commute time, giving them more time to take a son to a swim meet or a daughter to a dance recital. But perhaps most importantly, Mr. Chairman, this program will be a morale boost and will allow FBI agents to focus on their vital work to protect America and all Americans.

I look forward to continuing to work with the FBI, Chairman WOLF, and yourself, Mr. HOBSON, on ensuring that FBI agents are compensated fairly; and I thank you for your strong leadership on this important issue.

Mr. HOBSON. Mr. Chairman, reclaiming my time, I want to thank Chairman WOLF for his help on this. He has lived up to the discussions that we had.

And I see Mr. KINGSTON has arrived, who wanted to make a comment on this, with Chairman WOLF's indulgence.

Mr. Chairman, I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I thank Mr. HOBSON for yielding; and I wanted to thank you and Mr. ROGERS for your leadership and Mr. WOLF for working together to come up with a suitable solution to this or at least a step in the right direction.

But I have been very concerned that the middle-aged middle American professional FBI leader would be forced to either take less than a leadership position with the FBI or do a stint in Washington, in which many of them have already done that, and they will do it at the same pay salary that they are, disrupting their wife's career or their spouse's career or disrupting their own career and taking a pay cut effectively, which I believe would run off a lot of our good and seasoned FBI employees. Their other choice would be to stay at home and have somebody with less experience become their boss, and it just does not make sense. We have too many good people in the field with careers running from 15 to 20, 25 years; and we do not want to lose them.

□ 1815

They are the professionals who are running the FBI and doing the good work. So I commend all of you guys for the hard work that you have done on this.

Mr. HOBSON. Mr. Chairman, I thank Mr. KINGSTON, and I thank Chairman WOLF.

Mr. WOLF. Mr. Chairman, I thank Mr. HOBSON. I want to thank Mr. HOBSON, Mr. ROGERS and Mr. KINGSTON for their leadership. This should be called the Hobson-Rogers-Kingston bill to help the FBI. They have done a great service.

I support the establishment of a Housing Allowance Program within the level of funds provided for the FBI in the bill and look forward to working to protect the retirement benefits of the supervisory special agents. Mr. HOBSON, Mr. ROGERS and Mr. KINGSTON, thank you very much.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman. Let me take an appropriate time to thank both of the proponents of this bill, the ranking member, Mr. MOLLOHAN, for his consistent leadership and caring attitude toward these issues; and, Mr. WOLF, let me thank you very much for the 6 years of service that you have given. Obviously, you have a great passion for so many issues that deal with the improvement in the quality of lives, not only for those in this country, but around the world.

I do want to raise a number of issues, Mr. Chairman, and as I thank both the full committee chairman, Mr. LEWIS, and then the ranking member, Mr. OBEY, I am really disappointed as to where we find ourselves with the NASA funding. I know the choices have been made with the Moon to Mars account having risen 30 percent, but I think it is important to note that the President requested some 14 percent less for NASA education, $25 million, compared to 2 years ago, from $178.9 million to $153.3 million.

NASA's education programs capitalize on the excitement of NASA's discoveries and missions to inspire future generations of space scientists. I know in speaking to Historically Black Colleges, this has had a terrible impact.

In fact, one of the programs that was authorized under the NASA authorization that the Science Committee, of which I am a member, voted unanimously for, the Dr. Mae C. Jemison Program, the first African American female astronaut still remaining in history, a program named after her to encourage math and science among minority girls. Certainly with the brain drain that we have and the lack of scientists that we are producing in this country, this is an important program.

Might I also mention that in a few days we will launch another space shuttle. But I am concerned, and I have raised this with the director and have sent him a letter, that this shuttle is going in spite of the opposition of safety engineers at NASA. I believe that this record must not close on an appropriation bill without requiring answers from NASA, and I hope to get those answers in the next 24 hours.

Mr. WOLF. I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the chairman for yielding. I want to join with others in commending him and the ranking member on producing a very good bill. There are a lot of important priorities in this legislation. We are funding critical agencies involved in the war on terror, the Department of Justice, the Department of State, as well as our critical problems with methamphetamine abuse and gangs.

But I want to particularly commend the chairman on his work in the NASA account. NASA continues to be a very, very important component of the fabric of our society. We are a Nation of explorers. It has become part of our culture. The heroics of the efforts of people involved in programs like Mercury and Gemini continue on to this day.

We are now in a critical phase where we are developing a new manned vehicle to replace our aging, venerable space shuttle fleet with the Crew Exploration Vehicle, with its planned

agenda to support operations of someday going back to the Moon and possibly on to Mars.

So I commend the chairman. This is a very important component in the account.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I rise in support of this excellent bill and to thank my good friend and colleague, Chairman FRANK WOLF, for his tireless leadership in funding for basic scientific research in the fiscal year 2007 budget.

In a tough budget environment, Chairman WOLF has fought hard to ensure that the President's American Competitiveness Initiative is fully funded. I appreciate the chairman's hard work on an issue that is so important to the Nation.

I spent my career in Congress championing the need for investment in basic research to help keep our Nation on the leading edge of science and innovation. We have gained so much benefit from basic research, ranging from MRIs, through laser technology, human genome mapping, fiberoptics, and GPS systems. The President has recognized the necessity of this investment through his American Competitiveness Initiative, which includes much needed funding for the National Science Foundation.

I very much appreciate that Chairman WOLF has recognized this need and has done as much as he could within the constraints of the budget to provide this funding.

Also I should mention NIST and the great work they do, as well as NOAA and the National Weather Service. In these difficult budgetary times, the chairman has done a marvelous job, and I am very pleased by the funding levels for these entities. I urge my colleagues to support this bill, and again thank Chairman WOLF for his leadership on important science research and education issues.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, this Nation's investment in the sciences is not only the right thing to do; it is critical to our very survival as a global leader. Throughout the 20th century, one of the strengths of the United States was our knowledge-based resources, particularly science and technology. But now we are at a crossroad and we have the ability to continue to strengthen the scientific and technological foundations of our economic leadership, which appear to be eroding at a time when many other nations are building their innovative capacity.

Recently, Chemical and Engineering News reported that 75 percent of all new R&D sites are planned to be established in China and India over the next 3 years. Currently, China awards 59 percent of its undergraduate degrees in the areas of science and engineering, compared with 32 percent in the United States.

As chairman of the Space and Aeronautics Subcommittee, I believe the National Aeronautics and Space Administration should be funded at a higher level than the President's request, but I know the realities of funding allocations.

Aviation is currently the country's largest manufacturing export. The average sales in the aerospace industry is about $200 billion a year. It is one of the main contributors to our global competitiveness. We are main contributors to our global competitiveness. We are facing an increasing economic challenge from abroad and cannot take a chance of faltering. If we begin to slip in the wrong direction, reversing directions is even more difficult.

As my friend, Dr. Neil DeGrasse Tyson, astrophysicist for the Hayden Planetarium, has told me, ''Much work remains to convince the public and Congress of America's need for sustained investment in NASA, with returns on education, the economy and the security. It is not just about Tang and Velcro; it is about a way of enabling the future we all want to occupy.''

The House Appropriations Committee has done a great job in trying to funnel funding into the science agencies within its jurisdiction, despite its very tight allocation. I want to commend those members of the committee and ask this body to support this carefully balanced appropriations bill. We cannot move funding from science to the other areas, and we cannot rob Peter to pay Paul by moving funding from one science agency to another.

I urge my colleagues to vote against any amendments that would strip NASA of funding to add to other accounts, regardless of how well-intended those other programs may be.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Chairman, I rise for the purpose of a colloquy with the chairman regarding the importance of the Crime Victims Fund and programs authorized in Justice for All Act.

Mr. Chairman, I know you understand the importance of the Crime Victims Fund, which provides funding for victim services programs and compensation for victims of crime from Federal criminal court fines, forfeitures and special assessments, not taxpayer dollars. For the second year in a row, your committee rejected the administration's proposal to permanently rescind the $1.2 billion in the fund, and for that I thank you.

The bill places a limit on obligations in the Crime Victims Fund at $625 million. I want to ensure that all of that money is used for crime victim programs and that the limitation does not include any obligation that may be made under the Antiterrorism Emergency Reserve.

Is that the chairman's understanding?

Mr. WOLF. Yes, that is my understanding. The Antiterrorism Reserve is a separate portion of the Crime Victims Fund, and there is a statutory authority allowing obligations to be made on top of any limitation carried in this bill.

Frankly, the administration never sent a rescission up again with regard to this.

Mr. POE. I want to thank the chairman. I also want to highlight the programs under the Justice for All Act of 2004 which authorizes funding to increase victims notification programs, DNA backlog programs, and Sexual Assault Forensic Exam grants.

This bill provides a significant investment for programs authorized in the act, but I want to call special attention to the Sexual Assault Forensic Exam grant program so that training, technical assistance, education, equipment and information regarding the collection, preservation and analysis of DNA in sexual assault cases can be enhanced.

I ask the chairman's help in supporting this grant program through the funds provide for the Justice For All Act.

Mr. WOLF. Mr. Chairman, if the gentleman will yield, I thank my colleague from Texas. The bill includes $10.69 million specifically for victims programs authorized by the Justice for All Act, which is $1 million above the President's request, and includes $176 million for DNA grants not earmarked, which is $68 million above the current level. As we work with the Senate in conference, we will work to ensure the highest level possible for all the programs authorized by the Justice for All Act.

Mr. POE. I thank the chairman on behalf of victims of crime and the Victims Rights Caucus and the criminal justice professionals, and I thank you for your support.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $90,136,000,

of which not to exceed $3,000,000 shall remain available until expended.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first let me commend the chairman and ranking member for their work on this bill. Today I rise to bring attention to a very critical issue, and that is how to provide evidence-based treatment for prisoners with mental illness and substance abuse disorders.

Nearly 74 percent of those arrested test positive for drugs and alcohol at the time of arrest. The disease of alcoholism and addiction is obviously a very important one in our justice system, and hence if we are going to reduce recidivism rates and reduce the revolving door of people going in and out of prison, we must tackle this issue of both trying to reduce the stigma and the access to treatment of those with alcoholism and addiction.

A study by the National Institute on Drug Abuse has said that prison-based substance abuse treatment programs combined with aftercare reduces recidivism. Those who have not received these programs have recidivism rates up to 75 percent of the time. Those who have had treatment have recidivism rates under 27 percent of the time. Seventy-five percent recidivism without treatment, 27 percent recidivism with treatment.

So the fact of the matter is, we can make an enormous difference in helping to reduce not only the lives lost, but also the cost to our prison system. We are going to add $90 million in this bill for new prison construction. How many people out there as taxpayers want to pay for new prison construction, when over half the people in prison today are there for simple possession of drugs and alcohol.

I would like to ask the chairman of the committee to engage in a colloquy, and first commend him for increasing the amount for the drug courts over 300 percent in this budget, recognizing the importance of reducing recidivism and keeping people out of the prison system, and ask him whether he would work with me to make sure that we tie in the National Institute on Drug Abuse, obviously the Substance Abuse and Mental Health Services Administration, and, of course, HHS, to help us address this overall issue that does not just lie in the justice system, but rather lies around an interagency approach to this subject.

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Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman from Rhode Island, a member of our subcommittee, for raising this very, very important issue.

As you mentioned, dealing with the issues of substance abuse and prisoners is a critical component of ensuring that they do not repeat their crimes. Reducing recidivism of prisoners is a goal that those of us on both sides of the aisle can support.

I appreciate the gentleman's commitment. We will see what we can do with regard to coordination. The gentleman has been very faithful in raising this over and over. We will try to help in every way possible.

Mr. KENNEDY of Rhode Island. I know the gentleman will. I thank him for all of his work in this area, and I thank him for his 6 years of service as chairman on the committee.

Mr. DOGGETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, over the last year, I have mentioned to Chairman WOLF on a number of occasions that I think of him every time that it rains. With the torrential downpours that we have had here in the Northeast over the last several days, I have been thinking of him even more, and thanking him, thanking him sincerely as well as thanking Ranking Member MOLLOHAN and their respective staffs for responding to the great potential for preventable flooding disaster in the part of the country that I represent along our southern border in Texas.

I very much appreciate the subcommittee including $6.4 million in this bill for improvements to the levees along the Rio Grande River. This means that construction can begin for vital protection for the cities of McAllen, Hidalgo, Pharr and Granjeno.

Thank you for reassuring the families in these communities that, despite both the very tough competition for Federal dollars and our inability to get the Administration to really place a priority on flood protection, that you heard and answered their plea for help. This is a significant increase in support that will help ensure that, in the event we have a hurricane or even a very strong tropical storm, that thousands of families will not find their homes flooded, their businesses closed, their drinking water polluted and relief efforts hampered as both the local airport and highways are inundated.

In the spring of last year, as I first began representing the Rio Grande Valley, I made what was, until recently, the only request for more levee rehabilitation dollars. I appreciate the 39 local governments, school districts and economic development corporations that endorsed this call for life-saving Federal investment.

While today's bill nearly triples the Administration request for levees, I know the subcommittee is fully aware that much more is needed every year for the next decade to ensure rehabilitation for these levees, which are up to 9 feet short, geologically flawed, structurally unsound and could be overtopped along 38 river miles.

The millions that we invest today are the beginning of a vital investment that, when repeated in future years, will save us billions in flood relief and untold human misery.

But for the fate of nature, the hurricane that hit New Orleans could just as easily have tracked west instead of tracking east and caused a similar disaster in Texas. Until the entire rehabilitation program of the International Boundary and Water Commission is completed, at a total cost that is a mere fraction of what Congress has already approved for New Orleans, we remain at very great risk.

Now the Valley looks to our Texas Senators and to the Administration to fully support what this subcommittee has done and to add funds to what is being approved here in this bill so that together we can ensure a reasonable level of safety and avoid another Katrina-style disaster.

Mr. ETHERIDGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman.

Mr. Chairman, as you remember, 6 years ago I came to this floor and shared with the body about a Hurricane Summit that I had held in the Second District of North Carolina. It was in response to devastation that took place from a major hurricane by the name of Floyd.

That hurricane was the strongest and most devastating storm to hit the United States in more than 25 years. When Floyd roared across the east coast from the Carolinas to New England and through Virginia and Washington, D.C., in September of 1999, it took 56 lives and upward of $6 billion in devastation.

Floyd showed us that much more damage, death and destruction can be created by the unexpected inland flooding of fresh water, more so than what happens on the coast. North Carolina was a good example of that. My district is an inland district and suffered greatly from that storm.

Last summer, this was displayed again with devastating intensity during Hurricanes Katrina and Rita. When, as we all witnessed, the damage that was done, that did not just limit itself to the areas on the Gulf Coast.

After the storm pushed inland in Louisiana, Mississippi and Alabama, in the weeks that followed, we saw the severe flooding and the anguish and the problems that was wrought by it. And just this past weekend we saw it right here in Washington, D.C.

That Hurricane Summit brought together metrologist experts from universities, the National Hurricane Center and the National Weather Service to develop more accurate indexes for inland flooding monitoring. The purpose of this index, simply put, is to save lives. Too many times these storms hit and bring harm to people who have a false sense of security because they believe they live far inland and too far inland to escape flooding.

With information that was gathered at that summit, we drafted legislation, as you remember, Mr. Chairman, and it ensured that NOAA and the National Weather Service would make significant improvements to the Inland

Flooding Warning System. That bill was H.R. 4826, the Inland Flood Forecasting and Warning System Act of 2002, that passed the 107th Congress, and it enjoyed wide bipartisan support.

The legislation directed NOAA to do three things: Improve the capacity to forecast inland flooding associated with tropical storms and hurricanes; two, to develop a distinctive inland flooding warning system for emergency management officials that clearly defines inland flood risks and dangers; and, third, train emergency management officials, National Weather Service personnel and metrologists to use these improved forecasting techniques on inland flooding.

And the important part of this legislation required the National Weather Service and NOAA to report annually to Congress on the progress of this new index. Mr. Chairman, this week we saw, as I said, what could happen here.

I would like to work with you and the members of the Appropriations Committee to ensure that NOAA provides these reports to Congress in a timely manner. Congress must provide the proper oversight to NOAA to ensure that the progress to develop this important index is done and it is accomplished as soon as possible to save lives.

I thank the chairman. I yield.

Mr. WOLF. Mr. Chairman, I agree with the gentleman. Just look at the weather we have been having here in the Washington, D.C., area the last several days.

I would like to thank the gentleman from North Carolina for his leadership on the issue. We look forward to working with him on the issue as the bill moves forward.

Mr. COSTA. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the chairman.

Mr. Chairman, I would like to first commend the chairman and the ranking member for the good work that they have done on this legislation.

Mr. Chairman, as you know, there is a Federal Bureau of Prisons facility that has been authorized and appropriated in a small farming community in my district, in Mendota, California. In May, 2000, the Bureau of Prisons proposed to build a medium security correctional institute in the U.S. Western Region and selected Mendota as the site. This facility, when completed, would house 1,152 beds that are needed in a system that is already over 37 percent over capacity.

In fiscal 2001 and fiscal 2002, $158.9 million was appropriated for the site planning, development, construction of the Mendota facility. However, rescissions of $57 million in fiscal year 2002 and 2004 have jeopardized this project. To maintain the existing contract, the final option must be exercised by this year, October 8, 2006.

Should this contract expire, a new bid is expected to increase the cost of the facility by over 20 percent more. Over $100 million in Federal funds has already been spent on the facility. It now sits empty, and 40 percent of the construction is completed.

If this rescission is allowed to stand, it will stand as a testament to the Federal Government's response of being penny wise and pound foolish.

Mr. Chairman, is it your understanding that the $89 million included in this bill for construction and maintenance of Federal prisons is not directed to specific facilities?

Mr. WOLF. The gentleman from California is correct.

Mr. COSTA. Then, Mr. Chairman, if the Bureau of Prisons deems this project a priority, would the chairman agree to work with me to try to make funds available to continue this facility so that it is not left half completed and therefore wasted Federal funds would have been spent?

Mr. WOLF. The committee is aware of the circumstances surrounding the Mendota facility and will work with the gentleman from California.

Mr. COSTA. Mr. Chairman, reclaiming my time, I would like to thank the gentleman from Virginia for his comments.

With the permission of the Chair, I will now submit for the RECORD an additional statement detailing the situation at this Mendota facility and commit to continue to work with you.

Chairman WOLF and Ranking Member MOLLOHAN, I commend you for your leadership and good work on the Science State Justice Commerce Appropriations measure, given the limitations of the budget. I was particularly pleased with the report language addressing the Administration's shortsighted request to rescind prison construction funds bearing in mind the increasing demands on our already overcrowded federal prisons.

Mr. Chairman, on behalf of my constituents in the small rural town of Mendota, I would like to call your attention to an issue of pressing concern in the congressional district I am proud to represent. At its core this is an issue of smart budgeting, addressing security demands, and the federal government following through on its commitments.

In May of 2000, the City of Mendota was approached by the Federal Bureau of Prisons proposing to build a medium security federal correctional institution in Mendota, California. The required environmental impact study followed, after which Mendota was selected. The local elected officials and community leaders have been strong supporters of the project, proud to provide a public service to the country and encouraged by the economic stimulus the prison would create.

The demand for such a prison is imperative and the Mendota facility will provide much needed bed space for 1,152 medium-security male inmates. With crowding at medium-security facilities currently 37 percent over capacity, this institution is of critical importance. Worse yet, an additional 7,500 new federal inmates are expected to enter our federal prisons annually.

Today, California's Corrections Institutions are the second-largest prison system in the nation after the Federal Bureau of Prisons. California's prison population, according to a June 11, 2006, report in the Washington Post, "has surged in recent months to more than 173,000, resulting in the worst overcrowding in the country and costing taxpayers more than $8 billion a year." Just today, The Sacramento Bee reported that California "prisons are more overcrowded than ever, some 200 percent of design capacity." In response, California Governor Arnold Schwarzenegger called for a special legislative session and proposed an initiative to expedite the construction of State prisons.

The funding history for the Mendota facility is an embarrassment. Should the Administration get its way in the FY2007 budget, it is the American taxpayer that will bear the burden of increased costs. Funding for this facility includes $11.9 million in FY2001 for site and planning development and $147 million in FY 2002 for remaining construction funding. However, rescission of $5.744 million in FY 2002 and $51.895 million in FY 2004 has jeopardized the entire project. To maintain the existing contract, the final option must be exercised by October 8, 2006. Should this contract expire, it is anticipated that any new contract will cost at least 20 percent more.

However, the President's FY2007 Budget contained no funding for the completion of the Mendota facility.

The federal government has made a long term commitment to construct and operate the Mendota facility. Over $100 million in federal funds has already been spent on the facility with 40 percent of the construction complete. To bring this project to a virtual halt at this stage would be unfair to the citizens of Mendota, a city with an 18.6 percent unemployment rate and 42 percent living below the poverty line. Mendota is counting on the government to keep its promise.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to ask the gentleman from Virginia to engage in a colloquy. I would ask the gentleman from Virginia to do that. This would involve the provision in the bill's committee report that relates to the Federal Bureau of Prisons.

I am thankful that the committee has included language in the fiscal year 2007 bill with the intent to direct the Bureau of Prisons to renew the intergovernmental agreements with four West Texas communities, including Reeves County, which are set to expire in 2007, if these local governments offer the Bureau of Prisons fair and reasonable prices and their facilities meet the Bureau of Prisons' standards.

Further, I am pleased that it is the intent of the committee that this language be binding upon the Bureau of Prisons under application of this appropriations bill.

It is also my understanding that there is a misprint in the committee report accompanying the 2007 Science, State, Justice, Commerce Appropriations Bill. The language in the report should read, as passed by my amendment during full committee markup, that the Bureau of Prisons is directed to renew agreements with local governments housing Federal criminal aliens, if these facilities meet Bureau of Prisons' standards and a fair and reasonable price is offered.

I am hopeful that the chairman will acknowledge that this is the language that was intended.

Mr. WOLF. I thank the gentleman from Texas, who is very, very, very persistent. I agree with his description of the intent of the language and acknowledge that the report should reflect what was passed by the committee last week as described by gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I thank the gentleman from Virginia for his support on this issue of great importance to my constituents and the people of the State of Texas.

Ms. MOORE of Wisconsin. I move to strike the last word.

Mr. Chairman, would the chairman of the Science, State, Justice and Commerce Appropriations subcommittee engage me in a colloquy?

Thank you for yielding and engaging in this colloquy on the Small Business Administration's New Markets Venture Capital Program.

Mr. Chairman, we have talked before about the many small businesses located in low-income urban and rural areas that lack access to capital in the form of equity, and that presents a serious barrier to growth.

Although it is widely recognized that small businesses create 75 percent of all new jobs and account for 99 percent of all employers, conventional venture capital firms simply overlook low-income areas; and it handicaps these businesses' ability to leverage resources needed to expand existing operations and hire and train qualified employees.

The Small Business Administration's New Markets Venture Capital Program was established precisely for this purpose, to fill the access to capital gap that exists for a number of these small businesses in these communities. The program was designed for the purpose of making equity investments in growing small businesses located in economically stressed urban and rural regions through the creation of privately managed new market venture capital companies.

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The overall objective of these equity investments is to provide patient capital to help promote economic development and the creation of wealth, not for individuals but wealth to support employment opportunities in underserved areas, as well as among the residents living in such neighborhoods.

Six new market venture companies were created during the initial phase of this program, Mr. Chairman; and these firms are still operating and making critical equity investment in small businesses, primarily located in low-income urban and in rural areas. It is imperative that the new market venture capital program is given a chance to succeed in order to continue its mission in bringing much-needed equity investment capital to small businesses in these communities that need them the most.

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Ms. MOORE of Wisconsin. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentlewoman from Wisconsin for her very, very hard work and leadership on this issue.

The committee shares her concern of providing sources of capital for small businesses and makes a very compelling point. The committee supports this small business investment company, SBIC, program, another SBA program that provides equity investments to small businesses. The committee also understands that the NMVC program is still operational and that the SBA is still monitoring the work of the existing NMVC companies.

Ms. MOORE of Wisconsin. Mr. Chairman, I thank you for your concern. As you may know from our previous conversations, my congressional district includes the City of Milwaukee, a city that currently ranks 48th out of the 50 largest U.S. cities in venture capital investment dollars, 7th among the poorest cities in the Nation, and has a 52 percent unemployment rate among African American men.

I recognize that these SBICs offer another source of equity capital for small businesses. However, as you can see, more needs to be done to ensure that these investment dollars are specifically geared toward those urban and rural neighborhoods that continue to be left behind. It is so crucial that we do our part to provide the necessary incentives to encourage venture capital investments in these communities, and I respectfully ask for your help in this effort.

Mr. WOLF. Mr. Chairman, if the gentlewoman would yield, the committee notes your concern; and we will do everything we can to help.

Ms. MOORE of Wisconsin. Thank you so much, Mr. Chairman; and I look forward to working with you.

Mrs. SCHMIDT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to engage in a colloquy with the esteemed chairman of the subcommittee, Mr. WOLF.

Mr. Chairman, in January, I introduced legislation to require the Department of Justice to make available on the Internet the documents related to the Foreign Agents Registration Act, called FARA. It is imperative that we make FARA documents available on the Internet. This will increase public access to information about foreign lobbyists and, in turn, increase public confidence in Congress.

I know the subcommittee chairman has been working with the Department of Justice to accomplish this. I am told that this process is under way and may be completed by the end of the year. I thank the subcommittee chairman for his continuing leadership and for including report language urging the Department of Justice to complete this effort as quickly as possible. I would like to work with the subcommittee chairman to ensure that this important project is completed this year.

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHMIDT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I most certainly will work with the gentlewoman from Ohio on this project. This is very, very important.

You had lobbyists downtown lobbying for the Khartoum government on the issue of Darfur, where this House has voted, saying that what is taking place in Darfur is genocide, and yet you actually had a high-level official who had worked at the State Department and National Security Council out there representing the Khartoum government.

You also have a number of law firms in this city that are now representing China, and I do not know how you live with yourself if you represent China and you are an American citizen. We had a meeting yesterday and we found out there are now 40 Catholic bishops and priests in jail in China today, 40. There are 4 to 6,000 evangelical house church people in jail today in China, and yet some of the big law firms downtown are representing China.

And then the beat goes on. You have them representing China with regard to what is taking place in the Uighurs, what is taking place with the Dalai Lama and in Tibet.

So I think the gentlewoman's amendment and position is exactly right. We will do everything we can to make sure that it is on line so we can find out who has the audacity to represent Sudan and the Khartoum government during the days of genocide and the same thing with regard to China.

So we will look forward to working with the gentlewoman.

Mrs. SCHMIDT. Mr. Chairman, I thank the subcommittee chairman for his remarks and look forward to working with him and the rest of the Congress.

Mr. REICHERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me begin by expressing my gratitude to you for your leadership and the hard work that you and your staff have put into the fiscal year 2007 Science, State, Justice, Commerce Appropriations bill.

Mr. Chairman, I also want to thank you for your great work in helping local law enforcement and for working to increase funding in the COPS program, which is desperately needed. While there are many ways the Federal Government protects us, ultimately local law enforcement is on the front lines in our neighborhoods when it comes to fighting crime and, now, in fighting terrorism; and the COPS program provides vital assistance to them in these efforts.

I spent 33 years of my life in law enforcement and served as a patrol officer all the way to the sheriff of the King County Sheriff's Office in Seattle, Washington, one of the largest law enforcement agencies in the country. As

a sheriff, I have witnessed how the COPS program provided much-needed funding to King County, from school resource officers to new law enforcement technology.

Mr. Chairman, the Federal Government is constantly telling local law enforcement in this new post-9/11 age that we must work in partnership, that we must work together to keep our Nation safe. After all, catching a terrorist in Seattle who may want to kill people in Los Angeles is not just a local problem; it is a national problem.

However, the word ''partnership'' rings hollow if the vital funds necessary to implement that partnership are not there. If local law enforcement upholds its end of the program, the vital funding is required. Too often, this funding comes from their budget without any Federal assistance. The local agencies are faced with a dilemma of either not participating in vital terror-fighting activities and programs, or joining in those efforts and shortchanging local programs that keep our families safe.

Starting in 2002, funding for local law enforcement under the COPS program decreased. The COPS program received $929 million in 2003, $411 million in 2006. This does not send the right message to our local law enforcement about the commitment of Congress to work with that partnership.

However, I am very grateful to you, Mr. Chairman, for being willing to listen and to work on this issue with me. With your help, this year's bill will increase total funding for the COPS program to $570.5 million. This is the first increase in COPS funding in 5 years and something to be thankful for and proud of. In addition, $99 million is included in the bill to address meth cleanup.

Adequately funding the COPS program in this bill sends the right message to our local law enforcement community that the Federal Government is an equal partner and that the Federal Government is giving local police backup in this fight.

While we still need to work to continue to increase funding for local law enforcement efforts in the fight against meth, I believe that this increase is a positive step in the right direction. Tight budget constraints make it impossible to fully fund every program, and I thank the chairman for recognizing the importance of local law enforcement and providing an increase in the COPS program.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. REICHERT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman from Washington for raising this issue. He has talked to me so many times, and I appreciate his persistence.

I want to thank him for his leadership on issues important to law enforcement and the fight against meth and the spread of gangs in our communities. I understand your perspective on this concern as a former law enforcement officer, and I am glad I was able to work with you to provide increased funding under the COPS program; and, frankly, if we could do more when we get to conference, we will be glad to do that.

Mr. REICHERT. Mr. Chairman, I thank the chairman. I look forward to working with you.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5672, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 5672 in the Committee of the Whole, pursuant to House Resolution 890, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except: pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments printed in the RECORD and numbered 2, 3, 5, 7, 11, 12, 13, 16, 17, 18, 20, 21, 22, 23, 24 and 25; an amendment by each of the following specified Members:

Mr. REICHERT, regarding funding for the Justice Assistance grant program, which shall be debatable for 20 minutes;

Ms. BROWN-WAITE, regarding funding for VAWA program;

Ms. VELÁZQUEZ, regarding funding for the SBA, which shall be debatable for 20 minutes;

Mr. HINCHEY, regarding funding limitation on implementation of medical marijuana laws, which shall be debatable for 20 minutes;

Mr. WOLF or Mr. MOLLOHAN, regarding funding for State and local law enforcement assistance;

Mr. OBEY, regarding funding for Legal Services Corporation;

Mr. BOSWELL, regarding funding for criminal records upgrades;

Mr. WYNN, regarding funding for drug courts;

Mrs. JOHNSON of Connecticut, regarding funding for FBI salaries and expenses;

Mr. MOLLOHAN, regarding funding for various programs and tax law changes;

Mr. KENNEDY of Minnesota, regarding funding for Justice Assistance grant program;

Mr. KENNEDY of Minnesota, regarding funding for Justice Assistance grant program;

Mr. BARROW, regarding funding for SCAAP;

Ms. MILLENDER-MCDONALD, regarding funding for drug courts;

Mr. GARRETT of New Jersey, regarding funding for Justice Assistance grant programs;

Mr. REYES, regarding funding for the Southwest Border Initiative;

Mr. FOSSELLA, regarding funding for COPS bulletproof vest program;

Mr. LYNCH, regarding funding for COPS bulletproof vest program;

Mr. RENZI, regarding funding for tribal law enforcement;

Ms. JACKSON-LEE of Texas, regarding funding limitation on targeting segments of the Muslim and Arab communities for national security investigations;

Ms. JACKSON-LEE of Texas, regarding funding limitation on State and local anti-drug task forces that do not collect data on the racial distribution of convictions;

Mr. BROWN of Ohio, regarding USTR funding for China enforcement;

Mr. BROWN of Ohio, regarding ITA funding for the Office of China compliance;

Mr. ROGERS of Michigan, regarding funding for the Manufacturing Extension Partnership Program;

Ms. EDDIE BERNICE JOHNSON of Texas, regarding funding for NOAA;

Mr. GILCHREST, regarding funding for certain NOAA programs;

Mr. THOMPSON of California, regarding funding for Pacific Coastal salmon recovery;

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Mr. BROWN of Ohio, regarding funding for NASA aeronautics research;

Ms. JACKSON-LEE of Texas, regarding funding for NASA education programs;

Ms. WATSON, regarding funding for the Bureau of Economic and Business Affairs;

Mr. MURPHY, regarding funding reduction for FCC unless certain rulemaking occurs;

Mrs. DAVIS of California, regarding funding for the National Veterans Business Development Corporation;

Mr. OBEY, amending FLSA with respect to the minimum wage;

Mr. ANDREWS, regarding funding limitation on revisions to OMB circular A–76;

Mr. BAIRD, regarding funding limitation on motions filed under section 3730 of title 31;

Mr. CAPUANO, regarding funding for young witness assistance grants;

Mr. CARDOZA, regarding funding for drug endangered children grant program;

Mr. CULBERSON, regarding funding limitation on activities in contravention of section 1373 of title 8;

Ms. DEGETTE, regarding funding for Internet Crimes Against Children task forces;

Ms. DELAURO, regarding funding for sexual assault services grants;

Mr. ENGEL, regarding funding limitation on energy efficiency standards;

Mr. ETHERIDGE, regarding the Hometown Heroes Act;

a funding limitation by Mr. FLAKE on each of the following: Rochester, New York Tooling and Machining Association for a workforce development program;

Bronx Council for marketing of local business arts initiatives;

Arthur Avenue Retail Market for local business requirements and improvements;

Wisconsin Procurement Initiative;

JARI for a regional business incubator;

Fairmont State University for a small business development initiative;

Fairplex Trade and Conference Center;

Southern and Eastern Kentucky Tourism Development Association;

JARI Workforce Development Program and Small Business Technology Center;

Oil Region Alliance of Business, Industry and Tourism;

Mr. FRANK of Massachusetts, regarding funding limitation on manned space mission to Mars;

Mr. GARRETT of New Jersey, requiring annual report on U.S. contributions to the U.N. and affiliated entities;

Mr. GINGREY, regarding funding limitation on participation under the Visa Waiver program;

Mr. HINCHEY, regarding funding limitation on ''Knock and Announce'' policies;

Mr. HINCHEY, regarding medical marijuana and transfers of funds for certain State and local programs;

Mr. HINCHEY, regarding funding limitation for FCC licenses based on ownership;

Mr. HINCHEY, regarding funding limitation on private phone records from data and credit brokers;

Mr. INSLEE, regarding funding for children and youth programs and the national tribal sexual offender registry;

Ms. EDDIE BERNICE JOHNSON of Texas, regarding funding for juvenile justice programs;

Ms. EDDIE BERNICE JOHNSON of Texas, regarding funding for the juvenile delinquency prevention block grant program;

Mrs. JONES of Ohio, regarding funding limitation on the EEOC National Contact Center;

Mr. KING of Iowa, regarding funding for enforcement of section 642 of the IIRIRA;

Mr. KUCINICH, regarding funding limitation on NASA involuntary separations;

Mr. LIPINSKI, regarding funding for Law Enforcement Tribute Act;

Mr. MCCAUL of Texas, regarding funding limitation on U.N. peacekeeping missions in which U.N. employees under investigation have not been removed;

Mr. MCCAUL of Texas, regarding funding limitation on the U.N. Human Rights Council unless certain members are removed;

Mr. MCCOTTER, regarding funding limitation on filing under FARA unless certain conditions are met;

Mr. NADLER, regarding funding for the Jessica Gonzalez Victims Assistance Program;

Mr. NADLER, regarding funding for FBI salaries and expenses;

Mr. NADLER, regarding funding limitation on issuance of NSA letters to health insurance companies;

Mr. SHERMAN, regarding funding limitation on detention of enemy combatants;

Mr. SODREL, regarding funding limitation on enforcement of the final judgment issued in Hinrichs v. Bosman;

Mr. TIAHRT, regarding competitiveness;

Ms. WATSON or Mr. ISSA, regarding funding limitation on accession of the Russian Federation into the WTO unless USTR makes certain certifications;

Mr. WAXMAN, regarding funding limitation on Industry Trade Advisory Committee on Chemicals unless certain membership requirements are met;

Mr. WEINER, regarding funding for COPS hiring program; and

an amendment or amendments by Mr. WOLF.

Each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, I want to make the point again that if all of these amendments are offered, we could be here for as much as 25 hours.

So I would hope that Members would consider whether or not these amendments are duplicative and that some of them might not be offered, if we are going to finish this in a timely fashion.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 890 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5672.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 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, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill had been read through page 2, line 8.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I move to strike the last word.

My amendment proposes to move $1 million from Justice General Administration in order to restore funding eliminated from the budget request for the Missing Alzheimer's program. This program is critical to supporting law enforcement efforts to find missing adults suffering from the terrible disease of Alzheimer's.

This is very important because Alzheimer's is a very difficult situation for both the individual with Alzheimer's and the family members. I offer it on behalf of Mr. MOLLOHAN, and I know Congresswoman Maxine Waters strongly, strongly supports the adoption of the amendment.

The CHAIRMAN. Does the gentleman intend to offer an amendment?

Mr. WOLF. I do, Mr. Chairman.

Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

Page 2, line 7, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

Page 23, line 4, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

The CHAIRMAN. Pursuant to clause 2(f) of rule XXI, the Chair must query

whether any Member raises a point of order against provisions of the bill addressed by the amendment but not yet reached in the reading: to wit, the paragraph beginning on page 22, line 18.

If not, the gentleman from Virginia is recognized for 5 minutes on his amendment.

Mr. WOLF. Well, I won't repeat myself. The amendment proposes to move $1 million from Justice General Administration in order to restore funding eliminated from the budget request for the Missing Alzheimer's program. It is a very important and very needed program.

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

Mr. MOLLOHAN. Mr. Chairman, how is the time controlled on this amendment; and how much time is on the amendment?

The CHAIRMAN. There are 10 minutes of debate. Nobody has claimed the time in opposition as of yet.

Mr. MOLLOHAN. We have no opposition, Mr. Chairman, but I will claim the 5 minutes.

The CHAIRMAN. Does the gentleman ask unanimous consent, notwithstanding the fact he is not opposed, to have the time in opposition?

Mr. MOLLOHAN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume, and I rise in strong support of the amendment.

There are 4.5 million Americans suffering from this terrible disease, Alzheimer's, and by 2050 we are looking at over 16 million potential victims of this dementia disease.

Wandering is a terrible condition and of great concern to the loved ones of individuals with Alzheimer's. This program addresses that and addresses it very effectively. I compliment the chairman for the amendment and compliment our colleague from California, Ms. WATERS, who has been a champion in this field.

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

Mr. WOLF. Mr. Chairman, I reserve the balance of my time on this side. I know my colleague has a group who want to speak.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I would like to thank the gentleman from Virginia (Mr. WOLF) for offering this amendment with me to restore funding for the Safe Return Program for Alzheimer's patients. I would also like to thank him and my colleague from West Virginia (Mr. MOLLOHAN) for all their hard work on this bill.

Mr. Chairman and Members, I did become rather alarmed when I learned the Science, State, Justice, Commerce bill for fiscal year 2006 reported out of the Appropriations Committee had not funded Safe Return, and I am just so appreciative for Mr. WOLF's leadership and Mr. MOLLOHAN's leadership in agreeing to make sure that this funding was restored.

An estimated 4.5 million Americans have Alzheimer's disease, including one in 10 individuals over 65, with nearly half of those over 85. Sixty percent of Alzheimer's patients are likely to wander from their homes. Wanderers are vulnerable to dehydration, weather conditions, traffic hazards, and individuals who prey on those who are defenseless. Up to 50 percent of wandering Alzheimer's patients will become seriously injured or will die if they are not found within 24 hours.

The Safe Return Program for Alzheimer's patients is a Department of Justice program that helps local communities and law enforcement officials identify wandering Alzheimer's patients quickly and ensures their safe return home. Under the Safe Return Program, patients are enrolled in a confidential national computerized database and provided with an identity bracelet or other identifying materials, such as necklace, key chain, wallet card, or clothing labels. The identifying materials contain the patient's name and a toll free number to contact their family.

Since its inception 10 years ago, the Safe Return Program has registered over 143,000 individuals who may wander, and has united over 11, 200 wanderers with their families. The Safe Return Program was able to carry out its lifesaving work with an appropriation of $840,000 in fiscal year 2006. Unfortunately, this had, I guess, been overlooked for a while. But now that our colleagues have provided the leadership to put in $1 million, this program will remain in the budget. The Wolf-Waters amendment would restore the funding for this critical program and provides $1 million in fiscal year 2007, a slight increase over the 2006 funding level.

I know that we are all very pleased about this, so let me just remind my colleagues that we have families now, working families, and sometimes their parents, both parents, have Alzheimer's disease. We have many families that are struggling to take care of their children, go to work every day, and take care of their parents. This program helps so much because they will wander away. But with this funding and the Alzheimer's Association, working with the Justice Department, they can return many of these wanderers back to their families, and of course keep them safe.

I thank you so very much.

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

Mr. WOLF. Mr. Chairman, I rise in strong support of the amendment again, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

Page 2, line 7, after the dollar amount, insert: ''(reduced by $6,736,000)''.

Page 62, line 12, after the dollar amount, insert: ''(reduced by $20,000,000)''.

Page 86, line 17, after each of the dollar amounts, insert: ''(increased by $25,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, this amendment simply adds $25 million to the Legal Services Corporation, returning it to the 2003 level from which it has fallen since that time. We have a bipartisan letter to Chairman WOLF from Ranking Member MOLLOHAN signed by 160 Members of this House led by Representatives RAMSTAD and DELAHUNT, calling on the committee to restore funding for this program.

This bill cuts LSC by $12.7 million below last year's level. LSC-funded programs are the Nation's primary source of legal assistance to women who are the victims of violence. Seventy-three percent of those seeking assistance under this program are women.

This budget has declined from $400 million in 1996, and we are not even restoring it to that level. We are simply asking to restore $25 million of the massive cut that has occurred since that time.

Because of the cuts already incurred by this program, 16 field offices have already been closed. I don't think we want to see any more of that.

The offsets are very simple. We are taking $6.7 million from the Department of Justice general administration funds. The account is below the request, but the mark funds an 18 percent rent increase for management.

We would secondly take the rest of the funding out of the Department of State Administration of Foreign Affairs, Diplomatic and Consular Programs. The account includes a $76.9 million increase over the current year. This cut leaves in place increases for Intelligence and Research, Public Diplomacy, Foreign Language Training, Reconstruction and Stabilization and Border Security.

Mr. Chairman, we stand on this floor every day, and we recite the pledge of allegiance to the flag. In the process of doing that, we pledge to support ''liberty and justice for all.''

You simply cannot have justice in this country if you do not have adequate access to its court system. It seems to me that this amendment is on its face self-evident. There is no reason

why we cannot, with all of the money we spend for so many other programs, there is no reason that we cannot provide such a small restoration of funding for people who have nowhere else to go to be able to participate in what is supposed to be a system that produces equal justice for all.

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

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I want to salute the gentleman. He made some very important points. But we have had to make some difficult decisions putting this bill together.

The bill already includes $314 million for the Legal Services Corporation. This used to be politicized. It has not been politicized. It is an increase of $3 million above the President's request. That means we cut $3 million from some other part of the bill to increase funding for the Legal Services Corporation.

There are a number of areas in the bill that we would increase funding for if we didn't have to restore $1.1 billion for State and local law enforcement.

Unlike the Legal Services, which is funded above the request, we have already cut from the request of State Department's Diplomatic and Consular Affairs operations account by $147 million. Our bill provides a modest increase of $77 million or 2.1 percent to cover pay and inflationary costs for the Department.

The only increases that the funding supports are new positions for critical posts around the world to support our national interests in emerging nations like India, China, Egypt and Indonesia.

In addition, we have supported an increase for the Office of Stabilization and Reconstruction and for new critical language training positions.

We are in a global war on terror. This amendment cuts into already reduced amounts to support the diplomatic side of this effort. North Korea has just threatened to test a nuclear weapon. Iran continues its efforts to develop a nuclear program.

Further, this amendment would cut $5 million from the Department of Justice administration account. The bill already reduces that request for general administration by $25 million or 22 percent below the request. The Acting Assistant Attorney General for Administration has written us to inform us that, at the current level of funding in the bill, 58 positions will be eliminated at the Department of Justice headquarters.

Additional cuts will hinder the Department's abilities to effectively manage more than $20 billion in appropriations, operate hundreds of DOJ facilities, manage 100,000 employees and coordinate public policy.

We have done the best we can. We have also got the Manufacturing Extension Program up. We have increased drug courts by 300 percent. So a bill that treats the diverse accounts within our jurisdiction, I think, has been done as fairly as we can. Therefore, I urge the rejection of the amendment.

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

Mr. MOLLOHAN. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I rise in strong support of this amendment. The gentleman's amendment would increase the Legal Services Corporation by $25 million. That is up to the recent high water mark of $338 million that was enacted in fiscal 2003.

Since that high water mark, the funding trend for the Legal Services Corporation has been disappointing. It has decreased incrementally until this year, like a lot of other domestic discretionary programs in this bill, but none more important than Legal Services Corporation.

If we are to fulfill the promise of this great Nation that everybody in our society has equal access to the law, obviously having the resources to have access to the law is extremely important. That is what this program does for those who are the least able to pay for legal services, to afford legal representation in time of need. It is often this group of people who have a lot of legal problems. They need a lot of assistance.

This year, we see a precipitous drop in the funding as it plummets by $13 million below last year's level.

Forgive me for citing West Virginia's example, but I think it is a good one which reflects this downward trend and what its disastrous effect is. Since 2003, due to the census adjustment and decreased funding, the program has laid off 13 to 18 staff members in my State. The program currently has 92 staff members, including 37 lawyers. The layoffs are about 16 percent of the workforce. The program has lost $400,000 in funding, had to close four or five services in small counties in southern West Virginia.

In 2002, Legal Aid of West Virginia closed 6,145 cases. In 2005, that number decreased to 5,257 cases. The West Virginia program has estimated that it is unable to serve approximately 15,000 people a year due to lack of resources. That is a lot of people, Mr. Chairman, who are unable to access the legal system for want of resources. All of us can appreciate the hardship that that entails.

I rise in strong support of the amendment.

Mr. Chairman, I yield to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I will be introducing, at the appropriate time, a letter from the national Legal Aid & Defender Association that says, in part, that the LSC-funded program simply cannot keep up with the demand for services. Documenting the Justice gap, a year-long study released by the LSC in October of 2005 revealed that at least 50 percent of eligible clients were turned away from LSC-funded programs due to a lack of resources.

In other words, for every client served, at least one eligible client was turned away. This statistic reflects the vast unmet need and is, nonetheless, an underestimate and does not take into account the countless people, eligible people, who did not seek assistance because they were not aware that the LSC programs could help them.

This letter says that we are extremely concerned that cuts to LSC-funded programs will have a harmful effect on our judicial system, our economy and businesses, and our society in general.

Mr. Chairman, it is significant that this letter is signed by approximately 60 general counsels of our Nation's leading corporations who are asking for this kind of amendment. Actually, they are asking for more resources, but at least this modest amendment ought to be adopted in response to this letter.

NATIONAL LEGAL AID & DEFENDER ASSOCIATION,
Washington, DC, June 26, 2006.

Hon. ROBERT C. SCOTT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SCOTT: As the general counsel of some of our nation's leading corporations, we are asking for your help. The Legal Services Corporation (LSC), the primary legal lifeline to millions of Americans in times of need, is in jeopardy of having its already inadequate funding further eroded. Today, LSC's funding is less than one-half of the inflation-adjusted dollars that Congress appropriated in FY 1980, and ten million dollars less than the FY 2003 appropriation. In his FY 2007 budget request, President Bush has proposed an additional 4.6 percent decrease from the current $326.6 million appropriation to $310.9 million. We are asking you to reverse this diminution of critical funds by supporting the Corporation's FY 2007 budget request of $411.8 million.

Due to recent cuts to the LSC appropriation and rising inflation rates, LSC-funded programs have struggled to help the growing number of our country's impoverished. Poverty statistics show that between 2002 and 2004, the number of people eligible for LSC services increased from 47 million to 49.7 million, which is about one in every six Americans. Sadly, of these nearly 50 million people, more than one third of them are children. To put clients' need in perspective: a family of four must earn a meager $25,000 or less to qualify.

LSC-funded programs simply cannot keep up with the demand for services. Documenting the Justice Gap, a year-long study released by LSC in October 2005, revealed that at least 50 percent of eligible clients were turned away from LSC-funded programs due to a lack of resources. In other words, for every client served, at least one eligible client is turned away. While this statistic reflects the vast unmet need, it is, nonetheless, an underestimate and does not take into account the countless eligible people who did not seek assistance because they were not aware that LSC-funded programs could help them.

We are extremely concerned that cuts to LSC funding will have a harmful affect on our judicial system, our economy and businesses, and our society in general. While we

are mindful of the severe fiscal constraints under which the Congress finds itself, we ask you to act now to ensure that essential civil legal services continue to make differences in the lives of those in need. Please support a FY 2007 LSC appropriation of $411.8 million and join us in upholding the American promise of ''justice for all.''

Sincerely,

Kenneth C. Frazier, Merck & Co., Inc., Chair, NLADA Corporate Advisory, Committee; Peter Arakas, LEGO Systems, Inc.; Richard N. Baer, Qwest Communications Corporation; Theodore N. Bobby, H.J. Heinz Company; Paula Boggs, Starbucks Corporation; Charles Burson, Esq., Monsanto Company; Carl J. Busch, Northrop Grumman Corporation; Jim Carter, Nike Inc.; Robert J. Cindrich, UPMC, University of Pittsburgh Medical Center; Mike Cockrell, Sanderson Farms, Inc.; Bert Cornelison, Halliburton Company; Julie A. Davis, Retail Ventures Inc.; Morris Davis, Temple-Inland, Inc.; Dodds M. Dehmer, W.G. Yates & Sons Construction Company; Catherine A. Lamboley, Shell Oil Company, Immediate Past Chair, NLADA, Corporate Advisory Committee; Nancy C. Loftin, Pinnacle West Capital Corp. and APS; Louis M. Lupin, QUALCOMM Incorporated; Charles W. Matthews, Jr., ExxonMobil Corporation; Ron McCray, Kimberly-Clark Corporation; Kevin M. McDonald, Anadarko Petroleum Corporation; John H. McGuckin Jr., Union Bank of California; Lee R. Mitau, U.S. Bancorp; O. Kendall Moore, U-Save Auto Rental of America, Inc.; Richard Olin, Costco Wholesale Corporation; Patrick T. Ortiz, PNM Resources, Inc.; Joy Lambert Phillips, Hancock Bank; Thomas E. Richardson, Town Pump, Inc.; Scott E. Rozzell, CenterPoint Energy, Inc.;

Deborah Dorman-Rodriguez, Blue Cross and Blue Shield of New Mexico; Paul Ehrlich, adidas International, Inc.; Glenn M. Engelmann, AstraZeneca Pharmaceuticals LP; Stephen F. Gates, ConocoPhillips; Craig B. Glidden, Chevron Phillips Chemical Company LP; Storrow Gordon, Electronic Data Systems Corporation; Thomas A. Gottschalk, General Motors Corporation; Andrew D. Hendry, Colgate-Palmolive Company; Jim Hornstein, Moldex Metric, Inc.; Michael Jines, Reliant Energy, Inc.; James J. Johnson, The Procter & Gamble Company; Murray L. Johnston Jr., Zachry Construction Corporation; Guy Kerr, Belo Corp.; Ky Lewis, Sharp HealthCare System; Mark I. Litow, Esq., Enterprise Rent-A-Car Company; Dan D. Sandman, United States Steel Corporation; David A. Savner, General Dynamics Corporation; John Schulman, Warner Bros.; William F. Schwind, Jr., Marathon Oil Corporation; Karen E. Shaff, The Principal Financial Group; Lauri M. Shanahan, Gap Inc.; Laura Stein, The Clorox Company; Ronald Taylor, Blue Cross and Blue Shield of Texas; Vivian Tseng, Welch Foods Inc., A Cooperative; John E. Tucker, First Tower Corp.; Rita Tuzon, Fox Cable Networks; Jack VanWoerkom, Staples, Inc.; Jennifer L. Vogel, Continental Airlines, Inc.; Michael T. Williams, Sony Electronics Inc.; Wayne Withers, Esq., Emerson Electric Company; Christopher J. Littlefield, AmerUs Group.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT OFFERED BY MR. REICHERT

Mr. REICHERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. REICHERT:

Page 2, line 7, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

Page 23, line 4, after the dollar amount, insert the following: ''(increased by $25,000,000)''.

Page 23, line 9, after the dollar amount, insert the following: ''(increased by $25,000,000)''.

Page 46, line 11, after the dollar amount, insert the following: ''(reduced by $15,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, first, I would like to thank the gentleman from Virginia (Mr. WOLF) for his great work in helping local law enforcement officials strengthen their efforts to combat drugs in their communities.

I rise today to offer an amendment to increase funding for local law enforcement communities to reinforce efforts to keep drugs out of our communities.

During my 33 years in law enforcement, I have seen how Byrne-Justice Assistance Grants have help local law enforcement fight the war on drugs. Washington State received $9.6 million under the Byrne grant formula. Without this funding, our State would not have been able to effectively reduce violent and drug-related crimes in our communities.

However, since 2001, funding for the Byrne-Justice Assistance Grants program has declined from over $1 billion in 2001 to less than $412 million in 2006. The efforts of State and local law enforcement officers account for over 90 percent of all drug arrests and prosecutions. We cannot afford to turn our backs on law enforcement if we want to continue to achieve success in the fight against drugs and gangs.

My amendment would increase funding for drug task forces under Byrne JAG grants by $25 million. The offset would be $10 million from the Department of Justice salaries and expense administration accounts and $15 million from program support, operations, research and facilities under NOAA.

I have the greatest respect for the President's efforts and members of the Appropriations Committee to scale back government spending. However, adequate funding for law enforcement and anti-drug task force efforts are critical in order for our police officers to protect our communities against drugs.

I am not alone in my efforts to increase funding for Byrne JAG grant funding. Many Members from both sides of the aisle have been leaders in the fight to fully fund our local drug task force.

I would like to especially thank the gentleman from Nebraska (Mr. TERRY) and the gentleman from Indiana (Mr. SOUDER) for their leadership in support of local law enforcement efforts in their fight against drugs and meth.

Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, I want to thank the gentleman from Washington for introducing this modest amendment to help families across the Nation that are dealing with meth issues, and not only the families that have to deal with them but the law enforcement community, the people on the front line.

I want to thank you for your leadership, Mr. REICHERT. Your experience and background as a law enforcement officer, somebody on the front line, has been instrumental to us in the United States Congress in this fight to empower our local police officers.

But I also want to thank the chairman of the appropriations subcommittee in charge, because Chairman WOLF knows what drugs has done to our families. The budget that was sent over to us zeroed these out, eliminated them. The chairman fought to get as much put back as he could, but we still need more. So I appreciate your efforts.

In Omaha, we have a real meth problem. It is affecting suburban housewives, teenagers, all segments and demographics of our community. I have personally seen how it ravages these families. I think it is important that we step up our efforts to rid this nasty drug from our communities. The only way to rid it from our communities is to empower the local law enforcement agencies.

Now, we have passed a meth law in this House that allows for pseudoephedrine to be put behind the counter. That makes it hard to do the labs now. Frankly, in States like Nebraska, Iowa, Oklahoma and Missouri that have done that, they have seen the number of labs go down. But now we have got gangs running meth from super labs in Mexico.

□ 1930

So as we take labs down, we still get inundated in our communities from these drugs from gangs now. And so it is extremely important that those people that know the gang members, know what they are doing can run the task forces. And here is a chart up here that shows just with meth, from the task

forces funded by this 5.54 kilos of meth taken off.

The National Association of Counties reports that 58 percent of counties ranked methamphetamine as their No. 1 drug problem in 2005, and CDC estimates at least 20,000 Americans die each year from drug abuse/overdose.

Byrne-JAG grants incentivize multi-jurisdictional drug enforcement and cooperation between local, state and federal law enforcement agents. These grants are the primary federal funds to discourage domestic production of methamphetamine.

The White House's 2007 budget request to Congress again eliminates funding for Byrne. In 2004, Congress provided $634 million to law enforcement agencies nationwide. Last year, the Senate voted to provide $900 million—closer to the original funding level for this program—but the proposed bill provides just $367 million.

Since FY01, funding has been cut from over $1 billion to less than $367 million in the H.R. 5672. The effect of these cuts has been clear: many States have been forced to cut or completely eliminate their gang and drug task forces.

The $558 million reported as the funding level of Byrne-JAG includes $115 million in discretionary earmarks, and $75 million for Boys and Girls Clubs—leaving $367 million for state formula grants supporting drug and violent crime task forces.

The proposed $367 million funding level would cripple the effectiveness of drug task forces nationwide, and jeopardize the gains made in reducing nationwide violent crime to a 30-year low. The collaborative task forces built over the past 15 years to combat drugs cannot be easily rebuilt.

State and local agencies will take the brunt of meth investigations without federal assistance. More than 90 percent of drug arrests nationwide are made by state and local law enforcement.

Tom Constantine, former head of the Drug Enforcement Agency (DEA) testified that the majority of DEA cases begin as referrals from local and multi-jurisdictional drug investigations. He was unaware of any major DEA case during his tenure that did not originate from information gathered at the state and local level.

Last year, Byrne task forces nationwide seized 5,600 meth labs, 55,000 weapons, and massive quantities of narcotics, including 2.7 million grams of meth. These results demonstrate the power of using federal dollars to leverage state and local partnerships.

Nebraska will be forced to eliminate 9 of 11 task forces unless Byrne-JAG funding is increased; Texas has already eliminated its task forces due to lack of funding, and New Jersey is considering the same course of action. Minnesota may be forced to discontinue its rural drug task forces, and only three of Missouri's 28 Byrne task forces would survive on state funding alone.

The fight against meth is the frontline of the Nation's war on drugs. The fastest-growing drug in the Nation, meth has produced a wider and more expensive array of problems than any other narcotic we have ever faced. And midwestern states such as Nebraska bear much of the brunt.

According to Nebraska Attorney General Jon Bruning, 60 percent of inmates in Nebraska jails have problems with meth. The number of people in Nebraska jails for possessing, selling or manufacturing meth has more than doubled since 1999.

Jails are overcrowded with meth addicts, many of whom require special medical care. Meth labs quickly become toxic waste dumps that can only be cleaned up with large amounts of manpower and financial resources. Worst of all, children in homes where meth is used or made are more often violently abused and neglected, and exposed to highly toxic chemicals.

Nationwide, law enforcement officers have dismantled more than 50,000 clandestine meth labs since 2001. Nearly half of those incidents occurred in just nine Midwestern and Plains states, including Nebraska.

The number of meth labs in Nebraska rose from 37 in 1999 to almost 300 in 2004. Fortunately, my State joined a growing coalition of States fighting against meth by enacting a new law in September to restrict the sale of pseudoephedrine. Since that time, the number of meth labs has fallen by a phenomenal 70 percent.

However, the problem is far from being solved since 80 percent of the meth in Nebraska is being trafficked from Mexico. This meth is far more addictive than what can be cooked in a typical "Mom and Pop" meth lab.

Thanks to Nebraska's new law, instead of using 80 percent of their resources to fight the home labs that comprised only 20 percent of the State's meth problem, Nebraska narcotic officers can now use more of their time to stop the inflow of Mexican meth.

Congress has played a role in combating the Nation's growing meth problem through Edward Byrne Justice Assistance Grants for State and local law enforcement agencies. Unfortunately, these grants are endangered by the failure at the White House to recognize the significance of Byrne grants in combating meth and other illegal drugs nationwide.

Byrne task forces are the underpinning of our Nation's successful drug control strategy that brought us the lowest violent crime rates in 30 years. We must not turn back the clock in the war on drugs.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 10 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment, not because it doesn't increase funding for a worthy program. I am extremely supportive of the Justice Assistance Grants Program. But understand that it increases the Justice Assistance Formula Grants Program from $367.8 million to $392.8 million, by $25 million, if my math is correct there. And that is all well and good.

The difficulty is that this amendment increases a general grant program for which this money could go for anything. It could go for meth; it could go for any law enforcement purpose. And again, I repeat, it is all good and well. The problem is the offset. And that is the problem with so many of these amendments that will come forward. It is $10 million from the Department of Justice General Administration Salaries and Expenses account. Well, the Department of Justice does have to run these programs. It has to operate these programs and it has general administration and salaries and expenses costs. This subcommittee has very carefully looked at the needs of the General Administration and Salaries and Expenses Account and determined that it needs the amount of money that is appropriated. This is already a tight budget; so funding in that account is tight.

And to then offset $15 million from the National Oceanic and Atmospheric Administration's operations, research and facilities really hurts an agency that is already $514 million below fiscal year 2006-enacted level. So we are $514 million below and we are taking another $15 million off that. At the current mark level, NOAA will be required to RIF over 700 employees; at the current mark level, program cuts are estimated to cost the U.S. economy $1 billion to $2 billion per year.

The proposed reduction will only further compound these impacts to NOAA's critical public safety and stewardship mission. Great amendment, terrible offset. I would just suggest that the gentleman think about these tough budget decisions when this budget resolution next comes to the floor. We just don't have enough money in this bill. And his amendment is for a worthy cause. But his offsets are too damaging to the agencies that they hurt.

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

Mr. REICHERT. Mr. Chairman, I yield as much time as he may consume to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, there is a lot I want to say. I don't know if I can say it in that much time. The gentleman's amendment would increase Justice Assistance grants by $25 million, reduce Justice General Administration by $10 million, and NOAA by 15. I understand and I appreciate the gentleman's passion for law enforcement. These programs have helped a lot. The bill already includes a $50 million increase for JAG, and an increase of $1.1 billion for local law enforcement above the request. Sometimes it doesn't matter, but it is above the request. And the gentleman's offsets would create some difficulties at Justice and NOAA.

But the gentleman has worked. I think he has made a good point in crafting the amendment. I know he and others would actually prefer higher amendments. There were other amendments rolling around here in the 40 to $50 million range. Somehow, this Congress is going to have to deal with the issues of all of the spending that is coming on and how do we get control.

Now, there will be others to come up, some that are actually good amendments, because they really help people. But we are going to devastate other programs. And it is sort of like Dietrich Bonhoffer with Cheap Grace. You can go into some general administration area that nobody understands

or knows anything about, and then there will be no money for general administrations.

I have introduced a bill, I sent out a Dear Colleague letter asking people to cosponsor a national commission based on the base closing commission with everything on the table to deal with these issues, because it is fundamentally immoral for one generation to live on the next generation and our children and our grandchildren and the whole spending issue. I share what the gentleman from West Virginia said, on some of these amendment passes, and then there is no money for administration, no money for this, and no money for that.

But there is probably not a more sincere individual on this issue, probably because of his work. And my father was a policeman in the city of Philadelphia. I understand these issues, and we want to give our law enforcement the resources, particularly with crime growing up.

So I have no objection to the gentleman's amendment.

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

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

Mr. REICHERT. Mr. Chairman, I would like to thank the chairman and express my gratitude to him for his leadership and hard work that his staff and my staff have put into this amendment, and I appreciate his willingness to help us and assist us and look forward to working with him on other issues in the coming year.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOSWELL

Mr. BOSWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BOSWELL:

Page 2, line 7, after the dollar amount, insert the following: ''(reduced by $1,500,000)''.

Page 26, line 6, after the dollar amount, insert the following: ''(increased by $1,500,000)''.

Page 27, line 5, after the dollar amount, insert the following: ''(increased by $1,500,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. BOSWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BOSWELL. Mr. Chairman, before I begin, I too would like to thank the chairman of the subcommittee, Mr. WOLF, and Mr. MOLLOHAN for their hard work and leadership in these very challenging times and these issues.

Once again, we find ourselves faced with a budget that is less than favorable, and they both have done a tremendous job in funding priorities when faced with this reality, and I thank them for that.

Mr. Chairman, I rise to amend something similar to what I did a year ago. I offered this amendment and it was accepted by the chairman and ranking member when the House considered fiscal year 2006 Science, State, Commerce, Justice appropriations bill.

Last year I requested an increase in funding for the Criminal Records Upgrade Program by $2.5 million. This year, considering the budget we are dealing with, I am asking for even less.

Mr. Chairman, my amendment proposed to increase the Criminal Records Upgrade Program by $1.5 million, offsetting this increase with a reduction in the Department of Justice General Administration Salaries and Expense Account by the same amount.

Mr. Chairman, the goal of this program is to ensure that accurate records are available for use in law enforcement and to permit States to identify, among other things, persons ineligible to hold positions involving children. This program helps States build their infrastructure to connect to the national record check systems, both to supply information and to conduct requisite checks.

I firmly believe that having accurate criminal records are essential in a State's ability to protect children from those who wish to do them harm and those who have histories of causing such harm. We must continue to provide law enforcement agencies across the Nation with as much information as they need to stop sex offenders and others who have a history of violence and exploitation of our children.

Mr. Chairman, there will be other amendments offered during the course of debate on this bill asking for tens of millions of dollars. But my amendment is not one of them. Times are tight when it comes to spending, and I am not asking to move the mountain. But anything we can spare to ensure that our States and our communities can have access to information that can be used to protect the children of our Nation must be spared.

With that, I urge the adoption of the amendment.

Mr. WOLF. If the gentleman would yield, it is a good amendment. We accept the amendment. I think we took it last year too, if I recall. And I thank the gentleman for offering it. And on this side we strongly accept it.

Mr. BOSWELL. Thank you, Mr. Chairman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. GINNY BROWN-WAITE of Florida:

Page 2, line 7, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

Page 20, line 1, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Page 40, line 10, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

Page 40, line 11, after the dollar amount, insert the following: ''(reduced by $2,500,000)''.

Page 40, line 12, after the dollar amount, insert the following: ''(reduced by $2,500,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today to offer an amendment that will increase funding for the Violence Against Women Act, also known as VAWA. It increases it by approximately $10 million.

Congress has recognized the importance of these programs in bringing hope and a safe future to women across our great Nation by reauthorizing VAWA last year.

Although the committee increased funding for this program, there are still a number of vital programs within it that are not going to be adequately funded by the bill. Such programs include funding to assist children exposed to domestic violence, such as the various counseling and education programs, the Sexual Assault Services Program, and also inclusion of Indian tribes in the national sex offender registry.

As a cochair of the Congressional Caucus on Women's Issues, and also serving on a local shelter board, I know firsthand the reprehensible effects of domestic violence on a woman's dreams and success.

Every rape crisis center and domestic violence program in my district has brought hope to women and children who have been devastated by assaults.

As you know, domestic violence affects our most vulnerable constituents, battered women and their families. Evidence suggests that VAWA has been effective in reducing violence. For example, the rate of domestic violence against females over the age of 12 in the United States actually showed a slight decline.

But domestic violence is not just a man-against-woman phenomenon. When a man hits a woman or vice versa, often children and young adults are left with lasting impressions of that violence. Studies show that men who are exposed to domestic abuse are much more likely to be abusers themselves in the future. And young women who see abuse are much more prone to be victims of abuse as adults themselves.

This vicious cycle is one that we can genuinely affect through violence against women programs that provide education support networks, increased law enforcement and certainly a very important component of family counseling.

It is frustrating but realistic for policymakers to know that we can't just wave a magic wand and eradicate violence in our society. Yet, I firmly believe that this amendment is a step in the right direction.

The amendment takes funding from the Department of Justice's General Administration Fund and the Census Bureau and helps to fund the violence against women programs.

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This add-on actually helps in the fight against domestic violence without breaking the bank or tipping the very careful balance that Chairman WOLF and Ranking Member MOLLOHAN crafted in the underlying bill.

Chairman WOLF, you have done a great job, and Members on both sides of the aisle respect you and the work product that we have before us.

I urge all of my colleagues to support the amendment to increase funds for VAWA programs.

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

The CHAIRMAN. Does any Member seek time in opposition?

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment.

The gentlewoman's amendment would increase funding for grants to prevent violence against women by $10 million by decreasing funds for the Justice Department's General Administration by $5 million and the Census Bureau by $5 million.

I understand and appreciate the gentlewoman's passion for her efforts to prevent violence against women. The bill already, though, includes a $9 million increase for these programs, but we recognize that an increased investment is important.

I just wanted to say, for the record, although it will be difficult for the Census Bureau, this offset will neither impact the ramp up of the 2010 decennial census nor the American Community Survey.

With that understanding, I have no objection to the amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the chairman for his support, and I urge a favorable vote.

Mr. SHAYS. Mr. Chairman, I rise in support of the Inslee-Brown-Waite amendment which would fund three newly authorized programs under the Violence Against Women Act.

Domestic violence, dating violence, sexual assault and stalking are crimes of epidemic proportions, exacting terrible costs on individual lives and our communities. Nearly one in four U.S. women report that they have been physically assaulted by an intimate partner during their lifetimes and one in six have been the victims of attempted or completed rape.

Without full funding for VAWA programs, families cannot access the services they need to escape from violence. The continued support of Congress is crucial to helping victims and their children find safety and security and build self-sufficiency.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. VELÁZQUEZ:

Page 2, line 7, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 50, line 21, after the first dollar amount, insert ''(reduced by $10,000,000)''.

Page 62, line 12, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 89, line 17, after the first dollar amount, insert ''(reduced by $10,000,000)''.

Page 91, line 12, after the dollar amount, insert ''(increased by $40,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when we talk about targeted policies that are aimed at improving the economic environment for small businesses, we are talking about this amendment. This is a bipartisan measure that has passed the House for the past 2 years.

Lowering the cost of the Small Business Administration's 7(a) loan program is a fiscally responsible, commonsense solution that will result in job growth and increased revenue.

The truth is that the program is simply too costly for this Nation's small businesses. The cost for start-up loans has increased by nearly $1,500 to $3,000, and for more established small businesses, the total cost can be as high as $50,000. This is money our Nation's small businesses are paying directly to the Federal Government.

As a result, entrepreneurs today are getting a more expensive loan that is almost 50 percent smaller than what it was just a few years ago, limiting their ability to start and expand their ventures. In fact, recent SBA figures show that the program is doing $160 million less than it was during the same time the previous year, showing how these rising costs are having an impact on lending.

This amendment would reverse this effect and would lower the cost of the 7(a) loan program.

To compound the problem further, entrepreneurs are also finding that they have fewer places to go to access this financing. In fact, the number of lenders willing to offer 7(a) loans has dropped in half over the past several years, leaving small firms scrambling to find vital sources of capital.

Today is an opportunity for us to take action to help relieve our small businesses of these burdens.

Fees have been raised four times over the past 2 years and are already at their maximum level. If we were to see a significant increase in interest rates, experience an economic downturn, or a regional crisis like what we saw in the gulf coast, this program would not be able to support itself. The result would be caps, limits on loan sizes, and even the shutdown of the program altogether. The adoption of this measure will enable us to avoid this type of lending crisis in the future.

This amendment is fiscally responsible and uses offsets from four different salaries and expense accounts so that no one agency is disproportionately harmed. In fact, it only takes $10 million from each agency, which amounts to less than 1 percent of the four S&E accounts.

Nearly 20 prominent small business groups are in support of this amendment, up from 14 last year, illustrating the demand from our Nation's small businesses for this type of action.

This is a program that is now doing nearly a half billion dollars less since the fees were raised. It is clearly not doing better, and it is certainly not benefiting this Nation's small businesses.

A ''yes'' vote is a vote to help this Nation's small businesses move forward as the drivers of our economy. I strongly urge my colleagues to vote for this amendment.

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

Mr. WOLF. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

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

I rise in strong opposition to this amendment. The 7(a) program has been operating at record levels without subsidy appropriations since the beginning of 2005. If this amendment passes, do not ever go home and say that you are going to balance the budget. Just forget it. This is the ''forget to balance the budget and get control of the budget'' amendment. We have had record loans with no 7(a) fees, and now we want to do this.

The SBA administrator continues to assure us that the program is running strong. I have a letter from them confirming the success at redesigning the 7(a) program so it does not require a subsidy. No good deed goes unpunished. It does not require a subsidy, and we are going to spend all these millions of dollars? How would you ever explain it? How would you say we have got record

numbers, but we are going to subsidize it? Forget it. We would never, ever, ever, ever solve the deficit of this Nation.

The new model has brought down the stability of the lending community and borrowers. This is a ''bail-out the banks'' amendment. Bail out the banks. Only the bankers care about this, a small portion of the bankers, and I do not know if the bankers are writing us about the deficit either.

Demand has skyrocketed. Since lending levels are no longer tied to an appropriation, the program has been able to meet the demand. That, by not being tied, has been able to meet the demand. This is a good government success story.

There is much more that I could say. It goes on and on and on, but I just urge Members, do not pass this amendment. This is the ''how do you spend $100 million without needing to spend it,'' and I guess the question is if we really care about the future generations of our children and our grandchildren. We will never get control of it. I mean, I cannot even believe we are out here doing this. If this were the Violence Against Women or some of the programs that are here that your heart goes out to but you do not have the money, but there is no need for it and they are at record numbers.

I urge a ''no'' vote against this amendment.

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC, June 27, 2006.

Hon. FRANK WOLF,
Chairman, Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I want to thank you again for your support of America's small businesses. I would also like to take this opportunity to reiterate the Administration's strong support for a zero subsidy rate for the U.S. Small Business Administration's (SBA) 7(a) loan program. In what will certainly be another tight appropriations cycle, a zero subsidy rate for 7(a) will save the taxpayers approximately $170 million, while at the same time providing unprecedented stability to the program.

In the past, some have expressed unrealized concerns that zero subsidy would stifle the 7(a) loan program because of a very slight fee increase required. As you can see from the enclosed explanation and charts, 7(a) lending has increased significantly while taxpayer dollars have been saved. Further, current 7(a) fees—previously a source of significant industry concern—are in line with historical rates. Like other costs in business, these fees fluctuate based on market conditions. In fiscal year (FY) 2007 there will need to be a slight fee change of .5 basis points. This equates to approximately $2.80 per month on an average loan size of $160,000.

It is also important to note that zero subsidy is not only good for the taxpayer but for the stability of the program, the most crucial aspect of the program according to borrowers and lenders. (Zero subsidy began in FY 2001.). As you know, in January 2004 the SBA was forced to temporarily close the 7(a) program because it had exhausted its funding under the Continuing Resolution. Once the program was restarted, and after Congress passed the Consolidated Appropriations Act for FY 2004, the SBA was forced to manage the program through restrictive loan caps because demand continued to outpace the program's funding level. Regardless of the amount Congress appropriates for 7(a) in any given fiscal year, there will be the chance that demand could exceed that level, forcing either another shutdown or caps on loan amounts. By eliminating the need for an appropriation, potential program ''shortfalls'' may be avoided. Program levels in the form of authorization limits would still apply, of course.

It should also be noted that SBA's other major loan programs, Section 504 Guarantee Program and Small Business Investment Company (SBIC) Guarantee Program., have functioned at zero subsidy for several years. This provides our lending partners with what they want most from our loan programs—consistency and continuity.

Mr. Chairman, zero subsidy for the 7(a) program is a simple, common-sense approach that has brought the program in line with our other major financial programs. Zero subsidy is still the best policy for the long-term stability and growth of the 7(a) loan program. We have been able to maintain record lending during the past few years under zero subsidy. Lending has not been hampered by appropriations shortfalls, such as those that occurred in 2003 and 2004. For these reasons the Administration urges you to continue the successful zero subsidy policy in the FY 2007 Appropriations bill.

Sincerely,

HECTOR V. BARRETO,
Administrator.

ZERO SUBSIDY—THE BEST POLICY

Zero subsidy is still the best policy for the long term stability and growth of the Small Business Administration's various loan programs. The SBA has been able to maintain record lending during the past few years under the zero subsidy policy. The benefits of zero subsidy also results in a funding structure that adds stability and independence while ensuring that the lending process is not hampered by appropriations shortfalls such as those which occurred in 2003 and 2004.

In FY 2005, the SBA served more small businesses than ever before. In SBA's two major loan programs, they increased the numbers of loans funded by 22% in one year. These record level lending numbers are possible because of the zero subsidy policy that was adopted at the beginning of FY 2005.

The SBA guaranteed a record number of loans last year, with double digit increases in the percentage of loans to women, Hispanics, African Americans and Asian Americans. Maintaining zero subsidy will allow the SBA to build on the success they've had in these important loan programs, and will provide more businesses with the capital needed to start up and expand.

Moving to zero subsidy allowed the Agency to continue to meet the financing demands of small businesses without the need for taxpayer subsidy. In today's tough budget environment, SBA has proven their ability to provide more loans to small businesses and entrepreneurs while reducing the burden on taxpayers.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. MANZULLO), chairman of the Small Business Committee, who has convinced me of the merits of this.

Mr. MANZULLO. Mr. Chairman, the 7(a) program at the Small Business Administration has operated on full cylinders, breaking record after record of program usage throughout all demographic and regional groups.

Look at this chart and look at the number of 7(a) loan approvals. It is going off the charts ever since the subsidy got removed. In fact, there have been more 7(a) loans made thus far in the 9 months of fiscal year 2006 than in all of fiscal year 2001. By removing the 7(a) loan subsidy from the uncertainties of the annual appropriations process, this has produced a stable and predictable program.

When the 7(a) program has subsidies, then it is subjected to yearly shutdowns when there is not enough money, as what happened in December of 2003. When the subsidies get removed and taxpayers save $40 to $100 million a year, no shutdown will ever occur because the program will never run out of money. So why would you want to subject a good program to a shutdown by running out of money? It simply does not make sense.

The noble intent of the Velázquez amendment is to reestablish a lower 7(a) fee structure exactly as it existed in 2003 and 2004. However, with a higher 7(a) program level, an appropriation of $168 million would be required, according to the SBA. The $40 million in the Velázquez amendment would not result in the cutting of any fees to small businesses. The Velázquez amendment directs the funds to pay for the salaries and expenses of the employees at the SBA who work in the business loan division, not to the 7(a) business loan subsidy account.

This amendment would not help any small business owner or lender. It does not make sense to take a program and ask the taxpayers to dig into their pockets for $40 million to $100 million a year on a bill that does not do anything. It saves no money whatsoever, and I would urge my colleagues to vote ''no'' on this.

Three years ago, I was in favor of this subsidy; and then I found out one thing: To get rid of the subsidy, to save the taxpayers $40 to $100 million a year, to have stability in the program costs 10 bucks a month per loan for the loans of under $150,000. You tell me, what small businessman cannot afford an extra $10 a month just to have stability in the program and to know that the program will never run out of money?

And why are we doing this? You got me. It does not make sense. The small business owner has no legal or constitutional right to a subsidized loan by the rest of the taxpayers in this country. What kind of an entrepreneurial thing is that?

So I would urge my colleagues to vote ''no'' on this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of the Small Business Committee is saying that it will cost small businesses only 10 bucks a month. Well, these are the facts coming from the Small Business Administration: Costs have gone up $1,500 to $3,000, and now many small businesses are paying as much as $50,000 to the Federal Government.

Lending is down $160 million from this time last year and $400 million below before the fee increases were adopted. Fees are at the statutory limit, which means that any more costs will result in program caps or a shutdown.

Today, there are only half as many lenders making 7(a) loans. The 7(a) loans are 40 percent smaller than they were a few years ago. Lending last year was $2 billion below what the agency claimed they would do.

Those are the facts. And the chairman keeps talking about the banks and how taxpayers' money is paying $50,000 to the government, benefiting the banks. The only greedy one here is the Federal Government, which has increased four times their fees in the past years.

Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I thank the gentlewoman for yielding.

I rise in support of her amendment. I know from my own experience in my congressional district, which is a rural district and in need of loans, by small entrepreneurs, there is a disappointment in the way the 7(a) program is being administered.

□ 2000

These fee increases particularly are causing lending to drop. Recent lending figures from SBA show that entrepreneurs received $160 million less through the 7(a) program for the first half of fiscal year 2006 when compared to the same period the previous year. I don't know what you do with that statistic. They are receiving less. We are providing less funding, and certainly the need is not less. I can tell you in rural areas it is not.

Over this same span, entrepreneurs received 1,000 fewer loans, demonstrating that fewer small businesses are able to benefit from the 7(a) program. Fees increase. Businesses are responsive as consumers are responsive; and, of course, businesses are consumers of this program. When fees go up, when costs go up, people stop participating in the program. That is marketplace economics at work here in a government program.

The damage to our economy is even more severe when you consider that the 7(a) program is $500 million below where it was before the fee hikes were imposed, another indication that the current program of charging fees and increasingly charging fees and continuing to charge fees and having increased four times in the last 2 years is resulting in the program not being able to be accessed the way it was in the past.

The gentlewoman's amendment addresses some of these concerns, and, while we are in a tight budget, this is an important program.

Mr. Chairman, I rise to support it.

Mr. WOLF. I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, if I could address the statement made by my colleague from New York where she said up-front fees can exceed $50,000, the issue is how much of an increase would there be if we get the subsidy eliminated? Well, on a $1.5 million loan, the biggest increase would be $3,500, and over a period of 10 to 20 years, that sum is almost negligible.

On loans over $700,000, the fees have never changed, and what is going on with the total amount of the dollar loan is the SBA is concentrating on small businesses. It is the small businesses themselves that are asking for the dollar amount. They are the ones that are driving this. So I think it is extremely important that the Small Business Administration concentrate on giving these loans to the real small businesses. In fact, those that are at $1.5 million, I am sure they can afford an extra $3,500 over the course of the next 10 to 15 years.

Now, small firms received $160 million less and 1,000 fewer loans through the 7(a) program from the first half of fiscal year 2006 as compared to the same time the previous year. But this mixes apples and oranges. Lending under $150,000, regardless of the exact size of the small business, is down slightly from FY 2005 levels, but it is slightly higher than the FY 2004 levels when there was no loan subsidy and lower fees.

In comparing year-to-date figures, there were more than 12,300 smaller loans made worth $212 million in fiscal year 2006 versus fiscal year 2004 in the under-$150,000 category. So we got rid of the loan subsidy and the volume goes up.

This is a ''no'' vote. It is an easy ''no'' vote.

Ms. VELÁZQUEZ. Mr. Chairman, at the beginning of the debate, the chairman said that only 10 bucks a month small businesses were paying. Now he admitted it is $3,500, at least, and the smaller small business loans are down.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Chairman, as a former small business owner, I am a strong advocate for providing entrepreneurs and small business owners access to affordable capital. For that reason, I rise to speak in support of Representative VELÁZQUEZ's amendment to restore funding for the Small Business Administration's 7(a) Small Business Loan Program.

Small businesses are the economic drivers of our country, providing the stimulus our communities need. Oftentimes, small business owners are unable to obtain reasonably priced financing and instead turn to higher priced forms of capital, such as credit cards. In an effort to fill this financing gap, the SBA's 7(a) loan program was created.

The program works as a public-private partnership that combines financial institutions' knowledge of their communities and the government's ability to mitigate risk.

The SBA's current business loan portfolio of roughly 219,000 loans worth more than $45 billion makes it the largest single financial resource of U.S. businesses in the Nation.

During the 108th Congress, legislation was passed that terminated funding for the 7(a) program. As a result, small businesses and lenders were forced to pay the full cost of the program. This has led to a sharp rise in loan fees, with borrower fees doubling in 2 years and lender fees rising by 118 percent.

For smaller loans, roughly $150,000 loans, fees have doubled, translating into nearly $1,500 to $3,000 more in upfront closing costs for entrepreneurs and innovators. For a larger loan, say $70,000, fees have been raised by approximately $3,000, and for some loans by as much as $50,000.

Last year the House voted and passed a similar amendment during consideration of the SSJC appropriations bill to restore $79 million in funding for the Small Business Administration's program. Unfortunately, that amendment was later removed in conference.

In the FY 2007 budget proposal, no funding has been requested again for the program, and a new set of fees has been proposed for participants, making the program even less accessible and more costly for small businesses.

It is time that Congress steps forward to support the small business community through access to affordable capital. The Velazquez amendment would reduce fees to small business owners. I urge my colleagues to support this amendment.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, where do they get this money from? $5.9 million would be provided to cover the cost for blast mitigation in windows at the Department of Commerce. So you are basically saying to the Department of Commerce, we don't care if there is a blast here; you can't get your blast windows. You can't get your windows, so you can give a subsidy to the banks that will give no additional loans.

Also, this will result in RIFs at the Small Business Administration. So if you don't want loans to go to the small businesses, support this amendment, because there will be RIFs and they won't be able to make the loans. Zero subsidy means more loans. Loans are up almost 20 percent from 2005 over 2004.

I think the people at the Department of Commerce have every right to have the same protection that the people in this building have. They are not second-class citizens. They are covered by this bill. They need blast protection windows. Also it is not right to RIF the employees at the SBA to give a subsidy to bankers who don't need the subsidy.

Lastly, don't ever give another deficit reduction speech if you vote for this amendment. Don't ever, ever give

it, because the loans are up with it; and actually the adoption of this may very well reduce the loans.

So I urge Members to vote ''no'' on this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from New York is recognized for 1 minute.

Ms. VELÁZQUEZ. Mr. Chairman, I would just like to make a point of clarification that the $10 million is not taken from the blast mitigation, but from salary and expenses.

Mr. Chairman, today's amendment is about improving the economic environment for this Nation's small businesses. 7(a) loans cost twice as much today for small businesses, are nearly 50 percent smaller and the program is doing nearly a half a billion dollars less than before the fee increase was implemented. Women and veteran business owners receive $100 million less in lending this year, and rural business owners receive $300 million less. Just look at the numbers here. Enough is said.

This amendment will change this and allow small businesses to invest back into the firms, and, in turn, the U.S. economy. If you believe that small businesses, which make up the majority of our taxpayers, should be able to keep their money, then you need to vote ''yes'' on this amendment. However, if you prefer to see our government grow, rather than the U.S. economy, then you should vote against this measure today.

I urge my colleagues to vote ''yes'' on this measure.

Ms. BORDALLO. Mr. Chairman, I rise in support of the amendment to H.R. 5672, the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2007, offered by the gentlelady from New York (Ms. VELÁZQUEZ) that would lower the fees associated with the U.S. Small Business Administration's 7(a) loan program and ensure that the program continues as a public-private partnership. The 7(a) program is an important financing mechanism relied upon by entrepreneurs to gain access to lifeblood capital they need to strengthen, diversify, and expand their businesses and to hire new employees.

Small businesses are particularly vulnerable to failure due to the difficulty in accessing capital, especially during a firm's formative stages. Most banks look upon making seed loans to small businesses as risky. Entrepreneurs, as a result, are left without the resources to afford to buy new equipment, hire new employees, and make other necessary operational investments in their businesses. These are the investments that are necessary to strengthen and grow businesses.

The 7(a) program was designed and has been implemented specifically to address this gap in access to capital for American entrepreneurs. The program provides funding to underwrite loans made by local banks to small businesses. Funds provided through the 7(a) program relieved banks of the risks associated with lending to start-up small firms. In turn, small business gained access to important capital markets.

Integral to the 7(a) program was the approximately $79 million provided annually to offset a large portion of the fees charged to small business borrowers associated with their loans. These fees are paid upfront during the loan process. These fees present small businesses, especially cash-strapped start-ups, with a potentially prohibitive cost to accessing capital. The Administration has zeroed out this aspect of the 7(a) program in its budget proposals for fiscal years 2005, 2006 and 2007. Entrepreneurs wishing to borrow under the 7(a) program now pay the full amount of the fees associated with their loans, raising the barrier to capital for at-need companies.

In fact, small businesses on Guam paid $17,862 more in fee costs on the 57 loans made to them during fiscal year 2005. This is nearly $18,000 above what they would have paid during fiscal year 2004 on the same 57 loans. This additional amount is the direct result of the Administration cutting this aspect of 7(a) program funding. That is almost $18,000 dollars that small businesses in my district were unable to invest in equipment, training, salaries and other necessary operating costs.

The amendment before us today would restore $40 million of the approximately $79 million previously needed to offset fees associated with loans made under the authorities of the 7(a) program. This amount would significantly reduce the amounts small business owners are paying to receive 7(a) program loans. This amendment would not, however, reduce fee amounts to fiscal year 2004 levels. The U.S. Small Business Administration budget has been reduced significantly under the current Administration. It is becoming increasingly difficult to find offsets within the lean U.S. Small Business Administration budget to pay for necessary amendments such as this one.

Congress has shown bipartisan support for similar amendments in previous years. I urge my colleagues' support again this year. By supporting this amendment you will help ease the financial burdens on American small businessmen and women, so that they can continue their hard work driving our country's economy, producing innovative goods and services, and creating good jobs for America's talented workers.

I urge my colleagues' support for the Veláquez amendment.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of Congresswoman VELÁZQUEZ's amendment to the SSJC Appropriations to restore funding to the Small Business Administration's 7(a) loan program. This amendment would enable us to lower the costs—in turn, opening up access to affordable capital for small businesses.

For the last two years, the House overwhelmingly voted in a bipartisan fashion to provide funding for this amendment. This amendment proposes to use offsets from four different Salary and Expense accounts—Justice, Commerce, State and SBA. There will be $10 million taken from each S&E account to equal $40 million, an amount that will ease the burden on small businesses.

Unfortunately, due to recent changes, the 7(a) loan program is falling short of its ability to serve as an affordable source of capital for small businesses. In the last two years, the fees small businesses pay to secure a loan through the SBA's 7(a) program have doubled. For small loans this translates into nearly $1,500 to $3,000 more in upfront closing costs for entrepreneurs—and can grow to a total cost of as much as $50,000. Without this amendment, my district, the U.S. Virgin Islands, can potentially see an average increase in loan fees of $13,901 for 7(a) loans. In 2005, the total 7(a) loans made to U.S. Virgin Islands small business was approximately $3 million.

Funding for the 7(a) program has garnered wide support from the small business community. Without funding the 7(a) program, small businesses will be negatively impacted. The Velázquez amendment will allow us to restore stability to the 7(a) program once again so that economic changes will no longer threaten the viability of the initiative—and most importantly the lending for small businesses.

I urge my colleagues to once again vote for the Velázquez amendment to restore funding to the 7(a) loan program.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

The Clerk will read.

The Clerk read as follows:

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, $125,000,000, to remain available until expended.

TACTICAL WIRELESS COMMUNICATIONS FOR FEDERAL LAW ENFORCEMENT

For the costs of conversion to narrowband communications and the Integrated Wireless Network, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $89,000,000, to remain available until September 30, 2008: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $229,152,000.

DETENTION TRUSTEE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Detention Trustee, $1,331,026,000, of which $5,000,000 shall be derived from prior year unobligated balances from funds previously appropriated, to remain available until expended: *Provided*, That any unobligated balances available in prior years from the funds appropriated under the heading ''Federal Prisoner Detention'' shall be transferred to and merged with the appropriation under the heading ''Detention Trustee'' and shall be available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $70,558,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $11,500,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $668,739,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER:

Page 4, line 9, after the dollar amount, insert the following: ''(reduced by $40,000,000)''.

Page 10, line 18, after the first dollar amount, insert the following: ''(increased by $40,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

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

Mr. Chairman, my amendment increases funding for the FBI by $40 million to conduct security background checks. Since the attacks of September 11, the FBI's National Name Check Program has remained dangerously underfunded and has accumulated a significant backlog of uncompleted required security checks. Backlogs in security checks requested by the Immigration Service have led to major delays in the processing of immigration applications and, therefore, to a very real national security risk.

If some of these applicants pose a genuine national security risk, they need to be found, arrested and deported immediately. Instead, there is a backlog of over 116,000 applications for permanent residency in the New York district office alone awaiting FBI background checks.

In fiscal year 2006, the National Name Check Program received 3.3 million requests for background checks, but it has only 125 people to process them and an anemic operating budget of $12.4 million. The program does charge fees, but the fee structure was set prior to 9/11 and falls far short of covering the program's cost.

Program employees have to search FBI files, often manually, in over 265 different locations across country. Having to spend so much of its resource on background checks dilutes the FBI's responsiveness, limits information sharing, and hampers counterintelligence and counterterrorism work.

People who are here legally seeking residency or citizenship are prevented from renewing work or travel documents while awaiting the okay from the FBI. Those receiving Social Security face termination of their benefits if they don't become citizens within 7 years, even though their citizenship applications cannot be processed while awaiting the FBI report.

Last year, the committee included report language directing the FBI to conduct a review of the fee structure for background checks done for the Immigration Service. As far as I know, the FBI has yet to send this review to Congress.

This year the committee report says it ''expects the FBI to work with these agencies to ensure that sufficient resources are made available to eliminate the backlog as soon as possible.''

□ 2015

''The committee expects the FBI to set the Name Check fee at a level that adequately covers the cost to conduct requested background checks.''

This is not an adequate fix to this problem. Congress should do more than tell the FBI it expects it to do more. That is why I am offering this amendment. CRS estimates that $40 million is needed to eliminate the backlog. This amendment will enable the FBI to create a centralized records repository where all of its paper files can be located and to develop, design, implement the system to store its active files electronically.

It will reduce the burdens on people who are here legally seeking permanent residency and citizenship, and it would get would-be terrorists out of America swiftly.

Mr. Chairman, I strongly urge the adoption of this amendment.

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

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

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

Mr. Chairman, our Members should know that this cuts the Justice Department litigating division by $40 million. The bill already cuts this account by $16 million below the level requested. This account that they are cutting funds critical justice litigating activities such as the criminal division. Wow, this is good news for the criminals, because they will not be litigated; we are going to cut the funding.

To combat gangs. Gangs are spreading. MS–13 are spreading around the Nation. But we cut it. Prosecute intellectual property rights crimes. Wow. Are you going to cut Katrina fraud cases. No way. The civil rights division prosecution of human traffickers. Women and children are being trafficked. Justice prosecutes, but we are going to cut the money so they cannot do it.

For all of you who care about the environment, the environmental and natural resources division prosecution of organizations that violate our environmental laws go away. The tax division prosecution of tax fraud, impacted. This account also funds the U.S. dues for Interpol. We are in a global war on terror. We need to work with Interpol. So we cut them.

The Name Checks that the gentleman is concerned about are funded through a fee. There is a backlog in the Name Checks Program because the fees the FBI charges are not sufficient to adequately cover the cost of the program.

In the fiscal year 2006 report, we directed the FBI to review this fee structure and submit a report to the Committee. The fee review is ongoing and a report is estimated to be submitted in August. In addition to this year's bill, we also include additional report language in this bill directing the FBI to work with the agencies that request these background checks to ensure that sufficient resources are made available to eliminate the backlog.

The gentleman is on the authorizing committee that oversees the FBI and immigration issues. If he wants to address the issue, he would go to the Judiciary Committee that he serves on, introduce a bill, try to convince Mr. SENSENBRENNER to deal with it.

This amendment also would cut 200 employees; we just added Justice Assistance grants here not too long ago, because we are concerned about crime. This would cut more than 200 employees working to combat crime such as organized crime, gangs, human traffickers, Katrina fraud, and environmental crimes in order to fund the FBI Name Checks that are fee-funded.

This would be a blow to the Justice Department litigating capacity. If you wanted to say do not prosecute organized crime, do not worry about the environmental convictions you have to go after, do not worry about the tax frauds, how will you do it then? You cannot say you are going to go after them and take their money away.

Mr. Chairman, I strongly urge a ''no'' vote for this amendment.

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

Mr. NADLER. Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman has 2 minutes remaining.

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

Mr. Chairman, the distinguished chairman makes a good point. If we were not splurging all of our money trying to get rid of the estate tax, we could put $40 million more into the Department of Justice. That would be preferable. But the fact is, we are limited to the amount we are, and I have to take an offset from somewhere.

This $40 million will enable people not to lose their Social Security because their time limit runs out while they are waiting for the FBI background check. It will enable this country to be safer because we will find out about some would-be terrorists while they are still within the clutches of the law.

That makes sense. Yes, it will take money away from the rest of the Justice Department. And the account that it will take the money away from will go from $669 million to $629 million, a 5.9 percent cut. Yes, we are cutting the rest of the Justice Department by 5.9 percent to fund this crucial area of the FBI.

Now, the gentleman says that it is fee-based, that he asks for a report to the fee. But where is that report? If they increase the fees, if the FBI increases the fees, they are still taking the money from the other agencies within the Departments of Justice or Homeland Security. The immigration service would pay a bigger fee.

Other agencies within DOJ that are asking the FBI for the background check would pay a bigger fee. It is all the same pot of money. So the question is, Do we want to be able to catch would-be terrorists and get their names by getting the background check on time?

Do we want people who are legal immigrants to be able to get their citizenship processed and not wait 7, 8, 9, 10 years? Yes, it would be most preferable if we did not have to rob Peter to pay Paul. But because of what that side of the aisle is doing, we have to rob Peter to pay Paul. I submit we ought to pay Paul here and Peter can afford it better than Paul can, because we are reducing a $669 million account, which is an important account, by 5.9 percent; but we will get justice done on time.

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

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment. I think that the committee has looked very carefully at this. And the committee has, in its report language, if the gentleman who is offering the amendment would look, stated that the committee expects the FBI to set the Name Check fee at a level to adequately cover the cost to conduct the requested background checks.

So the provision that allows them to move forward and to be funded is contained in our report, number one. Number two, the gentleman sits on the committee that could address this issue in an authorization, and obviously he is not in the majority so he would have to go to the majority to have this issue addressed. But I would suggest that that might be a good way to approach it if he wants to change the way that the appropriations committee has dealt with the issue.

Secondly, the offsets coming from the criminal division, the civil rights division, and the office of immigration litigation are difficult offsets. And again I go back to comments in the opening statements before this committee, before general debate, when we considered general debate on this bill. There are going to be a lot of good amendments. I wish there were more money. We have tried to provide for how this function would be funded by directing the FBI to set a reasonable fee.

But the offsets here are difficult offsets. And they cut programs that are important programs. So regrettably, I rise in opposition to the amendment on that basis.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

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

Mr. NADLER. Mr. Chairman, since the committee had the same language in last year's report, do we have any reason to expect the FBI will, in fact, change the fee structure this year?

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I think that is an interesting question. I think that is a question that the authorizing committee in the first instance has the responsibility to explore with the FBI.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,292,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, NATIONAL SECURITY DIVISION

For expenses necessary to carry out the activities of the National Security Division, $66,970,000; of which not to exceed $5,000,000 shall remain available until expended: *Provided*, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $145,915,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $129,000,000 in fiscal year 2007), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year 2007 appropriation from the general fund estimated at $16,915,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,664,400,000: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $20,000,000 shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $223,447,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $223,447,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year 2007 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,431,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $825,924,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which $4,000,000 for information technology systems shall remain available until expended; of which not less than $9,425,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended; and of which $3,282,000 shall be available for construction in space controlled, occupied or utilized by the United States Marshals Service in United States courthouses and Federal buildings, and shall remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and

supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, such sums as are necessary, to remain available until expended: *Provided*, That not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further*, That not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses: *Provided further*, That not to exceed $9,000,000 may be made available for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,882,000: *Provided*, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $21,202,000, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $498,457,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,500 passenger motor vehicles, of which 3,000 will be for replacement only, $5,959,628,000; of which not to exceed $150,000,000 shall remain available until expended; and of which $2,307,994,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security: *Provided*, That not to exceed $210,000 shall be available for official reception and representation expenses.

AMENDMENT OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. JOHNSON of Connecticut:

Page 10, line 18, after the first dollar amount, insert the following: ''(increased by $3,300,000)''.

Page 39, line 25, after the dollar amount, insert the following: ''(reduced by $3,300,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Connecticut (Mrs. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Mrs. JOHNSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the chairman for crafting a bill that very effectively addresses so many of our national priorities and includes critical funding for increases in the COPS program, the Byrne Justice Assistance Grants, the National Science Foundation, and many other initiatives, key to making our communities safer and preparing our young people to succeed in a competitive global economy.

I also respect, Mr. Chairman, the commitment that you have shown in this bill to programs that protect our children from exploitation and abuse. However, I think we must do more to safeguard our children from the growing threat imposed by online sex predators.

Last Friday, I visited the FBI's Innocent Images Task Force in New Haven, Connecticut, and was astonished and disturbed to see the shear number of predators trolling the Internet for young girls and boys, the explicit nature of their online interaction, and the ease with which they contacted our children.

Despite the 2,000 percent increase in the number of these sexual exploitation cases opened in the past decade, Congress has not allocated funding commensurate with either the menace or the workload. The FBI is currently dedicating twice as many agents to tracking online sex predators as they have the resources for.

As the Internet has exposed our children to new dangers by allowing these predators to invade our homes, law enforcement has not been given the tools to adequately combat this epidemic of sexual stalking and abuse of our children.

My amendment will provide the FBI's Innocent Images Program, the nucleus of the Federal efforts to pursue and prosecute online sex predators and curtail the distribution of child pornography, with an additional $3.3 million offsetting these funds from the Bureau of the Census which received an $87.7 million increase over last year.

When combined with the resources the committee has already provided, we will better enable the Innocent Images Program to meet the challenge of the explosion of sexual predators pursuing our children on the Internet.

I urge support of my amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), the coauthor of this amendment and a strong advocate for our children.

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, I am pleased to offer this amendment with my friend from Connecticut to increase by $3.3 million the FBI's Innocent Images Task Force.

This vital FBI program targets a real and growing problem. Sexual predators are increasingly taking to the Internet to victimize our Nation's kids. The FBI's Innocent Images Task Force is the focal point of our Federal law enforcement's efforts to combat online sexual predators.

While they do great work, our field agents are being overburdened by the rapidly increasing caseload they find in the Internet's target-rich environment. In the past 10 years alone, Mr. Chairman, the FBI has seen a 2,000 percent increase in its caseload of crimes involving online sexual predators.

As a father of six children, I recognize the dangers of the Internet, especially with social networking sites. As a result, I introduced the Deleting Online Predators Act to protect our children from these sites while they are at school or in the public libraries.

Recognizing that chat rooms and social networking sites represent a clear and present danger to millions of children, I believe that a key component of protecting our children is to crack down on these online predators. That means we must provide law enforcement with the tools necessary to track these criminals down.

I want to commend the leadership of Chairman WOLF for his efforts to increase funding for a number of programs in the Department of Justice to protect our children both on- and offline.

□ 2030

I reached out to Chairman WOLF, requesting his assistance in securing increased funding for a number of law enforcement programs, and I am pleased to see that he has taken the initiative to include that language to do just that.

Through Chairman WOLF's leadership, this legislation comes to the floor with increased funding not only for the Innocent Images Task Force but also for other vital law enforcement programs like the Internet Crimes Against Children Task Forces and the National Center for Missing and Exploited Children. This bill also includes funds to add 26 new U.S. attorneys to prosecute these crimes.

I requested Chairman WOLF's assistance in increasing funding for these programs, and I am grateful for his work to provide the necessary funding to protect our Nation's children while on the Internet.

The Johnson amendment to fund law enforcement will protect children and will save lives. Congress must act to

make the Internet a safer place for kids, not a virtual hunting ground for child predators. This amendment will help accomplish this goal, and I urge my colleagues to support the amendment.

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I accept the amendment. The committee, working with Mr. MOLLOHAN, has tried to increase this as much as possible. I would urge any Member that has not been out to the Center for Missing and Exploited Children in Alexandria, that they ought to go. As a father of 11 grandchildren, I commend both of you and thank you very much and think we should accept the amendment.

Mrs. JOHNSON of Connecticut. I thank you, but I thank you also for a very thoughtful bill in very tough times, truly one that does support safer communities and one that does help prepare our young people for a global environment.

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

The CHAIRMAN. Does any Member wish to claim the time in opposition? If not, the question is on the amendment offered by the gentlewoman from Connecticut (Mrs. JOHNSON).

The amendment was agreed to.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $80,422,000, to remain available until expended, of which $2,000,000 shall be available for equipment and associated continuing costs for a permanent central records complex.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 1,134 passenger motor vehicles, of which 1,004 will be for replacement only, for police-type use, $1,751,491,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $950,128,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of ''Curios or relics'' in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2007: *Provided further*, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, local, or foreign law enforcement agency or a Federal, State, or local prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based upon such data, in any civil action pending on or filed after the effective date of this Act in any State (including the District of Columbia) or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: *Provided further*, That in fiscal year 2007, the Attorney General may establish and collect fees of not less than one-half cent per pound of explosive material manufactured in, or imported into, the United States by licensed manufacturers and licensed importers, pursuant to regulations prescribed by the Attorney General, which fees shall be credited as offsetting receipts to the ''ATF Regulatory Activities Fund'' established by the Attorney General: *Provided further*, That of the amount so credited, not to exceed $30,000,000 shall be available for carrying out chapter 40 of title 18, United States Code.

POINT OF ORDER

Mr. MOLLOHAN. Mr. Chairman, I make a point of order against the two provisions on page 15, line 18, through page 16, line 4. The provisions constitute legislation on an appropriations bill in violation of clause 2, rule XXI.

The CHAIRMAN. Are there Members who wish to be heard on the point of order?

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I rose for the same point of order.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order? The Chair recognizes the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, this is a provision that the chairman and I understand the dilemma which he is in.

For the last 2 years, the President, when he has submitted his budget request, has proffered this tax increase on the commercial explosives industry, which is particularly oppressive.

Mr. Chairman, in West Virginia, as a matter of fact, of course we use explosives in mining and extraction and for road building purposes, and this would have a very injurious effect on the customers of explosives in my State, costing a tremendous amount of money.

As I say, the President has requested this for the last 2 years in order to fund BATF functions. It constitutes a tax, and the committee appropriately disapproved this request from the President last year.

This year, the chairman, in an effort to make the point I think, and certainly from my standpoint to make the point, that this is an inappropriate way to try to fund the functions of the Bureau of Alcohol, Tobacco and Firearms, and making the request and not knowing that it probably would not be approved by the Congress, makes a huge hole in our bill.

The chairman is putting it into the bill at a much lower level, and I do not know whether he anticipated this particular action, and I am not going to speak for him on that, but this I think demonstrates to the administration that this kind of a tactic, knowing that the administration, relying on the fund and the Congress not approving it, and then have to take the money out of some other account, we are just not going to continue do that.

So, by striking it, I hope that what results is that there is a hole in BATF's budget at the end of the year, and making the point that this is probably not a good idea for the administration to do if they, in fact, want all of the Bureau of Alcohol, Tobacco and Firearm programs to be funded into the future.

So I hope after this is struck that this hole remains and that the point is made in a telling way.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard on the point of order?

Mr. KING of Iowa. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. KING of Iowa. Mr. Chairman, this point of order is raised appropriately, and I concur with the gentleman from West Virginia in that it is legislation on an appropriations bill. It is actually a taxation. It is a revenue generator. It levies a tax on explosives and on firearms ammunition, and it is a way to generate revenue, perhaps as much as $130 million in this appropriations bill, in order to protect the interests of the firearms industry, the explosives industry, the people that are very closely regulated today and do not need to have additional regulation.

Mr. Chairman, it is important that the section be struck out, but it is also important that we maintain our standard here and avoid legislating on an appropriation bill.

So, with that, I again suggest that this point of order is one that is very solid on the policy of not legislating on appropriation bills, and I urge the Chair to sustain that point of order.

The CHAIRMAN. If no further Member wishes to be heard on the point of order, the Chair is prepared to rule.

The Chair finds that this provision includes language conferring authority. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 670, of which 635 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,987,059,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2008: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

AMENDMENT NO. 22 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. STEARNS:

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)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

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

I have an amendment that Mr. MCCOTTER and Mr. KING of Iowa have indicated they support this idea. So it is similar to H.R. 5476, legislation which I introduced to withhold the U.S. share of the U.N. Human Rights Council's budget from our regular U.N. dues. It transfers funding from the Council to hire more prison guards in the Federal Prison System.

Let me just speak briefly I think before I get into the meat of it, to just talk to you about the U.N. Human Rights Council.

Forty-one years ago this past Monday, 50 nations signed the United Nations Charter. A year later, former First Lady Eleanor Roosevelt became the first chairwoman of the U.N. Human Rights Commission, to monitor and prevent the abuse of human rights throughout the world.

Her chairmanship was the last for the U.S. on the Human Rights Commission, which has failed to uphold even the most basic ideals iterated in the U.N. Charter and the Universal Declaration on Human Rights. It quickly lost any credibility and allowed tyrannies like Cuba, Sudan, Libya, Belarus, China and Zimbabwe to shield themselves from criticism for their human rights violations.

Over the life of the Commission, it failed to act or speak out against egregious human rights abuses like the atrocities committed in many of the Communist blocs and the genocides in Rwanda and Darfur. It also failed to condemn countries that sponsor terrorism, including Iran, Syria and North Korea. Instead, the Human Rights Commission repeatedly castigated Israel, the only democracy in the Middle East, while overlooking horrific human rights abuses throughout that same Middle East. At least 30 percent of all country-specific resolutions of the Commission critical of human rights were directed at that very small country, Israel. None targeted persistent violators like former Burma, which is now Myanmar, Syria and Zimbabwe and, of course, early on, China.

The U.N. recently replaced the discredited Commission with a Human Rights Council. For all the superficial changes, it will fail just as miserably as its predecessor. The reforms advocated by democratic nations were rejected, and that is why the United States declined to seek membership this year.

The Council cannot even prevent human rights violators from being elected to the Council itself. The only supposed protection, that a country can be suspended if two-thirds of the members of the General Assembly agree, is useless since less than half of the General Assembly could agree that Sudan was guilty of human rights violations. The new Council only reduced the number of seats on the Council from 53 to 47, not enough to make the Council more efficient or effective. It also retained geographic quotas that will allow countries like Iran, Venezuela, Sudan and Zimbabwe repeated chances to run for membership.

This new U.N. Human Rights Council is littered with abysmal human rights abusers. The newly elected membership includes nine countries that the democracy watchdog Freedom House designates as not free: China, Cuba, Saudi Arabia, Russia, Pakistan, Tunisia, Algeria, Cameroon and Azerbaijan. According to the Geneva-based human rights monitor U.N. Watch, almost half of the new members fail to meet accepted democratic standards.

The U.S. cannot fund such a human rights sham while our own Federal Prison System needs the money. The Federal Prison System requested a $500 million increase in fiscal year 2007. The

committee report falls $400 million short of that request. This unmet increase is vital to grapple with a growing prison population.

More than 188,000 inmates are confined in the correctional institutions of the Federal Prison System today. As a result, the Federal Prison System is operating 41 percent over capacity, up from 32 percent as of January, 2000. The number of Federal correctional officers cannot keep pace. In the 1990s, when inmate populations were approximately half as large, the prisons were at 95 percent staffing levels. Today, it has less than that. This has resulted in a significant increase in inmate assaults on correctional staff.

According to the Federal Prison System data, assaults against correctional staff increased by 75 percent, and assaults against correctional staff with weapons increased by 61 percent. These are alarming statistics.

This particular statistic concerns me because we have in my district the largest prison system, Coleman Correctional Facility.

So my amendment is significant. I ask support of it. It is symbolic. It is important to pass it.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

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

The gentleman stated that this bill was below the Administration's request. We are above the Administration's request for prisons. We are not below.

Secondly, our Subcommittee last year put together what they called a Gingrich-Mitchell Commission, former Speaker of the House Newt Gingrich and former Minority Leader Mitchell, to look at the U.N. reform, and they have come up with a good package, and they are working on this issue.

The State Department opposes this amendment. John Bolten up at the State Department says, and I quote, ''We must determine whether the U.N. Human Rights Council will be a body that the world will respect and take seriously.'' Its status is no longer characteristic of the U.N. Commission on Human Rights.

That said, the United States will work cooperatively with other member states to make the Council as strong and effective as it can be. We will be supportive of efforts to strengthen the Council and look forward to a serious review of the Council structure and work.

I have been as critical as anybody else, and I will stipulate perhaps more than anybody else, on the whole issue of the Human Rights Commission with regard to China, with regard to Sudan and with regard to these others, but this would complicate the Administration's efforts.

The Secretary of State, Secretary Rice, is opposed to this. The State Department is opposed to this. The Administration is opposed to this.

Change it by dealing with it through the Gingrich-Mitchell Task Force and put pressure on them, but do not complicate the life of John Bolten and Secretary Rice up there.

Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

□ 2045

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment. I am not sure exactly what the gentleman is attempting to achieve here, but I really find myself in disagreement at both ends.

I find myself in disagreement with the offset, certainly. However imperfect the U.S. Human Rights Council and its memberships may or may not be, I am not sure that taking this money from that organization for that purpose, even if it were to come from that account, would address the problem.

I might point out that Chairman WOLF is extremely sensitive to human rights, and has been for a long time; and when he addresses human rights issues in this bill, he is very conscious about them. I really feel confident in the way that he has treated the overall State Department accounts, particularly as any of that account might be contributing to the U.N. Human Rights Council budget, if that is the focus of this offset, even though it comes from the international organizations, account which is a much broader account.

On the other side of it, to increase funding for the Bureau of Prisons by $500,000, I am really pleased that the gentleman recognizes that we do need additional dollars within the Bureau of Prisons, and I agree that to a large extent the Bureau of Prisons is underfunded. It is underfunded in a lot of areas. If we are concerned about assaults on guards, if we are concerned about those kinds of issues, then maybe we ought to be looking for those types of programs that could be funded, but it would cost a lot more than $500,000 in the Bureau of Prisons, to would address education, training, and those kinds of programs that would be remedial with regard to prisoners; and we could reduce the concerns that he is trying to address with this offset.

So on both ends, Mr. Chairman, I oppose the amendment.

Mr. WOLF. Mr. Chairman, I close by saying let us do what we did in the Gingrich-Mitchell thing. The U.N. has made a lot of mistakes. John Bolten is no wallflower. I support what John Bolten is trying to do up there, and I don't think we should complicate the administration's life by doing this.

I yield to the gentleman if he would like to say something.

Mr. STEARNS. Well, Mr. Chairman, I want you to know that I realize you are doing a wonderful job in your position here, and this, in a larger sense, is symbolic to show to the United Nations where our priorities are and to give an opportunity for some Members, like myself, to voice their concerns about this Human Rights Commission, and I thank you for your courtesy.

Mr. WOLF. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $88,961,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,477,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement

Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (''the 2005 Act''); $390,296,000, including amounts for administrative costs, to remain available until expended as follows—

(1) $11,897,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $2,287,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $174,500,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, as amended by section 101 of the 2005 Act, of which $2,477,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(4) $14,808,000 for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act, as amended by section 602 of the 2005 Act;

(5) $63,075,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act, as amended by section 102 of the 2005 Act;

(6) $39,166,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act, as amended by section 203 of the 2005 Act;

(7) $4,958,000 for training programs as authorized by section 40152 of the 1994 Act, as amended by section 108 of the 2005 Act, and for related local demonstration projects;

(8) $2,962,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act, as amended by section 109 of the 2005 Act;

(9) $9,054,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(10) $42,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act, as amended by section 103 of the 2005 Act;

(11) $4,540,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act, as amended by section 205 of the 2005 Act;

(12) $13,894,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act, as amended by section 306 of the 2005 Act; and

(13) $7,155,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act, as amended by section 204 of the 2005 Act.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), the Justice for All Act of 2004 (Public Law 108–405), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and the Victims of Crime Act of 1984, $215,575,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,103,492,000 (including amounts for administrative costs, which shall be transferred to and merged with the ''Justice Assistance'' account): *Provided*, That funding provided under this heading shall remain available until expended as follows—

(1) $558,077,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, as amended by section 1111 of Public Law 109–162 (except that the special rules for Puerto Rico under section 505(g) of the 1968 Act, as amended by section 1111 of Public Law 109–162, shall not apply for purposes of this Act), of which—

(A) $115,225,000 is for discretionary grants, notwithstanding the provisions of section 505 of the 1968 Act; and

(B) $75,000,000 is for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104–294 (42 U.S.C. 13751 note);

(2) $405,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)), as amended by section 1196 of Public Law 109–162;

(3) $30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $21,488,000 for activities authorized under sections 201 and 204 of Public Law 109–164;

(5) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act, as amended by section 1142 of Public Law 109–162;

(6) $10,000,000 for a prescription drug monitoring program;

(7) $22,943,000 for prison rape prevention and prosecution programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which $2,175,000 shall be transferred to the National Prison Rape Elimination Commission for authorized activities;

(8) $5,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(9) $2,000,000 for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected;

(10) $2,000,000 for a capital litigation improvement grant program;

(11) $5,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act; and

(12) $1,984,000 for the National Sex Offender Public Registry:

Provided, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOLLOHAN:

Page 23, lines 4 and 9, after each of the dollar amounts, insert ''(increased by $341,923,000)''.

Page 38, line 19, after the dollar amount, insert ''(increased by $67,077,000)''.

Page 55, line 21, after the dollar amount, insert ''(increased by $100,000,000)''.

Page 55, line 22, after the dollar amount, insert ''(increased by $75,000,000)''.

Page 55, line 25, after the dollar amount, insert ''(increased by $25,000,000)''.

Page 86, line 17, after each of the dollar amounts, insert ''(increased by $81,000,000)''.

Page 89, line 17, after each of the dollar amounts, insert ''(increased by $10,000,000)''.

Page 107, after line 23, insert the following new section:

SEC. 629. In the case of taxpayers with income in excess of $1,000,000, for calendar year 2007 the amount of tax reduction resulting from the enactment of Public Laws 107–16, 108–27, and 108–311 shall be reduced by 1.45 percent.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from West Virginia (Mr. MOLLOHAN) and a Member opposed each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

The Chair recognizes the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of my amendment. But before I describe the amendment, let me first note that Chairman WOLF has done a tremendous job with the narrow allocation he had.

However, the reductions and the eliminations proposed by the administration are really undermining our ability to protect our communities, to assist the neediest in our country, and to invest in cutting-edge innovations. All of those programs, addressing those concerns and those community needs are under the jurisdiction of this bill. This amendment takes a step to correcting those underfundings and those deficiencies.

First, Mr. Chairman, my amendment would provide an increase of $341 million to State and local law enforcement grants, restoring these grants to the full authorization level of $900 million. Federal assistance to State and local law enforcement has been cut by about $2 billion since 2001, and violent crime rates are up 2.5 percent, the largest percentage increase since 1992.

Now, Mr. Chairman, let me emphasize this. This is State and local law enforcement. This is the program the Federal Government has that assists State and local law enforcement in performing the protective function that

they have on a daily basis, dangerous job; and they don't have the resources. The Federal Government has recognized that State and local law enforcement does not have the resources to do its job. We have recognized that for a number of years, and we have programs to supplement their resources to ensure that they are able to do that.

But this bill, and the President's request over the last number of years, has by attrition cut by nearly $2 billion since 2001 Federal assistance to State and local law enforcement. Those are real cuts, and they have had real impacts. And the impact is best measured by the increase in violent crime by 2.5 percent since 1992.

Mr. Chairman, second, this amendment would provide an increase of $67 million to the Economic Development Administration, bringing the funding level up to the $327 million request. This would provide EDA with a $44 million increase above last year's enacted level to better provide for economically distressed regions with high unemployment and low incomes.

Third, this amendment provides an increase of $81 million to the Legal Services Corporation, bringing the amount near the fiscal year 1995 high water mark of $415 million. The bill currently provides $313 million to Legal Services Corporation, an increase of $3 million above the President's request, but a dramatic $12.7 million reduction from last year's enacted level.

Legal Services Corporation's budget has suffered cuts in each of the last three fiscal years, despite a steadily rising poverty rate. Need going up, funding going down for this program.

Fourth, this amendment provides $10 million to the Small Business Administration for microloans, which were zeroed out in the President's budget. However, during full committee, the chairman accepted an amendment to partially restore the funding. An additional $10 million is needed to fully fund the microloan program, which is the single largest source of funding for microenterprise development in the Nation, and helps high-risk business owners who seek grants of $35,000 or less, helping the neediest of our small business entrepreneurs.

Fifth, Mr. Chairman, this amendment provides an increase of $100 million for NASA science and education. Of this amount, $25 million would be for NASA education to reverse the trend of damaging cuts that we have seen in the past few years, restoring the funding to the fiscal year 2005 funding level of $178.9 million. The remaining $75 million is available to increase important science programs that have been cut seriously or eliminated.

In the NASA budget, as the President emphasizes space exploration, deemphasizes science and research, this amendment would change that, providing that additional funding, the amount cut, from science programs.

All this would be accomplished by an offset that would nick the average tax break for those with incomes of more than $1 million by 1.45 percent, or $1,657. Now, to a lot of taxpayers, and to the average American, $1,657 is a lot of money. But the average tax break before this amendment, for those with incomes more than $1 million, is $114,172. Voting for this amendment, if the amendment were made in order, would have invested $600 million back into law enforcement, low income, and millionaires would still receive a $112,000 tax break, just suffering $1,600 to do all that good, Mr. Chairman.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.''

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment changes the application of existing law, and the amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Minnesota:

Page 23, line 4, after the dollar amount, insert the following: ''(increased by $532,148,000)''.

Page 23, line 9, after the dollar amount, insert the following: ''(increased by $532,148,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

The Chair recognizes the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

(Mr. KENNEDY of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Chairman, in the last 5 years, funding for the grants under the consolidated Byrne-JAG formula have been cut by almost two-thirds. At the same time, we have had two consecutive attempts by the administration to eliminate this program entirely. I don't know about my colleagues, but my police officers in my district don't understand this.

The minimum this program should be funded at is $900 million, which is what 162 Members of this House requested in a letter to the Budget Committee earlier this year and that was recommended by the Budget Committee in the report accompanying the fiscal year 2007 budget resolution.

I realize how tight this bill is and how much the chairman and the committee have worked to give as much as they can, and I realize tough choices have been made; but we must do better for our law enforcement officers, and our Members will have a chance to do that here today.

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

Mr. STUPAK. Mr. Chairman, I rise today in strong support of this bipartisan amendment. For years, the Bush administration has been talking tough on drugs and law enforcement while slashing the funding that makes law enforcement possible. The big drops in crime during the Clinton years were made possible by programs like Byrne that put dollars where they are needed: in the hands of local police departments and task forces.

Since 2001, however, funding has been cut again and again, from over $1 billion to less than $367 million in this year's bill. These cuts go against everything we know to be true about drug policy. Ninety percent of drug arrests are made by State and local law enforcement, and local drug task forces are our first and best line of defense against the growing problem of meth in our communities. Now more than ever, we need to support the work that our local law enforcement officers are doing.

Mrs. MALONEY. Mr. Chairman, later today, some of our colleagues plan to offer amendments to this bill that would divert money from the 2010 Census. Many of them have good intentions and would send the money to other worthwhile programs. However, I would like to strongly urge those colleagues to consider the damage that would be done—not just to this Nation, but perhaps even to the very district they represent—should the Census be depleted. It a program with an enormous impact and should never be carved up and handed out like a Thanksgiving turkey.

Five years from now, if Members begin complaining about problems with Census and the count in their States, we will only have ourselves to blame. If members want to take money from Census, perhaps they should volunteer their States for inaccurate counts.

Just because the actual survey takes place in 2010 doesn't mean that cutting the Census in 2006 is irrelevant. Initial planning is ongoing and the Census Bureau is gearing up for the largest peace-time mobilization in American history. The Census doesn't just appear in an instant and then disappear every ten years, it is a constant, massive effort that never stops.

Some might try to divert money from the Census to other programs in this bill in the name of law enforcement. But they should keep in mind that the Census is a critical tool for fighting crime. Crime mapping, after all, relies on accurate demographic and housing data to help police determine where to deploy manpower, equipment and other resources.

Furthermore, imagine the impact of an inaccurate Census on the Byrne Memorial Justice

Assistance Grant Program. The distribution of this money is based on population and crime statistics, both of which are based on Census statistics.

Mr. Chairman, I hope our colleagues understand that the Census affects much of what we do, from billions upon billions in federal dollars that could assist our districts to our States' representation in Congress. It is especially important for areas that are undercounted and underserved. It is not a throwaway program—in many ways it is the lifeblood of this government.

□ 2100

POINT OF ORDER

The CHAIRMAN. The gentleman from Virginia reserves a point of order?

Mr. WOLF. Mr. Chairman, I do. I make a point of order.

The CHAIRMAN. The gentleman makes a point of order. The gentleman will state his point of order.

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment, that it is in violation of section 302(f) of the Congressional Budget Act of 1974.

The Committee on Appropriations filed a suballocation of the budget for fiscal year 2007 on June 6, 2006, House Report 109–488. The adoption of this amendment would cause the subcommittee's suballocation for budget authority made under section 302(b) to be exceeded and is not permitted under section 302(f) of the act.

I ask for a ruling of the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from Minnesota would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. BARROW

Mr. BARROW. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BARROW:

Page 23, line 4, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Page 24, line 1, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Page 67, line 14, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. BARROW) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BARROW. Mr. Chairman, first of all, I would like to thank Chairman WOLF and Ranking Member MOLLOHAN for their work on this important bill.

Mr. Chairman, since I joined Congress last year, illegal immigration has been debated, discussed and voted on a lot in this House, and it is the number one concern with a lot of folks that I represent back home in Georgia.

We all know that the explosion of illegal immigrants is imposing a huge cost on local schools and local hospitals, but it is also imposing a huge new cost on local law enforcement as well. Local police departments are already stretched to the limit financially in dealing with home-grown crime. Despite that, most do an outstanding job of serving the public without all the resources they already need.

But because we still haven't secured our borders, we have caused local law enforcement to have to do more. We have asked them to do more, and yet the Federal Government is not helping them to deal with that part of the crime problem that the Federal Government has actually created.

Since 9/11, Congress hasn't helped. We have given local law enforcement more to do, but less to do it with. We have expanded State and local law enforcement's authority to investigate, arrest and jail undocumented criminal aliens.

When we expand the responsibilities of State and local police, when we ask them to do more, we have an obligation to give them the resources that they need in order to do more.

In 1994, Congress created the State Criminal Alien Assistance Program, the SCAAP program, and since then it has provided over $4.1 billion in financial assistance to States, reimbursing State and local police for the cost of jailing undocumented criminal aliens.

In the last fiscal year alone, my home State of Georgia received $1.8 million in SCAAP funding for our State and local police. This year, funding for SCAAP was zeroed out in the President's budget. Fortunately, this bill will reinstate some funding for this program, but the amount is still far short of the amount that is authorized of the amount that is needed.

My amendment would provide an additional $10 million to the SCAAP program.

Frankly, we have enough homegrown crime to deal with already without having to deal with the crime that we are literally importing from other countries. As a result, my amendment pays for an increase in SCAAP funding through an 8/10 of 1 percent decrease in funding from the account that pays membership fees to international organizations.

Earlier this year, the President addressed the Nation and announced he would be sending National Guard troops to our southern border to help stem the flood of illegal immigrants flowing into the United States. National Guard troops on the border may help stem the flow of new illegal immigrants, but they do nothing to deal with the criminal element that has already gotten through.

With an estimated is 11 million illegal immigrants already living in the United States, our local law enforcement agencies continue to serve as our first line of defense in dealing with the criminal element that has already entered the country. That is why we need to provide State and local police with the resources that they need to do the job that we impose upon them.

I therefore urge my colleagues to help State and local law enforcement deal with undocumented criminals and support the amendment.

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

Mr. WOLF. Mr. Chairman, I accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BARROW).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Minnesota:

Page 23, line 4, after the dollar amount, insert the following: ''(increased by $50,000,000)''.

Page 23, line 9, after the dollar amount, insert the following: ''(increased by $50,000,000)''.

Page 39, line 25, after the dollar amount, insert the following: ''(reduced by $50,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield 50 seconds to my friend from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, a methamphetamine epidemic is plaguing America, as we know. It has become the leading drug problem in my home State of Kansas. The Byrne-JAG program is a critical tool for Kansas drug and law enforcement as they fight this methamphetamine abuse production and trafficking. It is especially true of rural communities who have fewer resources and live and die by these Federal grants.

Today, I spoke to Cristi Cain, a meth prevention organization leader. Here is her quote: Reduced funding means reduced enforcement, which means increased addiction, increased trafficking, increased manufacturing, which means more injured and killed children, more fires and more explosions, more crime to support the addiction. In short, an endangered Kansan.

I urge adoption of the Kennedy amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield 50 seconds to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Chairman, I appreciate being offered the time.

In my three decades of public service, I have never seen a problem as pervasive or as damaging as the meth epidemic faced by my home State of Oregon. Talking to law enforcement leaders about the meth problem, I have heard one message loud and clear. Local law enforcement lacks the money needed to extinguish this wildfire.

The Byrne-JAG program is an effective partnership between Federal authorities and State and local law enforcement. It enables State and local leaders to leverage resources in key areas and facilitates collaboration among law enforcement, treatment and prevention programs. Last year, the Byrne task forces nationwide seized 5,600 meth labs, 55,000 weapons, and massive quantities of narcotics, including 2.7 million grams of methamphetamine.

Many States have already been forced to cut or completely eliminate their gang and drug task forces. If we don't increase funding for the Byrne-JAG program, those cuts will only be deeper. I urge my colleagues to support the Kennedy amendment.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, if you were to listen to this debate, you would assume that this bill has zero in it for meth. I urge Members to turn to page 11. I know nobody reads the reports here, and it is pretty obvious, but in order to help Federal, State and local law enforcement address the meth epidemic, the recommendation provides $367 million for the Justice Assistance Grants which the administration proposed to eliminate, $99 million for meth specific grants, which is the authorized level, and $58 million above the budget request, $40,000 for drug core programs, an increase of $30 million with regard to that.

You act as if we haven't done anything on meth. This amendment will devastate the census. I mean, no good deed goes unpunished in this institution sometimes. The administration zeros all this out. We met with every Member. Every Member that approached the committee, we tried to sit down and work it out with them to the best of it, to no avail.

Then we just accepted the Reichert amendment. God bless Mr. REICHERT for his efforts. He has probably forgotten more about this than most other Members, $25 million more that has just been accepted. Now we come out with another 50, 50, 50.

Then, where does he get the money from? I think in the Constitution they talk about the census. It is my sense that that is in the census in the Constitution. At this stage, a reduction of this magnitude to the 2010 decennial census programs will impact fundamental missions of the Census Bureau, reapportionment, the funding that goes out to different localities. A complete and accurate count in 2010 will not be able to be achieved, particularly when they look for the dress rehearsal.

The immediate ramifications are a disproportionate impact on vulnerable populations, irretrievable loss of testing opportunities to identify the problems. What can you say? Forget the census, blow it off, and put this in, even though the committee has increased it.

Mr. Chairman, I yield 1½ minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I join Chairman WOLF in opposing this amendment.

The amendment would increase Byrne grants by $50 million. That is the good news. No question about it. We would like to have more money for law enforcement. The offset would be a corresponding reduction to the 2010 decennial census by $50 million.

It is totally unacceptable, Mr. Chairman. I go back to my original statement where I say that we are going to oppose a lot of amendments today that are good amendments except for the offset.

This is really the wrong place for this offset, which I might add is still totally inadequate to Census Bureau funding to meet the needs of our communities, not to mention that the law enforcement uses census data to determine how to allocate manpower and equipment.

An article by the Brookings Institute fellow Andrew Reamer speaks to this point, and I quote, crime mapping has emerged as a critical tool in ensuring that these scarce resources are used to the best effect. Crime mapping applications at the State and local level rely heavily on the Census Bureau's demographic and housing data.

For State and local crime mappers, the Census Bureau has the single most important population and housing data at the neighborhood level. This bill has been carefully crafted. Fifty million dollars out of the Census Bureau is a lot of money, which we cannot afford.

Remember, folks, we are moving to 2010 when we are going to do a new decennial census. Taking money out of the census today means that we are not able to do a good job with that tomorrow. I can remember when we had to do an emergency funding for the Census Bureau in the last census. I oppose this amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield 40 seconds to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. First, I want to thank the chairman for upping up the administration's attempt to zero out the Byrne grants, but, in fact, they have gone down from $600 million to $400 million and some, this year to $371 million. It will gut so many of our drug task forces around the United States.

But I also spent many years in my life here in Congress on the Census Subcommittee. Sometimes you have to prioritize. Right now, we need more help on the streets with crime than we do in the Census Bureau. The mandate for every 10 years is every 10 years.

The Census Bureau has taken on all kinds of other tasks, which some of the private sector can, quite frankly, pay for if they need it, rather than shut down our drug task forces. Because this is roughly almost a 67 percent cut over the last 6 years, not based on inflation, a 60 percent cut.

I know this chairman has fought to put this back in. This administration's drug enforcement budget is an abomination and embarrassment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I don't know how often we have to watch Members pose for political holy pictures on these issues before we start to gag. Well, I am at that point.

You have Members coming to this floor creating a great commotion, trying to create the impression that they are oh so much a champion of this program or that program.

On this amendment, it is the Byrne grant. On some other amendments, it is another program. My question to you, sir, is how did you vote on the budget resolution? Because if you voted for that budget resolution, you put this committee and this House into a position in which they have no choice but to cut one of these programs or the other.

Now you can parade around as a wonderful conservative, but the fact is, don't come to this floor with crocodile tears crying about what is happening to the Byrne grants or any other program if you voted for that budget resolution.

At least half the amendments being offered in this House, tonight and tomorrow, are cover-your-tail amendments, Mr. Chairman. They are here because Members who voted for the budget resolution are now trying to escape their responsibility because they want to have a roll call in their pocket that they can go to their constituents saying I didn't mean to cut that program.

But when you cut programs, there is not a line item in the budget for waste, fraud and abuse. When you cut the money, as you did in the budget, you are willing to sacrifice everything in order to provide $50 billion this year in tax cuts to people who make $1 million a year.

□ 2115

That is the real action. And half this other stuff is phony as a $3 bill.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield 50 seconds to the gentleman from Nebraska, Congressman FORTENBERRY.

Mr. FORTENBERRY. Mr. Chairman, I do rise in support of this amendment as well offered by my colleague, Mr. KENNEDY.

In every congressional district throughout the country, narcotics does take on a sinister but very unique face. In rural communities that span the First District of Nebraska, that ugly face is methamphetamine abuse, production, and trafficking.

Throughout my district, local law enforcement agencies are using as much as 85 percent of their resources to battle meth. Broken families, child abuse, gang violence, and environmental decay are other consequences that this poison imposes on our communities. In other districts maybe the problem isn't meth, but perhaps something just as sinister like cocaine or heroin.

But no matter what face narcotics takes in any particular district, I would like to remind my colleagues that we must, in good conscience, support the men and women of local law enforcement. These are the courageous men and woman who risk their lives daily to better the communities, and they deserve our gratitude, but also our efforts to assist them in the difficult and dangerous work they do.

I urge my colleagues to vote for the Kennedy amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield 50 seconds to the gentleman from Utah, Congressman MATHESON.

Mr. MATHESON. Mr. Chairman, I rise in support of the Kennedy amendment. Every time I meet with anyone in law enforcement in my State, county sheriff, police chief, I hear about the effectiveness of the Byrne grant program, and I also hear the concern about potential cuts in funding the Byrne grants. I don't think that that experience is unique to my congressional district. I suspect that that would be the case throughout this country.

This is a situation where we are making difficult choices, but when it comes to the impact of drug use in our society and the effectiveness of the Byrne grant program, I think that we need to pay attention to the fact that this is a program that works. So many people question programs in the government that may not work so well. This is one that has a track record. It works.

I encourage people to vote for this amendment, and I thank Mr. KENNEDY for his leadership on the issue.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield 50 seconds to the gentleman from the great State of Minnesota, Congressman RAMSTAD.

Mr. RAMSTAD. Mr. Chairman, as co-chair of the Law Enforcement Caucus, I believe it is short-sighted and counterproductive to underfund Byrne grants for law enforcement.

I have seen in my home State of Minnesota firsthand the importance of Byrne grants to local police in reducing crime and improving public safety. They have funded overtime pay, task forces to fight the war on drugs, equipment, and buy money to enforce our drug laws.

We must never forget our cops are on the front lines in the war on crime and fighting drug dealers and protecting our homeland. And before we bleed too much for our Census Bureau, I think we should remember, this agency in this bill already receives a $72 million increase. We are talking about funding cops, the war on drugs, homeland security, or $72 million more for the Bureau of Census. To me that is a no-brainer: we fund Byrne grants, which every law enforcement official in America is pleading for.

I urge adoption of the Kennedy amendment.

Mr. Chairman, Edmund Burke once said the most important reason we have government is to keep people safe.

The Edward Byrne Memorial Grant program is a key component of the federal efforts to make our communities safe.

Named for a fallen New York City police officer, the Byrne Grant program has been a vital tool since 1988 in helping state and local law enforcement fight violent and drug-related crime.

Although I respect the difficult job our Appropriations Committee is faced with when setting spending priorities, we cannot afford to shortchange public safety.

As co-chair of the Law Enforcement Caucus, Mr. Chairman, I believe it's short-sighted and counter productive to underfund Byrne Grants for law enforcement.

This amendment would increase funding for the Byrne-JAG program by $50 million and is offset by a reduction to the Bureau of the Census—an agency that already receives a $72 million increase in this bill!

Byrne Grants have been essential to better coordination between local and federal law enforcement in protecting our homeland. They have been key to providing personnel, equipment, training and technical assistance in the war on drugs.

They have bolstered prosecution efforts. And they have been used to administer critical programs—multi-jurisdictional drug enforcement teams, anti-drug education, treatment and alternative sentencing, such as drug courts.

In my home state of Minnesota, I've seen, firsthand, the importance of Byrne Grants to local police in reducing crime and improving public safety. They have funded overtime pay, task forces, equipment and "buy" money to enforce our drug laws.

We must never forget our cops are on the front lines—in the war on crime, fighting drug dealers and protecting our homeland.

As Chris Matthews of MSNBC said after the attacks of September 11: "Before the attacks on our homeland, America's heroes were the rich and famous. Since Sept. 11, America's heroes are the cops and firefighters. And that's good for America."

Today, America's heroes are counting on us. Congress owes it to these brave men and women who put their lives on the line every day they put on the badge. Our Nation's law enforcement officers need all the tools Congress can provide.

I encourage my colleagues to support this amendment to increase the maximum funding levels for Byrne Grants. It's time to honor the sacrifices made each and every day by our Nation's law enforcement community and give our Nation's finest the support they need.

Mr. KENNEDY of Minnesota. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Virginia.

Mr. KENNEDY of Minnesota. In my last 10 seconds, I would just compliment and applaud the committee and the chairman for the great work that they have done in trying to offset the cut by the administration, but say with a two-thirds cuts in Byrne grants funding, this amendment is absolutely necessary. And I urge my colleagues to support its passage.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I tried, the committee tried. Every Member who spoke to me on either side, we really made a really sincere effort to address it.

I went to Nebraska. I went out to Nebraska. The gentleman from Nebraska is right: they have a real, real problem.

But if you would just kind of listen to this debate, you would automatically, if you were just tuning in in Dubuque or Des Moines, you would assume that there was nothing in here, that we had just been stone deaf, that we had not even listened. We added also, to keep in mind, we just added, under the Reichert amendment, $25 million.

But in the committee report, on page 11, after really searching, I was very moved when I went out to Nebraska. I thought we want to do everything. And I have talked to Mr. SOUDER. And every time, I thought I have tried to do everything I could.

Now, as Mr. OBEY said, the budget resolutions come down, and the deficits are important and we talk. But here is what the conference report says:

"In order to help the Federal, State and local law enforcement address the meth epidemic, the recommendation provides $367 million for the Justice Assistance Grants program," they were wiped out, "which the administration proposed to eliminate; $99 million for meth-specific grants, which is the authorized level, and $58 million plus above the budget request; $40,000 for Drug Court programs, which is $30 million above the current year, $5 million for State Prison Drug Treatment programs, which the administration proposed to eliminate, and also $15 million above the request for DEA."

But if I had just listened to this debate, I would assume that this guy, WOLF, he was AWOL. He had no interest in meth. He was insensitive.

Of course, my father was a policeman. I have five kids. I have 11 grandkids. I think the deficit is a problem. I sit in Republican conferences, and I even hear people talk about it.

The Constitution requires that we do the census. It requires it. It isn't optional. We will use it to reapportion. And so I think what is taken here, you go to the weakest and the most vulnerable. There is not a lobby downtown for the Census Bureau. It just is not.

It is an easy vote. I am going to call for a roll call vote. We will have a roll call vote. But there is no support for the census, except in the Constitution. This guy named Jefferson and Washington and Madison and Monroe, they thought it was important.

But now we are going to take $50 million. I am sort of baffled. I guess it would have been almost easier to sometimes just not kind of go up anytime and try to listen, and then come down and take amendments on the floor that you were almost going to take.

I think I am going to lose this amendment. But I believe that I am right. And I believe for us to take this money out of the Census Bureau, I think they could have probably found another spot. But one spot has a strong lobby downtown; probably a lot of registered lobbyists are working on that area. Another, are there any registered lobbyists for the Census Bureau? Zero. Zip.

Mr. KENNEDY of Rhode Island. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I want to thank the gentleman for all he has done in the area of providing more drug treatment, more work in terms of interdiction of drugs. This chairman has done more than anyone else in his position could ever do on the meth epidemic or anything else.

All of us care about the census because we are not going to get back in our districts the entitlements for veterans, for those who are children, for education, if we don't have an accurate census. It is the process by which all substance goes through.

If we don't have money for our districts that comes through a proper accounting, we are losing money in our districts. If you can't understand that the census is the key to making sure our districts' needs get met, then I don't think you have actually been looking at why we have a census. That is the reason we have it, so a portion in government, the money can go to where it ought to go to those who need it most.

And, again, the chairman has done more than anyone else to try to make sure this meth epidemic has been tackled, and I support him wholeheartedly in opposing this amendment.

Mr. WOLF. Reclaiming my time, constitutional requirement, article I, section 2, we are required to take the decennial census. We ramp up to it. There has been controversy on this legislation. I say, God bless the Members that offered this. If you really feel so strong, vote for it. And I hope the money goes for the good. But I think when I look at this, I kind of feel, looking at this, as we work this bill through, I just don't understand. And I don't see how we can just take it from there. Patton, Boggs and Blow doesn't represent the census. Aiken Gump doesn't represent the census. They represent the Chinese, but not the census.

So we are going to go to the weakest, most vulnerable. Article I, section 2 of the Constitution.

I urge a ''no'' vote on the amendment.

Mr. MOLLOHAN. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I would rise to strike the last word and I don't intend to take 5 minutes. But I do want to make this point. You know, this is chickens coming home to roost.

If you voted for these budget resolutions that increasingly cut the allocation to the Appropriations Committee, and in turn the full appropriations committee gives smaller and smaller allocations to the subcommittees, this is where we get. We get to this point. I mean, there is a real relationship between voting for a budget resolution. The whole budget process, the hearings and making a budget, coming forth with a budget resolution, the whole process, in my opinion, is not real except that it does set the cap on domestic discretionary and defense spending. And that has gone down and down and down.

So now we are at the point that we have 100-about amendments offered here today, a lot of them from the majority side, a lot of them from the minority side, looking at the consequences of budget resolutions that don't provide adequate allocation. Everybody's looking at programs saying, oh, my goodness, you mean we are cutting law enforcement programs like this? You mean the President comes forward and zeroes out State and local law enforcement; the chairman comes back and tries to restore it but, boy, it is not enough. And Byrne grant programs. Golly, the allocation is not enough. Well, surprise. Budget resolutions mean something at the allocation level. The whole process gets down to how much money do we have for domestic discretionary.

Some folks are very concerned about NASA. Some folks are very concerned about science spending. Some folks are very concerned about law enforcement. Some people are concerned about the Bureau of Prisons.

Well, if you voted for the budget resolution, this is what you get, chickens coming home to roost. There is not enough money for these programs.

And I just want to make the point that when you get down to a really small pie, then you start cannibalizing good programs.

Are you suggesting that really that we don't need this $50 million for census programs? I mean, do we not need that?

The subcommittee went through a rigorous process of hearings. We went through a rigorous process with the majority staff, the chairman of the committee, coming forward with this bill. It is the best bill that can come forward given our allocation. We cut these census programs and the Justice Department isn't going to have the information it needs in order to spend its dollars wisely. You cut the census program, come 2010, we are not going to be able to conduct a proper census, decennial census. That is the consequences of it. You can cut it now. You can cut census program, you can try to cut some of these other programs, these unacceptable offsets. But there is a consequence for it. And what you are really acknowledging here tonight is that you shouldn't have voted for that budget resolution. You shouldn't have voted for a budget resolution that does not provide for an adequate allocation for us to do our job for law enforcement.

PARLIAMENTARY INQUIRY

Mr. SOUDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SOUDER. Does our unanimous consent agreement give the majority subcommittee chairman the ability to speak for 5 minutes whenever he wants, plus the ranking member of the full Appropriations Committee, plus the subcommittee on any motion in front of the House, plus the 5 minutes to oppose an amendment?

□ 2130

The CHAIRMAN. When an amendment is pending, the order of the House of today allows the subcommittee chairman and ranking minority member and the committee chairman and ranking minority member the right to strike the last word.

Mr. SOUDER. So if I understand what the chairman said, the rest of the House only gets 5 minutes, even if it represents the majority position of the House, but the combined Appropriations Committee can take 25 minutes to oppose our amendment, and our only recourse is to object to unanimous consent agreements?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. SOUDER. My parliamentary inquiry is, the only way to have stopped this was to have objected to the unanimous consent agreement?

The CHAIRMAN. The order of the House was propounded by unanimous consent and was accepted.

Mr. SOUDER. In the future, I will be objecting if that is going to be the order of the House.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the gentleman and his party have 5 additional minutes to make their case.

The CHAIRMAN. The Committee may extend time on equal terms where both sides would have the equal time.

Mr. WOLF. Mr. Chairman, I would ask unanimous consent that both sides give the opposition the same time so that the gentleman from Indiana and the gentleman from Minnesota and others have equal time.

Mr. SOUDER. Will the chairman yield?

Mr. WOLF. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, we were restricted to 50 seconds. Most people

have gone through the process, but many Members did not come over who could have spoken.

I have a general concern that the Appropriations Committee on all the amendments can gang up, as we saw here, on a 5-minute rule; and I have concern about these unanimous consent agreements. I do not think we need to hold the House further here. We already went through our different statements. I could debate for 30 minutes on the census and other things, but I think we should move to a vote at this point. But I have a real problem about this intimidation by the Appropriations Committee.

Mr. MOLLOHAN. Mr. Chairman, I yielded back my time, but I would ask unanimous consent to claim any time I had remaining and to yield it to the gentlemen.

The CHAIRMAN. Are you asking unanimous consent to reclaim your time, which is 2 minutes, and have the ability to yield that time?

Mr. MOLLOHAN. I do, Mr. Chairman.

The CHAIRMAN. Is there objection?

Mr. SOUDER. I object.

The CHAIRMAN. Objection is heard.

Mr. MOLLOHAN. I am only trying to yield it to the gentlemen.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Minnesota. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I found the last comment from the gentleman from Indiana to be very interesting.

The fact is that the unanimous consent agreement was agreed to as a courtesy by the minority to the majority. It is, very frankly, not in the political interest of the minority party in this House to assist the majority party in moving its appropriation bills through the House. We have done so on every occasion as a matter of legislative courtesy to the majority.

Now, if members of the majority do not like that, then I guarantee you there will never be another unanimous consent request provided from the minority side of the aisle. If that is the way you want it, you are going to be here a long time struggling with every appropriation bill from here on out.

The minority accepted the unanimous consent request with this provision because there are many times when the majority party and the minority party have a different view of amendments. This is not one of those times, but that happens most of the time on these amendments. And so the unanimous consent request is not any conspiracy between members of the Appropriations Committee. It is simply an effort to move the House's vote along.

We have 100 amendments. Without this unanimous consent request, we would still be on number 2 or number 3. You would not get halfway through this bill before you go home for the July 4 recess. Now, if that is what you want, I am perfectly happy to give it to you.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MILLENDER-MCDONALD:

Page 23, line 4, after the dollar amount, insert the following: ''(increased by $5,000,000)''.

Page 24, line 14, after the dollar amount, insert the following: ''(increased by $5,000,000)''.

Page 39, line 25, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

Page 40, line 2, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself such time as I may consume.

Today, I am offering an amendment to increase funding for the Department of Justice drug court programs. My amendment would raise allocated funding to drug court programs in the bill from $40 million to $45 million.

Mr. Chairman, we Members of Congress recognize that substance abuse not only has devastating effects on the abuser but also on the entire community. The total estimated cost of drug abuse to American communities in 2000 was $160.7 billion, mostly from health care costs and productivity losses.

Also troubling is the rise in drug-related crime. Between 1984 and 1999, the number of defendants charged with a drug offense in Federal court increased by 247 percent. In 2001, substance abusers accounted for more than half of all sentenced Federal inmates.

However, many drug-related offenses are nonviolent, and incarceration will not prevent repeated drug use. Treatment is the key.

Drug courts are a proven, unique tool in the war against substance abuse. These special courts were developed to curb dependency at the local level by reflecting the unique strengths of each community and using comprehensive supervision, drug testing, and treatment services.

To date, there are nearly 1,800 drug court programs that serve more than 70,000 participants with impressive recovery results. The program allows for the full weight of interveners to be brought to bear on the offender, compelling him or her to deal with the substance abuse problem.

The treatment represents a viable long-term solution with long-term results as opposed to incarceration, a short-term course of action that fails to treat the addiction problems.

I am proud that while he served as our Nation's Drug Czar, Asa Hutchinson came to my district and visited my drug court in Compton, California. He went away believing it was a model for others nationwide. It is clear that these courts make a difference, Mr. Chairman, and deserve sufficient funding levels.

I wish to recognize Chairman LEWIS, Chairman WOLF, and Ranking Member MOLLOHAN for their dedication to drug courts and thank them for increasing this account by 300 percent from last year.

With the understanding that Chairman WOLF and Chairman LEWIS will fight in conference to increase drug court funding to $45 million, I have agreed to withdraw my amendment, and I defer to the chairman at this time.

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

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment, though I am not in opposition since the gentlewoman has withdrawn the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I pledge to do everything we can in conference, and I know Mr. MOLLOHAN feels the same way and we have had the conversation with other members, to keep the figure at this number. It is a 300 percent increase. Drug courts are very, very important. So I will do everything I can, and I know Mr. MOLLOHAN will also agree, to keep this in. And I thank the gentlewoman.

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

Ms. MILLENDER-MCDONALD. Mr. Chairman, I thank the gentleman.

I do recognize you will use all of your efforts to try to increase this. I appreciate your commitment to this successful program.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. OBEY of Wisconsin.

Amendment by Ms. VELÁZQUEZ of New York.

Amendment by Mr. NADLER of New York.

Amendment No. 22 by Mr. STEARNS of Florida.

Amendment by Mr. KENNEDY of Minnesota.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 185, not voting 10, as follows:

[Roll No. 326]

AYES—237

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boozman
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—185

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Pombo
Price (GA)
Putnam
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brady (PA)
Cannon
Carson
Evans
Herger
Hyde
Johnson, Sam
Ortiz
Radanovich
Strickland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2209

Messrs. PETRI, LATHAM, GREEN of Wisconsin, SHERWOOD and GOHMERT changed their vote from ''aye'' to ''no''.

Messrs. EDWARDS, OWENS, BOOZMAN, ENGLISH of Pennsylvania, MCCOTTER, SCHWARZ Of Michigan, LAHOOD, JOHNSON of Illinois and Ms. HART changed their vote from ''no'' to ''aye''.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 207, not voting 11, as follows:

[Roll No. 327]

AYES—214

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul

Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOES—207

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—11

Brady (PA)
Cannon
Carson
Evans
Herger
Hyde
Johnson, Sam
Ortiz
Radanovich
Strickland
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

□ 2214

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 243, not voting 13, as follows:

[Roll No. 328]

AYES—176

Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cuellar
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gallegly
Gillmor
Gohmert
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kildee
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Owens
Pallone
Pascrell
Payne
Pelosi
Platts
Pomeroy
Price (GA)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (PA)
Westmoreland
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOES—243

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Hinojosa
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (NC)
Pryce (OH)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—13

Brady (PA)
Cannon
Carson
Costa
Evans
Herger
Hyde

Johnson, Sam
Ortiz
Radanovich
Rush
Strickland
Whitfield

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2218

Mr. CLEAVER changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 257, not voting 12, as follows:

[Roll No. 329]

AYES—163

Akin
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Berkley
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Boozman
Boren
Boucher
Boyd
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Cantor
Cardoza
Chabot
Chandler
Chocola
Coble
Conaway
Costa
Cubin
Cuellar
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
Dent
Diaz-Balart, M.
Drake
Duncan
Everett
Feeney
Foley
Forbes
Ford
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hayworth
Hefley
Herseth
Holden
Hostettler
Hulshof
Hunter
Istook
Jenkins
Jindal
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Markey
Marshall
Matheson
McCotter
McHenry
McIntyre
McKinney
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Oberstar
Otter
Pascrell
Paul
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pombo
Porter
Price (GA)
Rahall
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (OH)
Ryun (KS)
Salazar
Saxton
Schakowsky
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Smith (NJ)
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Tiberi
Wamp
Weiner
Westmoreland
Wilson (SC)
Young (AK)
Young (FL)

NOES—257

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Bass
Becerra
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boustany
Bradley (NH)
Brown (OH)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Campbell (CA)
Capito
Capps
Capuano
Cardin
Carnahan
Carter
Case
Castle
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Fortenberry
Frank (MA)
Frelinghuysen
Gilchrest
Gingrey
Gonzalez
Gordon
Granger
Green, Al
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Manzullo
Marchant
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Obey
Olver
Osborne
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Pickering
Pitts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—12

Brady (PA)
Cannon
Carson
Culberson
Evans
Herger
Hyde
Johnson, Sam
Ortiz
Radanovich
Strickland
Whitfield

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2222

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 291, noes 129, not voting 12, as follows:

[Roll No. 330]

AYES—291

Abercrombie
Aderholt
Akin
Allen
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Case
Castle
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Crenshaw
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Doggett
Doolittle
Doyle
Duncan
Edwards
Emerson
Engel
English (PA)
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
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McIntyre
McKeon
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Taylor (MS)
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Van Hollen
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Campbell (CA)
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Brady (PA)
Cannon
Carson
Evans
Herger
Hyde
Johnson, Sam
Ortiz
Radanovich
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Whitfield

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2229

Ms. LORETTA SANCHEZ of California, Messrs. RAHALL, MARKEY, MEEHAN and NEAL of Massachusetts changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2230

Mr. WOLF. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCCAUL of Texas) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

COLLOQUY RE CRAB PROCESSOR QUOTA SHARES

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

Mr. LOBIONDO. Mr. Speaker, I rise to enter into a colloquy with the chairman of the Transportation and Infrastructure Committee, Chairman YOUNG.

Is it the intent of the conference on H.R. 889, the Coast Guard and Maritime Transportation Act of 2006, that when the National Marine Fisheries Service issues new processor quota shares under section 417, the regional designation for the shares for both the king and c. opilio crab fisheries shall reflect the processing history of the Blue Dutch during the years leading up to the North Pacific Council's adoption of the crab plan?

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Yes, it is the intent of the conferees that both the new king crab processor quota shares and the new c.opilio processor quota shares shall receive a designation based on the location in which crab was historically processed.

Mr. LOBIONDO. I thank the gentleman.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4157

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to remove my name from H.R. 4157, the Health Information Technology Act of 2005.

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

There as no objection.

OVERSIGHT GAP IN IRAQ

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

Mr. BROWN of Ohio. Mr. Speaker, former State Department intelligence officials testified yesterday that they warned the administration 3 years ago that the occupation of Iraq would provoke insurgency ethnic strife and the targeting of U.S. forces. But their words then, 3 years ago, went unheeded.

The Post reported today that the hearing ''marked the first time intelligence assessments on postwar Iraq had been specifically discussed in a congressional session.'' No Republicans participated.

Three years after the war in Iraq began, Republicans are still refusing to investigate what went wrong. Ohio families are paying the price.

Many of us have repeatedly asked the President to present a plan for success in Iraq, a winning exit strategy to complete the mission and start to redeploy and bring our troops home. Republicans responded with theatrics and sound bites. More of the same is not a plan. More of the same doesn't bring us any closer to winning the global war on terror.

The troops and the American people deserve better. They deserve a Congress that doesn't look the other way when mistakes are made. They deserve a realistic and forward-thinking plan that brings our troops home.

SHUTTLE SAFETY

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a few days from today, brave Americans will again enter into space, pressing forward the intellectual and, of course, scientific expertise that Americans possess. I support the space exploration program, but I stand today as a member of the House Science Committee who has continually asked the question about safety, safety, safety.

After the incident of *Columbia*, we implemented safety procedures. Unfortunately, today, we find that one of the engineers that had concerns about the space shuttle's launch on July 1 has now been removed as an engineer from this program.

Whistle-blower protection. Safety requirements. It is time, before they launch, that they tell Members of Congress the facts and that we can be assured that all manner of testing, all assessment has been made to ensure a safe launch, as safe as possible, so that lives can be protected.

Vehicles may be lost, but the lives of astronauts should be protected. We need answers, and I look forward to getting those answers as soon as possible.

HAMAS-LED PALESTINIAN AUTHORITY, A TERRORIST ORGANIZATION

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

Mr. ENGEL. Mr. Speaker, more and more information is emerging that this week's kidnapping of an Israeli soldier and the killing of two others was a Hamas plot from day one. Several newspapers are reporting that the attack and kidnapping were carried out by Ahmed Jaabari, the commander of the Hamas military wing who takes his orders from Khaled Mashal, the senior Hamas leader based in Damascus, Syria.

According to the Associated Press, two senior aids to Palestinian Authority President Mahmoud Abbas said that Mashal gave the green light for the operation. This is a stinging indictment of the Syrian regime's participation in global terror and a brutal reminder about Hamas.

I and others have called the Hamas-led Palestinian Authority a terrorist organization. Congress recently passed a bill banning any assistance to the Palestinian Authority until it ends terror, recognizes Israel, and abides by all agreements signed by the Palestinian Authority. But most of all, with this terrorist attack, Hamas has once again shown its true stripes. It remains the murderous terrorist group which carried out scores of suicide bombings in the 1990s.

Our U.S. Ambassador Jones said yesterday, ''The problem is in Damascus and that is where we should focus the world's attention.'' This is the key point. The Syrian Government continues to play host to a range of terrorist groups, including Hamas. And now, one of the outlaws in Damascus has kidnapped an Israeli soldier.

As the author of the Syria Accountability Act and Lebanese Sovereignty Restoration Act, I demand that the government of Syria close the terrorist bases in its country and bring the murderer Khaled Mashal to justice. And I ask President Bush to impose the remaining sanctions of the Syria Accountability Act which it has not yet imposed.

CONGRATULATING COLLEGE WORLD SERIES CHAMPION OREGON STATE BEAVERS

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

Mr. WU. Mr. Speaker, we deal with such serious topics in this House of Representatives, and so I want to bring to the attention of this House and this Nation a very happy topic. I rise to congratulate the Oregon State University Beavers on winning the College World Series baseball tournament.

This is indeed a Beaver Nation. After taking on UCLA, Stanford, Arizona, and USC, all sunny States, we in the rainy Northwest, with a team of kids from smaller communities all around the State, have successfully won a world championship. This is probably the first world championship since the Portland Trail Blazers won the NBA championship in 1977.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

SALMON FISHING SEASON A DISASTER

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to replace Mr. LARSON.

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

There was no objection.

Mr. DEFAZIO. Mr. Speaker, today I had an extraordinary meeting with the head of the National Oceanic Atmospheric Administration, Mr. Lautenbacher, and his deputy, Mr. Hogarth. They met with six Members of Congress representing the west coast fishers in the United States, particularly from Oregon down into California.

These gentlemen met with us so we could ask them to ask, in all sincerity, when they are going to declare the salmon fishing season, which has been essentially closed by their agency, a disaster. Their answer was: never. Or maybe next year.

It was an extraordinary meeting. They said that because they allowed an extraordinarily limited season, that is, a fisherman can go out and catch up to 75 salmon, which won't quite pay for the fuel to leave the dock, on a few occasions during the year, that they can't anticipate whether or not it will be a disaster for those folks.

Now, the deputy was a little more honest, and he admitted that it was even worse than they thought. No one is fishing. No one is going out with fuel prices like this, and, in fact, there is virtually no activity. But they thought that people might go out. Maybe the price of fish will go way up. I said, to what, a hundred dollars a pound? What are we talking about? What would induce people to go out into the ocean and catch 75 salmon, a commercial fishing boat? They couldn't answer that.

So we said, your regional counsel recommended a disaster declaration, and you sent it back. When will you process that? They said, oh, well, we have already sent it back again. We said, why did you send it back? They said, well, because they made a recommendation of a disaster.

The people who manage this agency in the region recognized the disaster. They recommended a disaster declaration to the national bureaucrats. The national bureaucrats said, no, you can't do that. They sent it back. They had to strip out their recommendation and then they sent it back and they said, okay.

So when are you going to process all the facts on which they made that determination? They said, not until February. Well, why not until next February? Because people might go out and catch 75 fish, and that might make a difference in whether or not there is a disaster.

It is extraordinary tortured logic. You can't get there from here. So we said, how about you just issue the declaration of a disaster. No, their lawyers say they can't do that. I asked to see the legal opinion. They said, no, they couldn't show me the legal opinion; that they couldn't do that.

We asked to see the recommendation from the regional people about the disaster, and they said, no, you can't have that. You are only Members of Congress representing these people. You can't have those documents because we haven't made a decision yet. When are you going to make a decision? When it is too late for the fishers and their families. When they have already gone bankrupt. Whey they have already lost their boats. That is next winter when they might get around to making a decision about this year's season.

So, then, I said, okay, how about this: why don't you just close down this lame season that you have created, this 75-fish limit on a few days; just close it down, declare a disaster, and get some assistance to the fishers? They said, oh, no, they couldn't do that because they have already made a decision that is based on certain documents, and they couldn't go back on that. I said, just declare an emergency. No, they are not going to do that.

□ 2245

They are getting orders from somewhere higher up in this administration that is embarrassed, embarrassed about the politics, embarrassed that 4 years ago, to make hay in an election year, they diverted water from irrigation, from the river to irrigation. They got headlines. They made great political hay with us with it. Now if they declare a disaster on the returning salmon, the class of that year, they are essentially admitting that they impacted that.

In fact, in the Senate, they have already said that this is not a natural disaster. The Parliamentarian there ruled against emergency assistance by the junior Senator from Oregon, because he said this was not a natural disaster; it is manmade. The Bush Administration made this disaster through their mismanagement of the resources in that region.

So now we have the agency saying they are not going to declare a disaster. I think they are just trying to put the small fishers out of business. What the end game is, I am not sure. Maybe giant aquaculture. Who knows? But the point is they are refusing, despite the request of the Governor of Oregon, the Governor of California, the Senators from Oregon, the Senators from California, a large number of Representatives from Oregon and California, we have all requested a disaster declaration, and the White House is silent, and the bureaucrats say ''no.''

JUDGMENT DAY

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

Mr. POE. Mr. Speaker, tonight there is one less brutal murderer in Texas. Angel Maturino Resendiz is gone. He has been executed, ending one of the most brutal reigns of terror a serial killer has ever known.

Some called him the face of death. He rode the rails from Mexico to the heartland of America, leaving a wake of bloodied and mutilated bodies behind him, quickly earning the top ranking of the FBI's most wanted list.

Thanks to the tenacity of Texas Ranger Drew Carter, who captured Resendiz, and the work of the FBI and numerous local law enforcement agencies, justice has occurred. The wanted posters have come down.

Resendiz raped, brutalized, tortured, maimed, and he took the lives of at least nine people, all who live within yards of railroad tracks throughout America. But he stole. He stole the security of citizens everywhere he went. Small town shops sold out of pistols. People who never locked their doors even sealed their windows because of the fear of Resendiz. Resendiz never knew where he was going, never brought anything with him but always knew what he would leave behind, a trail of terror and the darkness of death.

Tonight, much to the dismay of his victims' families, he met a far more peaceful fate than the one he inflicted on a 73-year-old woman. Her last view of Earth was his wicked face and a pickax coming right at her that was lodged in her head and embedded between her eyes. Tonight, Angel Resendiz is gone.

Americans are rid of the beast that pulverized a church secretary's face with a sledgehammer. Then he sexually assaulted her. His death sentence was for only one single slaying, the rape, stabbing and beating of a Houston doctor whose husband watched the execution tonight, saying people have to understand what evil really is.

Resendiz' sentence was objected to by the Mexican government, who tried to intervene today in U.S. Federal courts to prevent this justice from occurring. The Mexican government instead should pay reparations to the nine families he murdered, since Mexico encourages illegals like him to enter the United States.

Resendiz is accused and suspected of many, many more killings throughout the United States, all tied together with the winding railroad tracks that carried this monster to his chosen chore, committing unspeakable random acts of butchery.

Tonight, Texas and the rest of the country, they are safer. The man who considered himself half man and half angel was neither. He was not half angel. He was totally a demon. Tonight, he has met his judgment day.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RESET OF EQUIPMENT FOR THE ARMY AND MARINE CORPS

Mr. SKELTON. Mr. Speaker, I ask to speak out of order for 5 minutes.

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

Mr. SKELTON. Mr. Speaker, before I make my remarks about the readiness of the Army and Marine Corps equipment, I would like you to share my thoughts on the recently released information of a possible plan for troop redeployment in Iraq.

Let me say I am incensed that General Casey's recommendations to the President and Secretary Rumsfeld for possible force redeployments in the coming months were leaked by someone in the administration to The New York Times.

The options presented to the President for the success of our operation there should not be on the front page of a major paper. Such a leak does not benefit considered deliberation of military operatives. It can only serve a political purpose. Members of the Congress overseeing the Department of Defense should have been kept informed of our senior military commander's best thinking in an appropriate forum.

That said, I am pleased to hear that the Iraqis and the American people may be able to begin to see a correlation between increasing numbers and capability of Iraqi battalions and some reduction in American combat power. This is something that I have suggested for some time. This apparent consideration of options could not come at a better time, given the poor readiness posture of the Army and Marine Corps equipment.

Over the last several years, we have seen readiness rates plummet as the operation tempo in Iraq has climbed. Readiness rates for equipment have fallen so far, so far that I fear that now they present a strategic risk to our ability to respond to contingencies we may have faced beyond our current commitments in Iraq and Afghanistan.

Mr. Speaker, nearly 40 percent of the Army and Marine Corps ground equipment is deployed to the Central Command theater. That equipment is suffering terribly due to battle losses and damage and increased operations and harsh climate.

Since the start of the war, the Army has lost over 1,000 wheeled vehicles and nearly 100 armored vehicles. Increased usage and the weight from extra armor are wearing out equipment in Iraq up to nine times the peacetime rate. That means that some equipment has added the equivalent of 27 years worth of wear since the start of the war in Iraq.

To keep this equipment serviceable, the Army and Marines have had to expend extraordinary effort. To their credit, the readiness rates for equipment deployed to Central Command remains high, with spare equipment and repair parts flowing quickly to the fight.

Unfortunately, theater readiness has come at the expense of equipment here in the continental United States. Readiness reporting from non-deployed Army units shows that equipment readiness continues to fall, with very few continental United States units rated as fully mission-capable.

These low mission-capable rates disturb me greatly, as they are an indicator of a military under stress. Non-deployed units are our strategic base. They are the units we will call if a crisis emerges. Looking at these readiness rates, I truly wonder if our military will be able to answer the call should it come.

The cost of all this repair and maintenance is enormous, with the Army spending $13.5 billion in 2006 alone. General Schoomaker, in his testimony before the Armed Services Committee today, said that the Army will require an astounding $17 billion next year to reset equipment damaged or destroyed by the war in Iraq. Even more disturbing is that the largest bill for the reset will not come due until after combat operations end. At that point, future budget pressure may make it difficult to forward the reset, leaving us with significant shortfalls of equipment to fill a transforming military.

This Congress has a responsibility to provide for our force for the battles that they are in today and for those that they may have to fight tomorrow. To do that and to budget responsibly, we must know the true and full cost of the bill that will come due.

Mr. Speaker, the Army and Marine Corps have been involved in prolonged combat under the harshest of conditions. The combat has taken an enormous toll on troops and their equipment. Yes, we have strategic interests in Iraq, but we also have strategic interests around the world that we must be prepared to defend. We cannot allow the war in Iraq to destroy our ability to fight and win in other contingencies. Our Army and Marine Corps must have what they need to fight and win.

HONORING MEGAN JESSE

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

Mr. CHOCOLA. Mr. Speaker, I rise tonight to honor the memory of an exceptional young woman. Less than 2 months ago, the community of Michigan City, Indiana, celebrated when they heard the good news. Megan Jesse, one of their own, was selected as the Second District's first place winner in the Congressional Art Competition. Today, unfortunately, the same northern Indiana community mourns her sudden and tragic passing.

Megan had just completed her junior year at Michigan City High School where she was a member of the Wolves ladies' soccer team. She was on her way to soccer camp with fellow teammate Katherine Stoll on Friday when they were involved in an automobile accident. Katherine was seriously injured, and Megan tragically lost her life.

Just hours before, Megan and her parents were busy planning their visit to Washington, D.C. They were coming to Capitol Hill today to attend the Congressional Art Competition's dedication ceremonies. Photography was one of Megan's favorite hobbies, and it was her artistic photo project, ''Highlights,'' that was chosen from Indiana's Second District to hang here in the Capitol building.

When I attended the awards ceremony at Indiana University South Bend, Megan talked about her love of art and her inspiration for her winning piece. At first she was going to portray a towering lighthouse on the shores of Lake Michigan. But when she got to the beach, something else caught her eye, a simple picturesque lifeguard tower looking out over the water. Megan photographed this scene instead, and she was able to capture it with striking effect.

She said she chose the scene because of her love of the beach, and she wanted to express her feelings and emotions in a way that could be shared with others. I think it is truly fitting that her artwork will now hang in the United States Capitol where it can be enjoyed by thousands of visitors and passersby.

Sadly, Megan and her family will not be here for the Congressional Art Competition's ribbon-cutting ceremony this week, but we will still celebrate the accomplishments of a gifted young woman whose life was cut short by tragedy. To thousands of visitors to our Nation's Capitol and to my colleagues in Congress, the next time you walk through the tunnel in the Capitol, stop to consider the picture from the Second District of Indiana, Megan Jesse's picture, and remember this part of her life that she so graciously shared with us.

Mr. Speaker, I know I speak for all of my colleagues when I say that we honor her life and her work and that our thoughts and prayers are with Megan's family at this very difficult time.

STOP SWEATSHOP PROFITEERS

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

Mr. BROWN of Ohio. Mr. Speaker, I see them all over Ohio, Toledo, Hamilton, Lima, Youngstown, Mansfield and Dayton. In every community, there are signs that the Federal Government's trade policies are undermining American manufacturers, especially small machine shops, tool and die makers, other manufacturers, and encouraging the spread internationally of abusive sweatshop practices.

China is the sweatshop of the world, with oppressive labor policies resulting in wage suppression of as much as 85 percent. We all know that American workers can compete with workers anywhere in the world on a level playing field, but no one can stand, no one can compete with child labor, with sweatshop labor, with prison labor.

The year I first ran for Congress in 1992, the United States had a trade deficit of $38 billion. Today, just last year, in 2005, that trade deficit had jumped from $38 billion in only 13 years to a $720 billion trade deficit.

The result of the sweatshop labor of this trade policy with China alone is trade deficit records being broken year after year and ever-increasing losses of manufacturing jobs to China. In my State alone, 200,000 manufacturing jobs had been lost since the year 2000, yet America's trade agreements are actually encouraging the development of new sweatshops. All of us in this body supported the U.S.-Jordan Free Trade Agreement because Jordan's labor protections were seen as meeting international standards.

The New York Times, though, recently reported that in the few years since the Jordan Free Trade Agreement took effect, lax enforcement and an abusive guest worker system have made Jordan the new haven for some of the world's most brutal sweatshops.

Senator BYRON DORGAN and I have introduced the Decent Working Conditions and Fair Competition Act to end sweatshop profiteering.

The bill is simple. It bars the importation or the sale of goods made with sweatshop labor. In other words, if a product is made in a Chinese sweatshop, if a product is made by child labor or slave labor or prison labor, you can't import it into the United States, you can't sell it into the United States.

The Federal Trade Commission would enforce it, but the bill also gives retailers and shareholders the right to hold violators accountable, and it prohibits Federal government agencies from buying sweatshop goods. We can't afford to continue to tolerate these abuses. We certainly cannot afford, cannot continue to encourage them.

We don't have a $200 billion trade deficit with China because China's companies are better than ours and certainly not because their people are smarter or more dedicated or hard working. We know how China is able to do so well in the game of international trade. They break the rules.

When China breaks the rules, and we lose in places like Marion and Cleveland, when we lose in places like Chillicothe and Zanesville and Toledo, when they lose thousands of manufacturing jobs, it not only hurts those people that lose those jobs, it hurts those families. It causes police and fire to be laid off in those abandoned communities. It means fewer schoolteachers teaching our young people.

□ 2300

It devastates people's families. It devastates people's communities. It is our job here in Congress to provide a level playing field for U.S. workers, to help those small manufacturers, to help those workers, to help those families, to help those communities and provide decent working conditions for workers here and abroad.

I ask my fellow Members of the House to support the Decent Working Conditions and Fair Competition Act.

AMERICA ACT

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

Mr. CONAWAY. Mr. Speaker, a couple of my colleagues and I tonight are going to spend a little bit of time talking about our Constitution, the founding principles on which this country is based, and a document that I am concerned that many of our colleagues in this Chamber are not as intimately familiar with as they should be.

I have introduced H. Res. 883 to try to address this issue. The acronym for the act is called the AMERICA Act, A Modest Effort to Read and Instill the Constitution Again, which is a bit tortured, but at least it gets us going in the right direction.

This resolution would require, or would encourage, each Member of the House and each staffer that works for a Member of the House to read the Constitution once a year. We hope to be voting on this in September during Constitution Week. But I want to talk about it tonight.

Our Constitution sets forth the written set of fundamental principles about which this U.S. Government, the United States, is to be governed. It establishes the three branches of the government that function here at the Federal level. And it is considered the supreme law of the land.

It is also the world's oldest written national constitution, and it confers upon Members of this body and the other body certain honors and certain great responsibilities.

We in Congress write laws constantly to implement those fundamental principles, and every once in a while we propose amendments to change those fundamental principles. I, therefore, think it is important that each one of us be intimately familiar with what is in the Constitution. It is a relatively short document, about 2,500 words, and I would not consider it an onerous task for my colleagues and I to at least once a year read that Constitution.

Before I came to Congress, I practiced as a CPA, Certified Public Accountant, and I still maintain that license. I am required as part of the licensing process of the State to participate in 40 hours of continuing professional education each year. I just finished that up this week for my license renewal. And I think that most professions have that.

I think that it is a modest step toward a continuing education process or program for Members of Congress, that being required or being encouraged, excuse me, to read the Constitution once a year would be a good thing to do. So this resolution, which I am hoping to gather support for, because I am curious as to who would push back or what the arguments would be from our colleagues as to why we shouldn't know what is in the Constitution, why we shouldn't be familiar with what is in the Constitution, why that is in the best interest of the 651,000 people that they represent here in this body.

So I would encourage other Members to sign on to this legislation that would encourage each one of us and our staffers, the senior staffers and others, to read the Constitution once a year and help us understand the differences between the way this government looks today versus what that Constitution requires.

OMAN FREE TRADE AGREEMENT

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

Mr. LEVIN. Mr. Speaker, yesterday the President transmitted legislation to implement the U.S.-Oman Free Trade Agreement. The Senate Finance Committee will mark up this legislation tomorrow, and the word is the Senate is going to try to rush this through on the floor of the Senate in the afternoon. And the House Ways and Mean Committee will take up this bill on Thursday.

This agreement is a test of globalization. Globalization is under major pressure today, in part because as it has spread, the benefits of increased trade between nations too often have not been widely shared among people within the nation. Workers rights matter, especially the ability of workers to represent themselves in the workplace because they are an important economic tool to spread more widely the benefits of expanded trade.

To help make globalization work, a view widely held by House Democrats is that trade agreements should include squarely within the text of the agreement a requirement that there be adherence to basic ILO standards within a reasonable transition period.

We have strongly opposed the standard that USTR has tabled for worker rights, and the environment, in FTAs, which requires that a nation must only enforce its own laws. It is a standard that USTR does not propose for any other provision of an FTA and would never dream of using for other economic issues, whether intellectual property or investment rules or any other.

Where an FTA has been negotiated with a nation using that standard, but at the time of the FTA vote the basic ILO rights were in operation in practice and in law, many of us have voted for the agreement despite opposition to the standard. That was the case in Chile, Singapore and Morocco.

With the Bahrain FTA, there was clear evidence that the ILO standards were there in practice so that there was a foundation for assurances that the laws would be swiftly brought into conformity with existing ILO-compliant practices. In accordance with law, unions in Bahrain enjoyed autonomous status, independent of the employer, beyond interference. In addition, as long as the union existed under law in an enterprise, the law provided that an employer must recognize it and engage with it in collective bargaining. So many of us voted to approve the U.S.-Bahrain FTA.

The conditions in Oman are very different than those prevailing in Bahrain and in those other countries where we have supported FTAs.

As one approaches consideration of the U.S-Oman FTA, there are some clear truths. Oman is a nation in the volatile Middle East with good relations with the U.S.

Secondly, the amount of trade is small. It would likely grow under an FTA, but remain small, and thus any economic negative dislocations for either side would be small.

In practice and law, thirdly, realities in Oman today do not remotely meet the five basic ILO standards, including the right of workers to associate and bargain collectively.

Workers cannot be represented in the workplace unless they have their own representatives and their own organizations. This basic condition is not close to being true in Oman today.

Where there is an organization in an establishment, a representative committee, representatives of the employer belong as well as employees. There is an umbrella committee of representatives committees called the Main Representative Committee. From available information, of the 13 members currently on the MRC, the vast majority are high-echelon officials of companies.

For 8 months our staffs have been in touch with Omani and U.S. Government officials simply to get the facts on the table. We have put together two documents trying to obtain basic information. When the response to the first detailed inquiry came back incomplete, we took the time to send a second document, still without a response in detail. I ask that the second document be entered into the RECORD.

Any fair reading of these documents leads to one conclusion.

From all available information, there are no organizations of workers in Oman today. There are no organizations representing workers and bargaining on their behalf, so it is not surprising that there is not a single collective bargaining agreement today.

In reality, there are organizations made up of management and workers who operate mainly like joint committees to discuss labor management relations and problems.

The recent communication from the U.S. ambassador glosses over this basic fact.

It says: "Although the MOM recognizes the potentially problematic participation of senior officers in some of the committees, a move away from this tendency will take some time, given deeply ingrained cultural traditions that still place importance on tribal affiliations and highly value an individual's personal influence with decision-makers (termed "wasta"). Historically speaking, workers with issues have generally approached human resource representatives or committee members with problems because of these individuals known connections and ability to get things done. The MOM, as well as the committees, believes that it is more important to now raise awareness about the MRC and the RC's roles and promote membership rather than focus on technical limitations of the law."

There are two serious problems with this approach. First, no matter how it is spun, the organizations today representing workers are not organizations of and led by workers. They do not begin to meet the basic worker rights of association and bargaining.

Second, according to the Ambassador's own document, today 70 percent of the workers in Oman are foreign nationals. Of these 80 percent are from the Indian subcontinent (60 percent from India).

Present Omani laws say that members of an RC must be persons who have been there for a year and speak Arabic to be a leader. The Omani government says that the law is not enforced. It is difficult to tell what this means since people do not apply for membership in an RC or pay dues and since there have not been full responses to our questions. But in any event, if foreign workers are active participants in RCs, the vast majority comes

from nations where the laws and cultural conditions have given workers rights to form labor unions for decades.

Since Oman's practices are not in conformity with the basic ILO standards—most noticeably that workers lack the basic right to join worker organizations that are free from employer and government interference—it is vital that the changes in law be in place before we vote on the FTA. The Government of Oman has stated that it could not make these changes before October 31, 2006. If the Government acts before then—and the changes conform to basic ILO standards—we would be faced with circumstances similar to those that existed where we have supported free trade agreements.

The Ambassador says in his letter that Oman is "already complying with ILO core labor standards in practice, if not yet in law," and it is a matter of bringing technical limitations "of the law" into conformity with practice. This is simply not true. Neither practices nor the laws come close to meeting basic international standards. To say otherwise twists both standards and reality. Doing so does not serve the purpose of carrying out cordial relationships between our nations. It does not represent an effective path for globalization.

MAY 24, 2006.

To: Andy Olson, Cynthia Plath.

From: Ways and Means Trade Subcommittee Minority Staff.

Re Follow-Up Questions Concerning Current Practices With Respect to Labor Rights in Oman.

Thank you for providing information relating to our questions of May 12, 2006, in the cable from the U.S. Embassy in Muscat dated May 17, 2006. The information was responsive to some, but not other, questions. Thus, we have a number of follow-up questions. The following is a list questions that were not answered in the cable, either in whole or in part, as well as questions seeking further clarification of information provided in the cable.

I. WORKER REPRESENTATION

1. What kinds of organizations are there representing workers?

c. In what industries or occupations in the public sector?

The cable provides the following information that is relevant to this question: "There are no committees in the public sector, which is covered by Civil Service Law." Unclassified Cable dated May 17, 2006 from U.S. Embassy, Muscat (UC) at ¶4.

Follow-up Question: Does the Civil Service Law provide for the formation of representative committees? If so, what is the extent of any exception (e.g. "essential services" such as firefighters or police)?

d. How many workers do they cover in each sector? What is the percentage of represented workers compared with the overall workforce? As a percentage by sector? Please verify how this information is collected.

The cable provides the following information that is relevant to this question: "Since committees do not yet require applications for membership, and do not have established procedures to collect dues, RCs currently represent de facto the entire workforce of a company, including those who have been employed less than a year. A February statistical bulletin confirmed the current private workforce of Oman to be 102,455 Omanis and 438,531 expatriates, meaning that approximately nine percent of the workforce is now represented by a union." UC at ¶5.

Follow-up Questions: Since there are no applications for membership and no dues, how do workers, comprising the entire workforce of a company where a representative committee is established, know that they are members of such an organization or represented by it? By what methods does the RC notify the workforce? Why does the Ministerial Decree set forth criteria for membership if every worker is a member? Do any of these committees have by-laws, if so how are they written and who votes for them?

e. Are there categories of workers that are not allowed to have organizations representing them? If so, what are they?

The cable provides the following information that is relevant to this question: " * * * the labor law does not prohibit any category of worker from establishing worker committees." UC at ¶4.

Follow-up Question: This statement appears to conflict with another statement in ¶4 which states that "there are no committees in the public sector." Please explain whether public sector workers are able to form representative committees.

12. How do workers form such organizations, what procedures must they follow?

The cable provides the following information that is relevant to this question: "As there are no official MOM application forms for establishing committees, employees wishing to establish a committee simply notify the MOM with a letter of intent and a list of elected officials comprising their leadership board." UC at ¶3.

Follow-up Question: Based on the above response, what would happen if two different groups wished to form a committee? Are there any minimum threshold requirements?

3. Are employers/managers members in these organizations?

a. If so, in how many of the organizations are they? Which ones? Are they allowed to be officers? What offices do they hold?

The cable provides the following information that is relevant to this question: "Of the committees established, company management holds officer positions of Saud Bahwan Group, Omantel, Port Services, and Suhail Sahwan Group committees." UC at ¶4.

Follow-up Questions: Are these the only representative committees where employers/managers are members? Do employers/managers hold offices in the RCs established at Petroleum Development Oman, Intercontinental Hotel, and El Hassan Co. Group? If so, what positions do they hold? Of the representative committees listed in the cable, what offices do the company management officers hold?

4. Is membership in these organizations limited to those workers who have been employed for more than a year? Are there any members of such organizations who have been employed less than a year? If so, which ones and how many?

Not Answered: Please provide a response.

6. Are leadership positions in these committees limited to those who:

a. Have "good spoken and written Arabic language"?

b. Are permanent workers?

c. Have not been suspended from work for committing grave misconduct in the government or private sector?

d. Are there any leaders who do not meet the criteria listed above? If so, which criteria do these leaders fail to fulfill? How many such leaders are there? If there are non-Arabic speakers, where are they from?

The cable provides the following information that is relevant to the above questions: "While Ministerial Decree 135/2004 delineates qualifications for leadership, such as the ability to speak and write Arabic . . . and not have been convicted of a felony, the MOM has not denied candidacy to anyone failing to meet these regulations, and, in fact, has encouraged people to participate regardless of proscriptions." UC at ¶5.

Partially Answered: Please indicate whether there are any current leaders who do not meet the criteria listed above. How many such leaders are there? If there are non-Arabic speakers, who are they and where are they from? Can you provide evidence that the MOM has "encouraged people to participate regardless of proscriptions"? Are the workers informed that they should disregard the Ministerial Decree? If so, how has this been done in specific instances?

9. Has the government issued specific rules for the formation and functioning of these organizations, or otherwise participated in their activities? If so, what are these rules and in what way does the government participate?

The cable provides the following information that is relevant to the above questions: "Labor committee members and government officials assert that, in practice, the government neither interferes with nor unduly involves itself in committee activities, but continues actively to support establishment of labor committees through private sector outreach and educational awareness." UC at ¶1.

"The Ministry of Manpower (MOM) asserts that it is not intrusively overseeing labor union representative committee (RC) activities as permitted in Ministerial Decisions 125/2004, and claims that the actual application of the labor law is already ILO-consistent." UC at ¶2.

Follow-up Question: Please provide examples of how the MOM "actively supports the establishment of" representative committees. How involved has the MOM's activity been with respect to outreach and public awareness? Is the term "labor committee" anywhere found in communications from the MOM?

c. Does the MOM restrict the right of these organizations to belong to any organization or authority with headquarters outside the Sultanate or receive delegations?

Not Answered: Please provide a response.

d. Does the MOM ban these organizations from holding public festivities or presenting public lectures without prior approval?

Not Answered: Please provide a response.

10. Is there an umbrella organization or larger federation for these organizations? If so, how many are there?

a. Are all workers' organizations required to be members of an umbrella organization or federation? If so, can they select among several or must they join one mandatory organization?

The cable provides the following information that is relevant to this question: "All established committees may participate in the national federation of unions, referred to as the Main Representative Committee (MRC). The MRC is currently the only umbrella organization to represent Omani unions internally and abroad, and members are chosen through secret ballot elections." UC at ¶6.

Follow-up Questions: You indicate that established representative committees "may participate in the national federation of unions," but it is our understanding that participation is mandatory. Please clarify what is provided for in law and current practice, for example, how many representative committees currently are members of the Main Representative Committee? Also, have secret ballot elections been held? If not, have elections been scheduled?

b. Are employers/managers allowed to be members of such umbrella organizations? If not, are employers/managers in fact members?

Not Answered: Please provide a response.

c. Does the government participate in the selection of members of this umbrella organization including establishing the eligibility criteria? Has the government established the grounds for termination of these

members? Has the government terminated any members?

Not Answered: Please provide a response.

d. Is this umbrella organization required to seek approval from the government (i.e. MOM) for administrative decisions, such as the approval of a logo? Does this organization provide notice to or send agendas (including other documents and papers) to the MOM in advance of meetings?

The cable provides the following information that is relevant to the above questions: ''Similar to the situation of the representative committees, members of the MRC do not give notice to MOM prior to general meetings; nor do they provide the MOM with a copy of their agendas or meeting minutes.'' UC at ¶6.

Follow-Up Question: Has the MOM ever requested that the MRC give advance notice of its meetings or provide related documents? Has the MOM asked to review a logo being prepared by the MRC?

e. Does the MOM send a delegate to the meetings of this umbrella organization? If so, how frequently?

The cable provides the following information that is relevant to the above questions: ''Moreover, no MOM official has ever attended any committee meetings or banned the MRC from meeting without prior approval. Members of the MRC maintain open relations with the MOM to discuss ongoing changes in the labor law and possible means to strengthen the labor unions.'' UC at ¶6.

Follow-up Question: Please explain the nature of the ''open relations with MOM'' to discuss the labor law and means to strengthen unions.

f. Does the MOM restrict the right of this umbrella organization to belong to any organization or authority with headquarters outside the Sultanate?

Not Answered: Please provide a response.

g. Does the MOM ban this umbrella organization from holding public festivals or presenting public lecturers without prior approval?

Not Answered: Please provide a response.

h. Where are the meetings of the umbrella organization held?

Not Answered: Please provide a response.

i. Who are the current members of this umbrella organization? Please provide names and positions they hold within the umbrella organization, as well as the positions that they hold at the enterprise level(s).

The cable provides the following information that is relevant to this question: ''. . . recent personnel changes at establishments have meant the addition of Issam al-Sheibany of Oman Oil Refinery and Aida al-Hashmy of the Al-Bustan Palace Hotel to the MRC, bringing the total number of MRC representatives to 13.'' UC at ¶7.

''As part of its outreach and organization, the MRC recently established four sub-committees to focus on specific areas of concern:

—External Relations—This committee manages conferences and is headed by mid-level officer Saud al-Jabri of Petroleum Development Oman;

—Rights and Duties—This committee is headed by Oman's busiest labor advocate, Nahhan al-Battashi, of the Grand Hyatt Hotel Muscat;

—Articles of Association and Membership—Abdullah al-Araimi heads this committee, which serves as a resource for newly established committees; and

—Women's Issues—New MRC member Aida al-Hashmy of the Al-Bustan Palace Hotel heads up this important committee promoting women in the workforce.'' UC at ¶8.

Partially Answered: Please provide a complete and current list of all MRC members. Please include their names and the positions they hold within the MRC (including positions in any executive committee), as well as the positions that they hold at the enterprise or company level(s).

II. Collective Bargaining Agreements

1. Are there any?

a. If so, in what sectors?

b. Covering how many workers?

c. Covering what areas (i.e. wages, hours, working conditions, terms of employment, etc.)?

d. Are there areas that are outside the scope of bargaining? If so, what are they?

2. Have employers refused a workers' organization's request to negotiate collectively? If so, when and with what recourse?

3. Are there individual contracts between employers and non-managerial employees? If so, of what nature and to what extent?

Not Answered: The cable did not contain any information relevant to this section. Please provide a response.

III. Anti-Union Discrimination

1. What protections are provided to workers for exercising their rights to participate in organizing activities?

Not Answered: Please provide a response.

2. What penalties are available to be assessed against employers who violate these rights?

The cable provides the following information that is relevant to this question: ''Although there are no penalties yet for anti-union discrimination (still under discussion), as evident by the Salalah example, the MOM and Oman's labor courts do not tolerate wrongful termination.'' UC at ¶12.

Follow-up Question: Are there any examples of cases where court action was taken against employers who have engaged in wrongful termination? If so, please provide details of the action taken.

3. How are workers informed of their rights?

Not Answered: Please provide a response.

a. Have there been any reports that workers are reluctant to assert their rights because they fear being dismissed or otherwise retaliated against because they are unsure of their rights?

The cable provides the following information that is relevant to this question: ''While the MOM does keep a variety of labor statistics, there have been no reported cases of workers suffering retaliation for participating in worker committee activities.'' UC at ¶13.

Follow-up Question: What type of labor statistics does the MOM keep? Does it specifically track instances or cases of retaliation taken against workers for forming or engaging in representative committee activities? If so, please provide these data and/or examples. Is it possible that there are cases involving worker retaliation of which the MOM is unaware?

b. Are there any activities related to organizing workers or forming a worker organization that are grounds for dismissal or arrest? If so, what are they?

Not Answered: Please provide a response.

c. Do employers or managers challenge the right of workers to have or form workers' organizations? If so, on what grounds do they challenge this right? What is the process for doing so and what methods of challenging the right to form a worker organization are permissible?

The cable provides the following information that is relevant to the above questions: ''Neither employers nor managers have challenged the right of workers to form a representative committee, moreover, labor organizing is not grounds for dismissal or arrest.'' UC at ¶13.

Follow-up Question: Does the MOM keep specific records to verify the statement that ''neither employers nor managers have challenged the right of workers to form a representative committee''? How can the MOM be certain that it is aware of all pertinent instances involving an effort to form a representative committee or to engage in specific activities?

4. Does the MOM keep records of how many workers have been dismissed or otherwise retaliated against for participating in worker organization activities and what sanctions have been imposed against the employer and what remedies have been awarded the affected workers? If so, please provide these data.

The cable provides the following information that is relevant to this question: ''To date, there has been only one case of an individual terminated who was also a member of a representative committee (reftel).'' UC at ¶13.

Partially Answered: Please provide additional details regarding this individual's termination. For example, did the worker challenge his or her termination? If so, what remedies were provided to the worker? What penalties imposed against the employer? Was this case documented through any records?

5. What are the processes available to workers who believe they have been dismissed or otherwise retaliated against for engaging in organizing activities?

The cable provides the following information that is relevant to this question: ''As with any labor dispute, workers are encouraged to submit complaints to the MOM and may sue employers for wrongful dismissal. Labor courts favor the worker in the majority of cases, regardless of the reason for termination.'' UC at ¶13.

Follow-up Questions: Can you provide examples of labor courts rendering favorable determinations to workers who have been wrongfully dismissed? How many cases have there been? Can you provide evidence to support the assertion that ''labor courts favor the worker in the majority of cases . . .''?

IV. Right To Strike

1. Does the law explicitly permit workers to strike?

a. If so, is the right available to all workers or only to specific categories of workers?

Not Answered: Please provide a response.

b. Have workers exercised this right? If so, on what specific occasions?

The cable provides the following information that is relevant to this question: ''While the law does not explicitly permit workers the right to strike (to be amended by October 31), there were 33 strikes involving 6,000 workers in 2004 and 4 strikes involving 1,083 workers in 2005.'' UC at ¶12.

Follow-up Questions: What were the outcomes of these strikes? Per the question below, were they considered legal?

2. Are there specific procedures that workers must follow to declare a legal strike? Have any strikes been declared illegal? If so, on what grounds?

Not Answered: Please provide a response.

4. Is there a practice or a requirement for arbitration to settle disputes? If so, under what circumstances and under what procedures?

Not Answered: Please provide a response.

5. Did a strike occur at the Port of Salalah? If so, was any participant disciplined? If so, was there subsequent reinstatement and when?

The cable provides the following information that is relevant to this question: ''In 2005, there was one reported collective complaint that occurred during one of Oman's most widely publicized strikes. As reported in reftel, workers at Salalah Port closed Oman's largest seaport for two days while the MRC and the MOM negotiated the reinstatement of a committee representative

who had been fired. In addition to the strike, workers took the opportunity to successfully renegotiate working hours and split-shift schedules.'' UC at ¶12.

Follow-up Question: When was the worker reinstated? Was this worker also a representative committee leader? Please provide corroborating evidence. Also, what is ''reftel''?

V. FOREIGN WORKERS

1. What approximate percentage of Oman's labor force is comprised of foreign workers in key sectors? Please identify the key sectors.

The cable provides the following information that is relevant to this question: ''Foreign workers in Oman make up roughly 50 percent of the labor force and are concentrated in the following sectors:

Construction—28.2 percent; wholesale/retail—20.1 percent; domestic servants—13.4 percent; manufacturing—11.8 percent; agriculture—10.7 percent; hotels/restaurants—5.9 percent; and health/education/community/real estate, misc.—10 percent'' UC at ¶14.

Follow-up Question: Does the 50 percent figure representing the number of foreign worker in Oman pertain to both public and private sectors? Based on information provided in ¶5 of the cable, it appears that approximately 80 percent of the private sector is comprised of foreign workers. Please confirm that these figures are consistent.

2. Are foreign workers participating in workers' organizations?

a. If so, what percentage of workers' organization members are foreign? What countries are they from (if possible, please provide an approximate break down of percentages)? With what companies are these foreign workers affiliated?

Not Answered: Please provide a response. Please also indicate whether the information provided as an attachment to e-mail correspondence of May 9, 2006 (specifically, the Table with Members of the General Assemblies of Representative Committees and the Number of Workers (Omanis and Expatriates) in Establishments Which Have Representative Committees) is accurate. Please also explain how the information in this chart compares or relates to information provided in the cable at ¶5, which states that ''approximately nine percent of the workforce is not represented by a union.''

b. How many foreigners or non-Arabic speaking workers hold leadership positions? Who are they? What countries are they from? What companies do they represent?

Not Answered: Please provide a response.

3. Do employers withhold foreign workers' legal documents, including employment contracts, employment letters, passports or visas?

The cable provides the following information that is relevant to this question: ''While some employers have reportedly held passports of foreign workers, the MOM asserts that this practice is illegal and that legislation formalizing that will be forthcoming.'' UC at ¶15.

Follow-up Question: Through what accounts or by what means is it known that employers ''reportedly'' are holding passports? Does the MOM keep statistics? Have any instances been reported through the 24-hour hotline? Can you provide reports/accounts of any action taken against an employer for illegally holding a passport or other foreign workers legal documents?

VI. FORCED LABOR

2. Have there been any circumstances where forced labor has been exacted for public purposes in circumstances other than those enumerated in ILO Convention 29?

Not Answered: Please provide a response.

VII. WORST FORMS OF CHILD LABOR

3. Does Oman's labor law specifically prohibit harmful child labor? If so, what provision?

The cable provides the following information that is relevant to this question: ''Forced or compulsory labor by children is specifically prohibited by law.'' UC at ¶17.

Follow-up Question: Please provide the citation to the specific relevant law, either in the Basic Statue or the 2003 Labor Law, or elsewhere. In addition, please also note where Oman's labor law specifically prohibits the following forms of harmful (or worst forms of) child labor: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

VIII. INSPECTIONS AND REPORTING OF WORKING CONDITIONS

1. Is there a government-level organization charged with inspecting conditions of labor? If so, what is the number of personnel charged with this task? What enterprises do they cover? In what sectors? In what regions? What is the size of their budget?

The cable provides the following information that is relevant to this question: ''The Labor Care Directorate of the MOM is responsible for enforcement of, and compliance with, workplace laws and regulations. Its responsibilities include: occupational safety and health, labor inspections, dispute settlement, female employment, liaising with the Main Representative Committee, issues related to child labor and forced labor, and resolution of individual and collective labor disputes.'' UC at ¶19.

Partially Answered: What is the size of the Labor Care Directorate's budget?

2. Please provide additional information about the extent and nature of inspections into conditions of labor, such as number of total inspections, number of random inspections, in what areas, in what regions, number of enterprises and workers involved. Please also provide a relevant universe to serve as a point of comparison.

The cable provides the following information that is relevant to this question: ''{t}he MOM employed approximately 82 labor inspectors who conducted 4,541 workplace inspections, including an unknown number of random inspections, in 2005 that represented 19 percent of the workforce. Labor inspectors are spread throughout the Sultantate.'' UC at ¶19.

Follow-up Question: Can you provide an estimate or percentage of the number of random inspections? If not, are there any criteria by which the Labor Care Directorate considers when conducting random inspections? Are they more prevalent in any particular sector or area? How many workers were involved in the 4,541 workplace inspections?

3. Is there communication channel or other type of means for workers to contact the government to report labor-related complaints or grievances?

a. If so, by what means?

The cable provides the following information that is relevant to this question: ''The MOM operates a 24-hour hotline (English and Arabic) for workers throughout Oman to report complaints, offer suggestions or seek responses to questions about the labor law.'' UC at ¶19.

Follow-up Question: Are the majority of foreign workers in Oman English-speaking or from English-speaking or Arabic-speaking countries? Has the MOM given any thought to including other languages?

b. Do workers utilize this means? If so, what statistics are available with respect to use, types of complaints and number of resolutions?

The cable provides the following information that is relevant to this question: ''The MOM estimates that while it takes thousands of general inquiries a year on the hotline, it only receives about 150 complaints that require formal processing and action.'' UC at ¶19.

Follow-up Question: Does the MOM keep official statistics of complaints? Please provide examples of the types of complaints that have been made that require formal processing and action.

CONGRESSIONAL CONSTITUTION CAUCUS

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

Mr. GARRETT of New Jersey. Mr. Speaker, I would like to begin this evening with a quote that I think pretty well sums up very neatly the theme for this week's Congressional Constitution Caucus time here on the floor as we are here each week at this time. That quote is: ''For most Americans, the Constitution has become a hazy document cited on ceremonial occasions, but forgotten on the daily transactions of life.'' Arthur Schlesinger.

As we have come to this floor in the past and pointed out, we will continue into the future, until this Congress and future Congresses reverse the course of straying from the Constitution, straying and drifting away from the original intent of this constitution, that very finally crafted document with its sections and verses, its guidelines, its limitations on powers of the government that it is written to impose. We do this because we realize that this Congress has turned from what the Founding Fathers had originally intended from the times of the original debates with the anti-Federalists of the day.

We may wonder why we have turned from this original course of this Nation. We wonder is it because of times and age, is it different today than in the past? Is it because we have lost the fact that at one time we were under tyrannical rule and we no longer are? Maybe.

But perhaps, Mr. Speaker, it is because we simply don't cherish this document, the U.S. Constitution, like the Founders once did.

So through these weekly constitutional hours, we are here to help educate, help illuminate, help to inform this body and the American public on the intricacies, the nuances, the rule of law, the circumstances and the times that inspired the Founding Fathers, all those things that make up the United States Constitution. It is the single most ingenious political document ever devised. And while we will continue to come to the floor to give these orations on the deeper meanings of this document and what this body can do to better live by them, tonight let me come

here to stress a far simpler way to understand the Constitution.

Let me simply say that we should each take the time to simply sit down and read it. Those who are in a position to make our Nation's laws should do so being fully versed in the laws that guide us here as well, and those are written right here in the Constitution. And that is why I am so proud to come and support my good friend from Texas, Mr. CONAWAY, who just spoke a little bit ago, on his bill, H.R. 883. It is a piece of legislation that every Member of this House should sign up in support of and support hopefully in September. It is the AMERICA Act of 2006, A Modest Effort to Read and Instill the Constitution Again and take the commonsense approach by stating that Members of Congress take the oath of office to uphold the Constitution and using the powers delegated to them under the Constitution, so Members and staff should take the time periodically to sit down with that Constitution.

And I might just say on an aside when I mention staff, there is member of staff of the U.S. House of Representatives who has not only taken time to read the Constitution, but this woman has also taken the time to put together a book on the Constitution. It is called ''The Constitution Translated For Kids.'' So if a Member of the staff can take the time to write a book on it and can write a book for kids to be able to read the Constitution, then I think it becomes the obligation of each Member of Congress to sit down with this Constitution as well.

Mr. Speaker, as the Constitution is very clear on the rights that it protects and the protections of the guidelines for this Nation provided for a limited in scope and nature of Federal Government, it is vitally important that we write our laws and perform all of our other official duties with this in mind. We owe it all to our constituents as well as in the past and into the future. For how can we uphold the Constitution if we are simply unclear as to what it says?

Our collective efforts in this Constitutional Caucus is in large part because we feel that the Congress has drifted beyond its constitutional limits. Enacting and living by recommendations of the AMERICA Act of 2006 will be helpful to set that ship aright again.

□ 2315

It will be helpful to make sure that we abide by the Constitution.

So I simply suggest that Members need not wait also until this legislation is passed by this House. They actually can do it right today. They can sit down and read the Constitution.

And I make this final suggestion that if anyone is in need of a Constitution, feel free to contact my office and we will humbly provide them with one.

THE IMPORTANCE FOR MEMBERS OF CONGRESS AND STAFF TO READ THE CONSTITUTION

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

Mr. BISHOP of Utah. Mr. Speaker, I also appreciate the opportunity of being here to talk about Mr. CONAWAY's piece of legislation dealing with the Constitution.

In Mack v. The United States, Justice Scalia said, ''The Constitution protects us from our own best intentions. It divides power among sovereigns,'' that is the national and State government, ''and among the branches of government,'' the executive, legislative, and judicial, ''precisely so that we may resist the temptation to concentrate power in one location as an expedient solution to the crises of the day.''

The Founding Fathers also understood this when they were trying to sell the Constitution originally. Madison wrote in Federalist 45 that ''The powers delegated by the proposed Constitution to the Federal Government are few and defined'' and those to the States are ''numerous and indefinite. Those we were supposed to deal with were the external objects like war, peace, negotiations, foreign commerce. The States were supposed to deal with everything which affected the ordinary course of affairs, concerns the lives and liberties and properties of the people, internal order, improvement of prosperity of the States.

So why don't we really do that today? It is not because we are deliberately trying to trample upon the concepts of the Constitution. It is not something that is vicious. It is something that we simply do not do because we tend to base our actions on the traditions of what we have always done, rather than the principles of what we ought to do.

So enter Mr. CONAWAY and his resolution. Why should we do it? Well, maybe if we did read that document more often we would not follow the traditions we have always done instead of the principles we ought to do. It does not happen by itself.

I was a poly sci major. Three of my children are. None of us were ever required to actually look at the document itself. When I taught AP government classes, I required our classes to read the document every year. It took a week to just go through it going at a fast clip.

But none of my kids were ever required to replicate that experience when they were in college, even if they were poly sci majors. My kids did know at that time what the Gitlow decision in the 1920s did to impact the 14th amendment in the 1950s. They did know the answers that I am repeatedly asked, like how often are congressman up for reelection or which Senator is supposed to represent our part of the State of Utah or when you go down to the Senate Chamber that was restored, why are there 11 chairs instead of nine?

They understand the concept of the Supreme Court's declaring things unconstitutional. It is not written in the document itself. It is a precedent that was established 15 years after the document was written. Jefferson always thought the legislative branch should be the one doing that job. Washington, and he was there when this thing was written, always thought the executive should declare things unconstitutional, and that was the purpose of the veto. In fact, the first six Presidents of the United States only vetoed items for constitutional issues.

I always ask my students if the Constitution allows you a guaranteed right of a secret ballot. And when they say, yes, I say that is a unique concept, especially since it was not popular only until 100 years after the Constitution was actually written. Why else would George Washington be able to buy a round of drinks for all the people that voted for him for the House of Burgess? Or when Thomas Nast draws his cartoons and there is this round globe there, what is that? In fact, it took a while to realize that was the ballot box of the 1800s. It was clear you got your ballots from the political parties. They were color coded; so everyone knew how you voted publicly. And, in fact, in New York one year, they even perfumed the ballots in case you were color blind so you could at least smell the proper ballot to cast.

It is fitting and proper that we and staff read the Constitution. Why? Well, maybe we will start asking the right questions or maybe it is just the right thing to do. If the Boy Scouts of America can insist that every kid wanting to get an Eagle has to read the Constitution first, if it is good enough for a 13-year-old kid, it ought to be good enough for us and for our staffs.

In fact, we should thank Mr. CONAWAY for making it an easy resolution. He is simply asking us to read the document. He could have made it tougher by asking us to understand it at the same time.

Maybe it would even allow us to rein in the size and growth of the Federal Government because, as PJ O'Rourke very clearly said, ''The mystery of government is not how Washington works but how to make it stop.''

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

(Mr. JONES of North Carolina 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 Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE 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 New Jersey (Mr. PALLONE) is recognized for 5 minutes.

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

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

(Mr. EMANUEL 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 Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

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

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

Ms. WOOLSEY addressed the House. (Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the 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.)

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

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

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

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

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

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

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

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

RESTORING ACCOUNTABILITY TO OUR GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for half the time until midnight as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, this evening on behalf of the 37-member-strong, fiscally conservative Democratic Blue Dog Coalition, I rise to talk about restoring accountability to our Nation's government.

As you can see here, today, the United States national debt is $8,347,371,018,253 and some change. If you divide that number by every living man, woman, and child, including the children, the babies being born today, every citizen of the United States' share of the national debt is $27,910.

For those of you that have walked the halls of Congress, you have seen this poster outside each of the 37 members of the fiscally conservative Democratic Blue Dog Coalition. The number changes daily. It is staggering. It is our way to try to hold our government accountable for this reckless spending and the largest debt ever in our Nation's history as well as the largest deficits ever in our Nation's history.

Tonight, I would like to talk about accountability. Mr. Speaker, let me just say that under the United States Constitution, which I carry one with me, Congress has an obligation to provide congressional oversight of the executive branch. Congressional oversight prevents waste and fraud, ensures executive compliance with the law, and evaluates executive performance.

However, under the current leadership, Congress has abandoned this responsibility by failing to conduct meaningful investigations of allegations of serious waste, fraud, abuse, and mismanagement of taxpayer dollars. And tonight, on behalf of the 37-member fiscally conservative Democratic Blue Dog Coalition, I rise to hold this Republican majority, this Republican Congress, responsible for failing to conduct meaningful investigations of allegations of serious waste, fraud, abuse and mismanagement of taxpayer dollars.

Mr. Speaker, by failing to serve as a check and balance for overspending, waste, fraud and financial abuse within the executive branch, this Republican-led Congress has failed the American taxpayer. Every 24 hours, $279 million of your tax money is being spent in Iraq; and the current Federal debt is $8,347,371,018,253, much of which is borrowed from foreign countries. Our Nation is spending about a half billion dollars a day simply paying interest on the debt we have already got. A half billion a day.

Many of America's priorities are going unmet because of this reckless spending. Just in my congressional district in Arkansas, I need $1.5 billion to finish I–69. We could do it with 3 days' interest on the national debt. I need another $1.5 billion to finish Interstate 49. Again, we could do that with 3 days' interest on the national debt. I need about $100 million to complete the Hot Springs Expressway. We could do that with just a few hours' interest on the national debt. I need $200 million to finish Interstate 530. We could do that with just a few hours' interest on the national debt. I need about $300 million to four-lane U.S. Highway 167 from Little Rock to El Dorado and on past there connecting I–39, 40 with I–20 in Louisiana. I could do that with less than a day's interest on the national debt. We need to four-lane U.S. Highway 82. We could do that with just a few hours' interest on the national debt. These are just some of America's priorities that will continue to go unmet.

Others are making college affordable for young people, ensuring that our young people get the best education possible K–12. Medicaid, Medicare, Social Security, so many of America's priorities are going unmet, are going not fully funded because of the reckless spending going on by this Republican Congress. These massive deficits, this large debt, is forcing much of your tax money to be spent, not meeting America's priorities and improving the quality of life for our children and grandchildren, but rather it is going to simply pay interest, not principal, just interest on the national debt.

Now on top of that, what is happening? On top of that, our Nation is borrowing $1 billion a day. As I said earlier, we are sending about $279 million every day to Iraq. But do not ask the President to be accountable for it. Do not ask him for a plan on how he is spending that money, because he will tell you that you are unpatriotic. I disagree with that. I believe that this President, this Republican Congress must be held accountable when they spend your tax money.

About 45 percent of the billion dollars we are borrowing every day is

coming from foreign central banks and foreign investors, money that our children and grandchildren some day will be forced to pay back.

American taxpayers simply deserve to know how their money is spent. They deserve answers as to why their children and grandchildren will have to foot the bill for this administration's fiscal mismanagement of the Federal budget. This includes answers as to why the Federal Emergency Management Agency, commonly referred to as FEMA, continues to pay a quarter of a million dollars a month to store almost 10,000 mobile homes. That is right, 10,000 mobile homes at the Hope Airport in my congressional district, while many victims of Hurricane Katrina remain homeless.

There was a photo of it today in the New York Times. Literally 9,959 was the count earlier this week of brand new, fully furnished, 16-foot-wide, 60-foot-long mobile homes that are sitting there at the Hope Airport literally in a hay meadow. You can see the barbed wire fence. You can see the grass where they are just sitting. FEMA's only response has been to spend as much as $4 to $6 million laying gravel on this hay meadow to prevent these brand new, fully furnished mobile homes from sinking.

FEMA's response should have been to get these mobile homes to the people who lost their homes and everything they own as a result of the devastating storms Hurricane Katrina and Hurricane Rita. It is past time for FEMA to be held accountable and provide these new, fully furnished mobile homes to the victims of Hurricane Katrina.

This is an aerial view, an aerial view of some of the 9,959 mobile homes that are sitting parked, never been used by the storm victims, sitting parked, purchased by our government through FEMA. These were decisions made at the highest levels of FEMA, and here they are sitting, sitting at the airport in Hope, Arkansas.

Now FEMA is beginning to bring back travel trailers that have already been used by storm victims where they will either be refurbished for future storms or auctioned off to the highest bidder.

□ 2330

This is not to be confused with these brand new, fully-furnished mobile homes that were never used by storm victims, purchased with your tax money by FEMA. Again, it is past time for FEMA to be held accountable and provide these new, fully-furnished mobile homes to the victims of Hurricane Katrina.

No business in our country could succeed financially if it failed to fully report back to its shareholders on how it is spending its money. However, that is exactly how our Federal Government is operating.

The administration is not telling its shareholders, the American taxpayers, how it spends the money coming into Washington. But we can see how it is being spent: 9,959 brand new, fully-furnished 16-foot wide, 60-foot long mobile homes intended for storm victims from Hurricane Katrina and Hurricane Rita sitting, unused, never used, at the airport in Hope, Arkansas, and FEMA's only response is, oh, goodness, we don't want them to sink in that hay meadow, so we will spend $4 million to $6 million dollars putting gravel on the hay meadow.

In 2004, $25 billion of Federal Government spending went absolutely unaccounted for, according to the Treasury Department. The Bush administration was unable to determine where the money had gone, how it was spent or what the American people got for their tax money. Even worse, the Republican-controlled Congress failed to hold the Executive Branch accountable for this admission.

The next year, the Government Accounting Office reported that 19 of 24 Federal agencies were not in compliance with all Federal accounting audit standards and could not fully explain how they had spent taxpayer money appropriated by Congress.

That is worth repeating. The Government Accounting Office in 2005 reported that 19, 19 of 24 Federal agencies, were not in compliance with all Federal accounting audit standards and could not fully explain how they had spent taxpayer money appropriated by Congress. Yet Republican leaders in this Congress did not force these agencies to fully account for how the money was being spent before doling out billions more of your tax money for the same programs.

Clearly Congress has failed to ask serious questions about the Bush administration's fiscal irresponsibility and record high deficits four years in a row, which have now pushed the Federal debt to a staggering $8,347,371,018,253.

The time has come to hold this administration accountable for its reckless behavior. I believe Congress must act now to renew its Constitutional responsibility. It is right here in the Constitution of the United States of America, to serve as a check and balance for overspending, waste, fraud and financial abuse within the Executive Branch.

That is why Members of the 37 member strong, fiscally conservative Democratic Blue Dog Coalition and I are cosponsoring legislation that would require Congress to renew its duty to conduct hearings on spending and hold administration officials accountable for waste, fraud and abuse within their agencies.

Mr. Speaker, if you have questions or comments or concerns about the program that I am outlining tonight, I would encourage you to e-mail us, Mr. Speaker, at Bluedog@mail.house.gov. That is Bluedog@mail.house.gov.

The legislation I am referring to is House Resolution 841, introduced by one of the founding members of the fiscally conservative, Democratic Blue Dog Coalition, Mr. JOHN TANNER of Tennessee.

Our legislation does this: Number one, Congressional hearings. It would require Congressional hearings within 60 days of a Federal Office of Inspector General report documenting fraud, waste, abuse or mismanagement in the government that results in a cost to the government of at least $1 million. Increased Congressional involvement in Inspector General reports would improve agency performance and save taxpayer funds.

This legislation, House Resolution 841, requires Congressional hearings when a Government Accounting Office report names an agency high risk for mismanagement. GAO's ''high risk'' series is an effort to assist Congress in dealing with one of its important obligations, to exercise accountability for taxpayer funds.

In 2003, the GAO identified 26 high risk areas for the Federal Government. Since then, only three programs have been removed from the list and four more have been added. Clearly it is necessary that Congress become involved to curb mismanagement in Federal agencies.

It also requires the House Committee on Government Reform to hold hearings to question heads of departments or agencies whenever their auditors issue disclaimers or restatements of financial statements indicating accounting information is inaccurate or incomplete.

It requires Congress to hold hearings at least twice a year to review the Office of Management and Budget's performance-based review program called Program Assessment Rating Tool, or PART. The PART was developed by the Office of Management and Budget to assist and improve program performance so that the Federal Government can achieve better results.

A PART review helps identify a program's strengths and weaknesses in order to make the program more effective. However, despite several GAO recommendations that the Office of Management and Budget share their evaluation plans with Congress to ensure that their findings will be timely, relevant and credible, coordination with Congress is still lacking.

The second bill that I would like to refer to that we have introduced as members of the Blue Dog Coalition that I am proud to cosponsor is H.R. 5315, the Accountability in Government Act of 2006. The lead sponsor on that is representative DENNIS CARDOZA of California, one of the co-chairs of the fiscally conservative, Democratic Blue Dog Coalition.

Here is what that bill would could. It would require each Federal agency produce an audit within 2 years that complies with the standards established in the Federal Financial Management Improvement Act of 1996. It would require the Senate to hold reconfirmation hearings on any cabinet level

official whose agency cannot fully account for how it is spending your tax money within 2 years.

I am also a cosponsor of H.R. 5542, which amends the Federal criminal code to impose on a public official who engages in conduct in furtherance of a Federal felony a fine and a 2-year prison term in addition to any penalties imposed for such felony. Those who write the laws, Members of this body, Members of this Congress, must be held not to a lesser standard than everybody else in America, but to a higher standard. That is what this bill would do.

It defines ''public official'' as an elected official of the United States or of a State or local government, a presidentially-appointed official or an official appointed to a State or local government office by an elected official of a State or local government. It says that if you are an elected official who has been placed in the public trust and if you break the very laws that you helped write, you should have a stiffer fine and additional 2 years of prison time tacked on to the term that any other citizen in this country would get. It is time to hold our elected officials to a higher standard. When they break the law, they should be punished to a greater degree than everyone else.

Wasteful government spending has forced the national debt to its current record level, and future generations will have to pay that bill. Future generations will have to pay back with interest the money the Federal Government is borrowing from other countries due to this administration's fiscal recklessness.

The time has come to restore common sense and fiscal discipline to our Nation's government. The legislation that I am talking about this evening will put our Nation back on the track toward balancing the budget and restoring accountability within our government.

That is what the fiscally conservative, Democratic Blue Dog Coalition, 37 members strong, is all about, trying to restore some common sense and fiscal discipline and accountability to our Nation's government and requiring that elected officials be held to an even higher standard than everyone else. If elected officials break the law, they should be punished to a greater degree than everyone else, for they have been placed in the public trust, and when they violate that trust, they should be punished and they should be punished extensively.

Mr. Speaker, if you have questions about our program, I would encourage you to e-mail us at Bluedog@mail.house.gov.

Finally, Mr. Speaker, again, as of this evening, the national debt is a staggering $8,347,371,018,253.

THE LATEST EDITION FROM THE ABSOLUTE TRUTH SQUAD

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized until midnight as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, what a pleasure it is to come back to the House floor this evening, even though it is for really just a few short minutes, and bring the latest edition of the Official Truth Squad.

The Official Truth Squad is a group of Republican Members who began with a group of freshmen Members of Congress in their first term this past year, who got together and said, why on Earth do we have all of the misinformation and disinformation and distortion that you hear oftentimes on this floor over and over and over again, and nobody, nobody, refutes it. What is going on? So what we did is we formed the Official Truth Squad.

We have heard some items just this evening that deserve some truth. So I am pleased to come this evening to the floor, Mr. Speaker, and to bring some facts, some facts, to the issues, because facts are important when we are talking about issues in Washington. If you don't deal with true facts, then it is extremely difficult to get to the right solutions.

We in the Official Truth Squad have a saying that we are fond of, a quote that we like to identify and like to call to people's attention. It is from the late Senator Daniel Patrick Moynihan. He said everyone is entitled to their own opinion. Everyone is entitled to their own opinion, but they are not entitled to their own facts. That is important, Mr. Speaker.

We have just heard from what has been described as the fiscally conservative Blue Dogs. Well, I am here to tell you, Mr. Speaker, these folks have perfected, perfected, saying one thing at home and doing something here. In fact, as I was sitting here tonight, they have perfected saying one thing here and doing something different here.

To point that out, facts, Mr. Speaker, the truth, Mr. Speaker, here they tout the importance of the line item veto. We believe in the line item veto. A number of years ago we had an opportunity to demonstrate our belief in that by a vote on the floor of the House. This vote was back in 1995. At that time, eight Democrats voted in favor of the line item veto.

This is a bill that would give the President an opportunity to control spending, to assist in making sure that we move toward a balanced budget, and in fact eight Democrats voted yes. 194 Democrats voted no. Most of those, most of those that were in the Blue Dog contingent, were in the no column.

I haven't updated this, Mr. Speaker, but as you know, last Thursday we voted on a new line item veto bill on this floor of the United States House of Representatives. I have got to update this, because the numbers are staggering. The numbers are staggering. 156 Democrats voted no. It is a fact, Mr. Speaker, they voted no on the line item veto. In fact, half, virtually half of those folks who call themselves fiscally conservative Blue Dogs, voted no.

So, as I say, Mr. Speaker, they have perfected the fine art of saying one thing here and doing something different here, not just saying one thing at home and doing something different here.

You heard about a balanced budget tonight, how strongly they support a balanced budget. Well, what about when given the opportunity to vote for a balanced budget, Mr. Speaker? What happened then? This is very recent, just this year. Roll call vote 156 this year, 2006, the balanced budget substitute was an amendment to the fiscal year 2007 budget. This is a bill that the Republican Study Committee put on the floor of the House and it would in fact balance the budget, which is what most folks say they desire and what they say they want.

□ 2345

But when given the opportunity to speak up, what they say they want with true action, what happens? You see it right there, Mr. Speaker. Not a single, not a single Member of the minority party voted in favor of that bill, including, including all of the Members of the Blue Dog Group.

So, Mr. Speaker, I know facts are difficult, because they are tough to argue with and they are tough to refute. But truth and facts are important. And there are individuals here trying to do very responsible things as it relates to the economy and as it relates to our budget, and as it relates to being responsible with spending hard-earned taxpayer money.

And the vast majority of those folks are in the majority party. And the reason that I say that with such confidence is because the actions that have been taken by the Republican majority have resulted in a remarkable economy. A remarkable economy.

Now, you will not see that on the nightly news, and you will not hear about it on the radio, likely, and you will not read about it in your local newspaper. But it is important stuff that is going on. It is important and exciting activity that is going on in our economy. And I would just like to highlight a few of them. We have got some charts that we would like to show that demonstrate that.

The economic boom that we are currently under is almost unprecedented. Today, at this point, last month America had 75,000 new jobs, 75,000 new jobs created, which is in addition to 1.9 million new jobs in the last 12 months. This is really exiting news, Mr. Speaker.

More than 5.3 million new jobs since August of 2003. Now, the unemployment rate fell to 4.6 percent. Unemployment rate at 4.6 percent. That is lower than the average of the 1960s, the 1970s, the 1980s, and the 1990s.

Mr. Speaker, this is all great news. It is remarkable that we do not hear that

kind of positive news coming from many folks on the floor of the House. We have had the fastest real gross domestic product growth in 2½ years. Productivity has increased at a strong rate, 3.7 percent in the first quarter, increase this past first quarter.

Real hourly compensation, real hourly compensation, all of the times you hear folks say that real wages are not going up. In fact real hourly compensation rose at a 3.2 percent annual rate in the first quarter of this year.

Personal income. Oftentimes you hear things that are not the truth on the floor of this House and across this Nation. They talk about people not having an increase in their income. Personal income, the facts are, Mr. Speaker, the truth is, Mr. Speaker, personal income increased at an annual rate of 6.7 percent in April.

And since January 2001, real after-tax income has risen by 12.9 percent. That is a remarkable, remarkable achievement for this economy, which continues to grow.

Real consumer spending increased at an annual rate of 5.2 percent in the first quarter. Employment increased in 47 States over the last 12 months ending in April. Industrial production. We often times hear about lagging industrial production. Industrial production increased 4.7 percent over the past 12 months.

And manufacturing production which has been criticized as lagging behind in this recovery, in fact it is showing strong rebounding with, over the past 12 months, manufacturing production increasing by 5.5 percent.

Those are facts, Mr. Speaker. Those are facts. That is the truth about a remarkable economy that really is going along extremely well and continuing to improve. There is a reason for that. We are going to touch on that in just a minute.

But I think it is important when we talk about our economy, the American economy which is strong, and is growing stronger by the day, that we use some benchmark. And probably the best benchmarks to use are other large developed nations and developed economies. How are we doing compared to the rest of the world?

And I have here a paper from the Joint Economic Committee, which is a bipartisan group that reports on economic activity, not just in the United States but around the world. And it states here that although some people have expressed dissatisfaction about the performance of the U.S. economy, the economic data show that since 2001 the United States has outperformed every other large developed economy.

Mr. Speaker, did you hear that? The United States has outperformed every other large developed economy since 2001. Now what does that mean? Well, the United States ranks first in economic growth among the other large developed economies.

It is first in job creation. As I mentioned 5.3 million new jobs since August of 2003. In terms of industrial production, the largest cumulative increase in industrial production, 4.6 percent. That is compared to nations, other large developed nations that have not seen that kind of growth.

First in labor productivity growth. Remarkable productivity growth that we have seen in our Nation. And when we compare it to our nations, that have large developed economies, remarkable, remarkable progress and remarkable improvement. And we ought to be celebrating that, Mr. Speaker, we ought not be casting aspersions on the kind of policies that have had a direct affect and a district positive, positive result on the United States economy.

And so folks say, well, why is the economy booming? What is happening out there? In addition to the hard work of Americans all across this land, I think it is important to appreciate that one of the reasons that the economy is doing so well and that we continue to improve is because of the tax policy that was put in place by this Republican Congress and this Republican administration in 2001 and 2003.

And the reason that that is important to look at is because you often times hear the other side say, well, we in fact they say, well, you need to be more responsible with spending. You need to decrease spending. You need to have greater accountability. But then immediately out of their mouth is the programs that they would spend more money on, in fact billions, billions more money on.

And their solution to how to get more money into the system is the tried and true system that they use all of the time, and that is to raise your taxes, Mr. Speaker. That is the tried and true method that they have.

But we believe and can demonstrate clearly that by decreasing taxes, by decreasing taxes, you increase revenue to the Federal Government. And this demonstrates it so very, very clearly. This is a graph that shows the increase in tax receipts over each year from 1982 on through 2005 and 2006.

In the last 3 years you see a significant increase. In fact, in 2005–2006, a $432 billion, 2-year increase. That is a significant increase. And the reason for that is because people had more money in their pockets, they spend, they save, they invest as they choose. And in fact that drives the economy in a much greater way.

And it sometimes seems counterintuitive, but if you look at this graph, this is the growth, projected growth of revenues. And the 2001 and the 2003 tax relief being made permanent. And what you see here is the historical average of the percent of gross domestic product that comes in as revenue. That is this green line right here that is straight across. And what we see with the red line is what happened with the tax policy previously, and the recession and the affects of 9/11.

But what happened at this point is that tax decreases, appropriate tax decreases, were put in place, often times opposed, most often times opposed by the minority party. But what we have seen is a significant increase in receipts to the Federal Government because of, because of the appropriate tax policy that was put in place.

So tax decreases indeed help increasing revenue to the Federal Government. Our good friends on the other side often times talk about the debt. And they talk about the deficit. And we have shown that in fact when given the opportunity they do not support a balanced budget, but they often times talk about the deficit and not being responsible enough with hard-working taxpayer money, and we can always be more responsible.

But I think it is important to appreciate that what is happening under current policy is that we are decreasing the deficit significantly. This graph shows the deficit over a 40-year historical average of 2.3 percent. That is that dotted black line straight across the chart here.

And what we are seeing is a continual decrease in the deficit of hundreds of billions of dollars, put in place because of appropriate tax policy that allows individuals to have more money in their back pocket, again, and decide when they spend or they save or they invest. And that drives the economy to a much greater degree, Mr. Speaker, as you well know.

So we are making progress. We are making good progress, in a wonderful economy that is moving along in the right direction. What we need to do is greater fiscal responsibility, yes indeed, but also making certain that we continue the appropriate tax policies that allow individuals all across this Nation, hard-working American taxpayers to have more of their own money in their back pocket.

I think it is also always important when we talk about taxes to get a lot of distortion and misinformation that often times comes from folks in Washington when they talk about who is paying taxes. You often times hear that. Well, you know, it is just, the rich do not pay their fair share. And you get this class warfare going on that is really destructive, it does not help anything, it does not solve any of the challenges that we have, and it is not positive in terms of its presentation.

But I am struck by the amount of tax revenue that comes from different sectors of our society. And if you look at the percentage of taxpayers, and if you look at the share of individual income taxes that those percentage of taxpayers pay, the top 1 percent, remember this is what the other side call the richest of the rich, and they continually denigrate them and belittle their participation in our system.

In fact, the top 1 percent, Mr. Speaker, pay over 30 percent of the taxes in this Nation. The top 1 percent pay over 30 percent. And you can see that as you get to the top 5 percent, it is over 50

percent. So the top 5 percent of individuals in our Nation pay over 50 percent of the taxes.

Mr. Speaker, I think that probably really shows, one, the facts and the truth, but it also makes it so that the argument that the other side brings forth over and over and over about the class warfare just is so destructive, and it is not even true. It is not even true.

So the foundation of their argument does not even hold any water. And that tall bar over there, Mr. Speaker, that is the top 50 percent, and in fact the top 50 percent pay about 96 percent of the taxes.

The hard-working Americans taxpayers, hard-working American taxpayers. But this is a very progressive scale. And it is important that we appreciate that. It is also important that we remember that. It is important that we talk about it, because when you try to define these issues as they relate to taxes in terms of class warfare, it does not help.

It is not a positive solution. It does not bring us together as a people. We have so many challenges out there, Mr. Speaker, they are not Republican challenges, they are not Democrat challenges, they are American challenges. And we do best when we work together.

I encourage my friends on both sides of the aisle to make certain that we do indeed talk about facts, talk about truth, try to make certain that we work together as we move through the remarkable challenges that are present in our Nation today.

Mr. Speaker, I am pleased to be able to come tonight and bring that positive information about the economy, positive information about where we are going as a Nation, and as a United States House of Representatives.

Mr. Speaker, we live in a wondrous and a remarkable Nation, a Nation that remains the land of opportunity for all who are here. It is indeed a beacon of hope and a vessel of liberty to men and women around the world. It is such a privilege for me to have the opportunity to come tonight and to share that kind of positive information with not just Members of this body, but with you, Mr. Speaker, and with the men and women around the Nation.

So I thank you and the leadership so very much for the opportunity to be with you tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today until 6:00 p.m. on account of weather delays.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of official business in the district.

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. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. LARSON of Connecticut, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. LEVIN, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. CHOCOLA) to revise and extend their remarks and include extraneous material:)

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. CHOCOLA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LEVIN, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,774.

ADJOURNMENT

Mr. PRICE of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Wednesday, June 28, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8292. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — States Approved to Receive Stallions and Mares From CEM-Affected Regions; Indiana [Docket No. APHIS-2006-0020] received May 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8293. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus myocides isolate J; Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0303; FRL-8072-3] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8294. A communication from the President of the United States, transmitting a request for FY 2007 budget amendments for International Assistance Programs; (H. Doc. No. 109–119); to the Committee on Appropriations and ordered to be printed.

8295. A letter from the Secretary of the Army, Department of Defense, transmitting notification that the Nunn-McCurdy Unit Cost (NMUC) thresholds for the listed Army Major Defense Acquisition Programs' unit cost metrics have been breached, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

8296. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on recommendations in the National Research Council assessment of the Department's Basic Research, pursuant to Public Law 109-163; to the Committee on Armed Services.

8297. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a copy of the ''Annual Report on the Department of Defense Mentor-Protege Program'' for FY 2005, pursuant to Public Law 101-510, section 831; to the Committee on Armed Services.

8298. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General George P. Taylor, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8299. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a copy of the Department of Defense (DoD) Chemical and Biological Defense Program (CBDP) Annual Report to Congress, pursuant to 50 U.S.C. 1523; to the Committee on Armed Services.

8300. A letter from the Acting Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8301. A letter from the Acting Director, Office of Standards, Regulations and Variances, Department of Labor, transmitting the Department's final rule — Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners (RIN: 1219-AB29) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8302. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2004, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

8303. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2005 Performance Report to Congress required by the Medical Device User Fee and Modernization Act (MDUFMA); to the Committee on Energy and Commerce.

8304. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2006-0004; FRL-8176-4] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8305. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Ambient Air Quality Standard for Ozone and Fine Particulate Matter [EPA-

R03-OAR-2005-MD-0012; FRL-8183-1] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8306. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revised Definition of Interruptible Gas Service [EPA-R03-OAR-2005-MD-0015; FRL-8183-2] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8307. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Certain Polybrominated Diphenylethers; Significant New Use Rule [EPA-HQ-OPPT-2004-0085; FRL-7743-2] (RIN: 2070-AJ02) received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8308. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Change of Official Office of Pollution Prevention and Toxics' Mailing Address; Technical Amendments [EPA-HQ-OPPT-2006-0405; FRL-7336-5] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8309. A letter from the Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures [WT Docket No. 05-211] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8310. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems [ET Docket No. 00-258]; Service Rules for Advanced Wireless Services In the 1.7 GHz and 2.1 GHz Bands [WT Docket No. 02-353] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8311. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Communications Assistance for Law Enforcement Act and Broadband Access and Services [ET Docket No. 04-295; RM-10865] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8312. A letter from the Acting Chief, Telecom. Access Policy Division, Federal Communications Commission, transmitting the Commission's final rule — Jurisdictional Separations and Referral to the Federal-State Joint Board [CC Docket No. 80-286] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8313. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Wilson and Knightdale, North Carolina) [MB Docket No. 05-121; RM-11197] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8314. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hattiesburg and Sumrall, Mississippi) [MB Docket No. 06-19; RM-11288] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8315. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Morro Bay and Oceano, California) [MB Docket No. 05-5; RM-11139] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8316. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Andover and Haverhill, Massachusetts) [MB Docket No. 05-108; RM-11178) received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8317. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cherokee Village, Black Rock, and Cave City, Arkansas, and Thayer, Missouri) [MB Docket No. 05-104; RM-10837; RM-10838] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8318. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Abilene and Burlingame, Kansas) [MB Docket No. 05-133; RM-11206] received April 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8319. A letter from the Coordinator, Forms Committee, Federal Election Commission, transmitting revisions to the Instructions for FEC Form 3X, Report of Receipts and Disbursements for Other Than An Authorized Committee, and the Instructions for FEC Form 9, 24 Hour Notice of Disbursements for Electioneering Communication; to the Committee on House Administration.

8320. A letter from the Inspector General, U.S. House of Representatives, transmitting a copy of the final report on the Architect of the Capitol (AOC) contracting process for fire protection systems; to the Committee on House Administration.

8321. A letter from the Inspector General, U.S. House of Representatives, transmitting a copy of the final report on the Chief Administrative Officer (CAO) Special Events business process; to the Committee on House Administration.

8322. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to the National Pollutant Discharge Elimination System (NPDES) Regulations for Storm Water Discharges Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities [EPA-HQ-OW-2002-0068; FRL-8183-3] (RIN: 2040-AE81) received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8323. A letter from the Administrator, Small Business Administration, transmitting the Annual Report on Minority Small Business and Capital Ownership Development for Fiscal Year 2005, pursuant to 15 U.S.C. 636(j)(16)(B); to the Committee on Small Business.

8324. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a recommendation to continue in effect a waiver of application of subsection (d)(1) of section 402 of the Trade Act of 1974 with respect to Vietnam for a further 12-month period and a determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act and the reasons for such a determination, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

8325. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Turkmenistan will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

8326. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Republic of Belarus will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); 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:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4125. A bill to permit the Administrator of General Services to make repairs and lease space without approval of a prospectus if the repair or lease is required as a result of damages to buildings or property attributable to Hurricane Katrina or Hurricane Rita (Rept. 109–532.) 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. SULLIVAN (for himself, Mr. GENE GREEN of Texas, Mr. BASS, Mr. SCHWARZ of Michigan, Mr. BURGESS, Mr. BILIRAKIS, and Mr. SESSIONS):

H.R. 5688. A bill to prohibit misleading and deceptive advertising or representation in the provision of health care services; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. DEFAZIO):

H.R. 5689. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOREN (for himself, Mr. ROSS, Mr. BOOZMAN, and Mr. SNYDER):

H.R. 5690. A bill to adjust the boundaries of the Ouachita National Forest in the States of Oklahoma and Arkansas; to the Committee on Resources.

By Mrs. DRAKE:

H.R. 5691. A bill to amend title XVIII of the Social Security Act to provide for a Medicare prescription drug special enrollment period in 2006 for all part D eligible individuals and to waive the late enrollment penalty for low-income individuals who enroll during such period; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT:

H.R. 5692. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing memorials to the Space Shuttle Columbia on parcels of land in the State of Texas; to the Committee on Resources.

By Mr. BASS (for himself and Mr. BRADLEY of New Hampshire):

H. Con. Res. 436. Concurrent resolution congratulating Donald Andrew Hall for his selection by the Librarian of Congress as the 14th Poet Laureate of the United States and for his great accomplishments in prose and essays focusing on New England rural living, baseball, and how work conveys meaning to ordinary life; to the Committee on House Administration.

By Ms. HARRIS:

H. Con. Res. 437. Concurrent resolution expressing the sense of Congress that United States officials who leak sensitive classified national security secrets should be vigorously investigated and, if need be, brought to justice; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. HERGER, Mr. CAMP of Michigan, Mr. MCCRERY, Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. RAMSTAD, Mr. SAM JOHNSON of Texas, Mr. HAYWORTH, Mr. WELLER, Mr. HULSHOF, Mr. LEWIS of Kentucky, Mr. REYNOLDS, Mr. LINDER, Ms. HART, Mr. BEAUPREZ, and Mr. NUNES):

H. Con. Res. 438. Concurrent resolution expressing the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Agriculture, and Financial 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. JEFFERSON:

H. Res. 894. A resolution congratulating Avery Johnson for being named the 2006 NBA Coach of the Year and for leading the Dallas Mavericks to their first Western Conference Championship; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

373. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 208 memorializing the Congress of the United States to take such actions as are necessary to require a minimum time period for a business to refund an unauthorized overcharge on a debit card; to the Committee on Financial Services.

374. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 205 memorializing the Congress of the United States to take such actions as are necessary to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles; to the Committee on the Judiciary.

375. Also, a memorial of the General Court of the State of New Hampshire, relative to House Joint Resolution 25 encouraging the Congress of the United States to propose an amendment to the Constitution concerning eminent domain; to the Committee on the Judiciary.

376. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 182 memorializing the Congress of the United States to take such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; to the Committee on Transportation and Infrastructure.

377. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 170 urging and requesting the Attorney General of the United States and the legislative auditor continue to pursue all options necessary to permit the state to have accurate accounting of assistance for which the state is required to pay a portion of the costs and urging and requesting the Louisiana congressional delegation to support such efforts; to the Committee on Transportation and Infrastructure.

378. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 203 memorializing the Congress of the United States to take such actions as are necessary to ensure that the Centers for Medicare and Medicaid Services (CMS) do not penalize senior citizens who resided in areas affected by Hurricane Katrina for taking advantage of the special enrollment period set for enrollment in Medicare Part D; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. THOMPSON of California and Mr. RYAN of Wisconsin.
H.R. 303: Mr. LEWIS of Kentucky.
H.R. 759: Mr. CARDOZA and Mr. ACKERMAN.
H.R. 1108: Mr. DOYLE and Ms. ESHOO.
H.R. 1188: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1384: Mr. MCCRERY.
H.R. 1415: Mr. SHAYS.
H.R. 1429: Mr. DAVIS of Florida.
H.R. 1451: Mr. ACKERMAN and Mr. NADLER.
H.R. 1517: Mr. SAXTON.
H.R. 1573: Ms. CORRINE BROWN of Florida.
H.R. 1582: Mrs. CAPITO and Mr. REICHERT.
H.R. 1591: Mr. DICKS.
H.R. 1671: Mr. MELANCON.
H.R. 1697: Mr. JACKSON of Illinois.
H.R. 1954: Mr. LARSEN of Washington.
H.R. 2178: Mr. KILDEE.
H.R. 2239: Mr. CONAWAY, Mr. KENNEDY of Minnesota, and Mr. KUHL of New York.
H.R. 2369: Ms. HARRIS.
H.R. 2747: Mr. SMITH of Washington.
H.R. 3019: Mr. CANTOR.
H.R. 3159: Mr. KIRK.
H.R. 3186: Mr. GOODE.
H.R. 3267: Mr. ISRAEL.
H.R. 3282: Mr. JONES of North Carolina, Mr. HENSARLING, Mr. PICKERING, Ms. HART, Mr. ENGLISH of Pennsylvania, Mr. HOSTETTLER, Mr. WELDON of Florida, Mr. GALLEGLY, Mr. KENNEDY of Minnesota, Mr. SHADEGG, Mr. NORWOOD, Mr. INGLIS of South Carolina, Mr. NEUGEBAUER, Mr. POMBO, Mr. OXLEY, Mr. SENSENBRENNER, Mrs. MYRICK, Mr. UPTON, Mr. SMITH of Texas, Mrs. BIGGERT, Mr. SHIMKUS, Mr. MORAN of Kansas, Mr. GOODE, Mr. MCCOTTER, Mr. HALL, Mr. HOEKSTRA, Mr. BONILLA, Mr. ROYCE, Ms. GRANGER, and Mr. GOHMERT.
H.R. 3323: Mr. SIMMONS.
H.R. 3379: Mr. FILNER.
H.R. 3385: Mr. MARCHANT.
H.R. 3413: Mr. LATOURETTE and Mr. KING of New York.
H.R. 3470: Mr. FILNER.
H.R. 3471: Mr. FILNER.
H.R. 3762: Mr. TIERNEY.
H.R. 4098: Mr. WU.
H.R. 4364: Mr. MCINTYRE and Mr. SOUDER.
H.R. 4381: Mr. CLEAVER.
H.R. 4403: Mr. LEWIS of Kentucky and Mr. PLATTS.
H.R. 4409: Mr. ENGLISH of Pennsylvania, Ms. SCHAKOWSKY, Mr. LIPINSKI, Mr. ISRAEL, and Mr. RUPPERSBERGER.
H.R. 4547: Mr. OTTER and Mr. MCCRERY.
H.R. 4695: Mr. MICHAUD.
H.R. 4769: Mr. PITTS.
H.R. 4873: Mr. DAVIS of Tennessee.
H.R. 4927: Mr. HOLDEN, Mr. RUPPERSBERGER, Mr. GERLACH, Mrs. MALONEY, Mr. PICKERING, Mr. PETERSON of Minnesota, Mr. PITTS, Mr. HASTINGS of Florida, Mr. NEY, Mr. EDWARDS, and Mr. SWEENEY.
H.R. 4960: Mr. GOODE.
H.R. 4985: Mr. DELAHUNT.
H.R. 5023: Mr. JACKSON of Illinois.
H.R. 5100: Mr. SCHWARZ of Michigan.
H.R. 5120: Mr. FLAKE, Mr. LEWIS of Georgia, and Mrs. CHRISTENSEN.
H.R. 5128: Mr. POMBO.
H.R. 5139: Mr. CUMMINGS.
H.R. 5166: Mr. OBERSTAR.
H.R. 5177: Mr. GILLMOR.
H.R. 5200: Mr. UPTON.
H.R. 5233: Mr. BRADY of Pennsylvania.
H.R. 5242: Mr. DAVIS of Kentucky and Mr. SOUDER.
H.R. 5262: Mr. CONAWAY.
H.R. 5315: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5319: Mr. CAMPBELL of California.
H.R. 5337: Mr. MELANCON and Mr. MURPHY.
H.R. 5344: Mr. HOLDEN and Mr. COSTA.
H.R. 5365: Mr. CARNAHAN.
H.R. 5416: Mr. GRIJALVA and Mr. KOLBE.
H.R. 5430: Mr. GONZALEZ and Mr. MCGOVERN.
H.R. 5444: Mr. ABERCROMBIE and Mrs. KELLY.
H.R. 5455: Mr. CUMMINGS.
H.R. 5466: Mr. SHERWOOD.
H.R. 5468: Mr. TOWNS, Mr. HENSARLING, and Mr. JEFFERSON.
H.R. 5472: Mr. FARR, Mr. BROWN of Ohio, Mr. TERRY, Mr. KENNEDY of Rhode Island, Mr. GENE GREEN of Texas, Mr. GEORGE MILLER of California, Mr. BURTON of Indiana, Mr. MCCOTTER, Ms. HARMAN, Mr. HIGGINS, and Mr. MILLER of North Carolina.
H.R. 5482: Mr. GUTIERREZ.
H.R. 5529: Mr. HOLDEN.
H.R. 5536: Mr. SANDERS.
H.R. 5542: Mr. ROSS.
H.R. 5554: Mr. SOUDER.
H.R. 5558: Mr. MARCHANT.
H.R. 5562: Mr. GRIJALVA.
H.R. 5586: Mr. KING of Iowa.
H.R. 5588: Mr. CONYERS, Ms. NORTON, Mr. LIPINSKI, Mr. BOYD, Mr. MCDERMOTT, Mr. HINCHEY, Mr. FORD, Ms. LORETTA SANCHEZ of California, Mr. CUMMINGS, Ms. BALDWIN, Mrs. CHRISTENSEN, Mr. ALLEN, Mr. HIGGINS, Mr. ENGEL, Mr. WEXLER, Mr. MCGOVERN, Mr. MARKEY, Mr. KANJORSKI, Mr. KUCINICH, Mr. MCNULTY, Mr. MEEK of Florida, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, Mr. HOYER, Mr. EMANUEL, Ms. KAPTUR, Mr. KIND, Ms. WATSON, Ms. MATSUI, Mr. ACKERMAN, Mr. MORAN of Virginia, Mr. OBERSTAR, Ms. DELAURO, Ms. SCHAKOWSKY, Mr. ROTHMAN, Ms. SLAUGHTER, Mr. RUPPERSBERGER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. RYAN of Ohio, Mr. PETERSON of Minnesota, Mr. WAXMAN, Mr. CARDOZA, Mr.

MELANCON, Mr. NADLER, Mr. SCHIFF, Mr. MOORE of Kansas, Mr. THOMPSON of California, Mr. LEWIS of Georgia, Mr. RUSH, Mr. WYNN, Mr. GUTIERREZ, Mrs. CAPPS, Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Mrs. LOWEY, Ms. WATERS, Ms. KILPATRICK of Michigan, and Ms. ROYBAL-ALLARD.

H.R. 5595: Mr. WALSH.

H.R. 5629: Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. HASTINGS of Florida, and Mr. JEFFERSON.

H.R. 5635: Mr. MICHAUD and Mr. PASTOR.

H.R. 5653: Mr. ROGERS of Kentucky.

H.R. 5656: Mr. MCCAUL of Texas, Mr. SCHWARZ of Michigan, Mr. AL GREEN of Texas, Mr. BARTLETT of Maryland, Mr. GILCHREST, and Mr. REICHERT.

H.R. 5660: Mr. ROGERS of Kentucky.

H.J. Res. 90: Ms. JACKSON-LEE of Texas and Ms. HERSETH.

H. Con. Res. 42: Mr. LAHOOD.

H. Con. Res. 85: Mr. PORTER, Mr. GALLEGLY, Ms. ZOE LOFGREN of California, and Ms. ROYBAL-ALLARD.

H. Con. Res. 137: Ms. LORETTA SANCHEZ of California.

H. Con. Res. 390: Mr. FORD and Mr. BROWN of Ohio.

H. Con. Res. 415: Mr. OLVER and Ms. MILLENDER-MCDONALD.

H. Con. Res. 425: Mr. BERMAN.

H. Con. Res. 432: Mr. YOUNG of Alaska, Mr. BURTON of Indiana, and Mr. MANZULLO.

H. Con. Res. 434: Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. PASCRELL, Mr. HIGGINS, Mr. OWENS, and Mr. LANTOS.

H. Con. Res. 435: Mr. KUCINICH, Ms. HARMAN, Mr. SMITH of New Jersey, and Mr. AL GREEN of Texas.

H. Res. 189: Mr. ISRAEL, Mr. HINCHEY, Mr. BOEHLERT, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. SANDERS, Mr. RAMSTAD, Mr. WELDON of Pennsylvania, and Mr. SALAZAR.

H. Res. 371: Mr. PLATTS.

H. Res. 603: Ms. LORETTA SANCHEZ of California.

H. Res. 721: Mr. TOM DAVIS of Virginia.

H. Res. 745: Ms. ROYBAL-ALLARD, Mr. STARK, and Mr. CALVERT.

H. Res. 854: Mr. CLYBURN and Mr. BACA.

H. Res. 863: Ms. BORDALLO, Mr. HIGGINS, Mr. BROWN of Ohio, Mr. GRIJALVA, Mr. MARSHALL, and Mr. MCNULTY.

H. Res. 884: Mr. BRADY of Pennsylvania.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4157: Ms. JACKSON-LEE of Texas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5672

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 27: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

H.R. 5672

OFFERED BY: MRS. JOHNSON OF CONNECTICUT

AMENDMENT NO. 28: Page 10, line 18, after the first dollar amount, insert the following: ''(increased by $3,300,000)''.

Page 39, line 25, after the dollar amount, insert the following: ''(reduced by $3,300,000)''.

H.R. 5672

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 29: Page 23, line 4, after the dollar amount, insert the following: ''(increased by $532,148,000)''.

Page 23, line 9, after the dollar amount, insert the following: ''(increased by $532,148,000)''.

H.R. 5672

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 30: Page 23, line 4, after the dollar amount, insert the following: ''(increased by $50,000,000)''.

Page 23, line 9, after the dollar amount, insert the following: ''(increased by $50,000,000)''.

Page 39, line 25, after the dollar amount, insert the following: ''(reduced by $50,000,000)''.

H.R. 5672

OFFERED BY: MR. MCCAUL OF TEXAS

AMENDMENT NO. 31: 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 fund any peacekeeping mission in which there are United Nations employees who are under investigation for sexual exploitation, money laundering, or fraud unless such employees have been removed from such mission for the duration of such investigation.

H.R. 5672

OFFERED BY: MR. MCCAUL OF TEXAS

AMENDMENT NO. 32: 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 fund the administration and operation of the United Nations Human Rights Council while countries designated as state sponsors of terrorism by the Secretary of State are members of the Council.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, TUESDAY, JUNE 27, 2006 No. 85

Senate

The Senate met at 9:45 a.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.

Eternal and dependable Creator, who harmonized the world with seasons and climates, sowing and reaping, color and fragrance, accept our grateful praise. Thank You for sustaining our lives in each season of living, for protecting us from dangers and for giving us Your peace.

Thank You for the members of our Government legislative branch, for their efforts to make our world better. As they plant seeds of freedom, prepare them for an abundant harvest. Remind them daily that You surround the upright with the shield of Your favor.

We pray in Your loving 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 27, 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.

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 have a period of morning business until 11 a.m. At 11, we will resume consideration of the flag antidesecration resolution, which we began debate on yesterday. The time until 2:15 will be for debate only on the flag resolution.

Under the order from last night, we have controlled time, and Senators who would like to speak should consult with the managers and get in the queue.

Also, today we will recess for the weekly policy luncheons from 12:30 until 2:15 p.m. We will announce the voting schedule later today. However, we will not have any votes scheduled prior to the recess for the policy luncheons.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 11 a.m., with the first 15 minutes of time under the control of the majority leader or his designee, the next 15 minutes of time under the control of the Democratic leader or his designee, and the remaining time will be equally divided.

Mr. MCCONNELL. Mr. President, I 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.

Mrs. MURRAY. 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.

Mrs. MURRAY. Mr. President, I ask for 15 minutes under the Democratic time.

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

EUROPEAN SUBSIDIES

Mrs. MURRAY. Mr. President, in the coming weeks, we are entering an important crossroad in the future of commercial aerospace. I wish to explain this morning what is at stake for our country and for American workers.

Down one road, American workers will be left to fight for their jobs with one hand tied behind their backs. They will face unfair competition, and our economy and our future could suffer. Down the other road, our Government will make it clear that we will fight for fair trade, and our economy and our workers will win as a result. That is the crossroad we are approaching, and which path we take will be determined by two things: whether Europe decides to provide illegal subsidies to Airbus and EADS and whether the U.S. Government works aggressively to keep that from happening.

For decades, Europe has provided subsidies to prop up Airbus and its parent company EADS. Those subsidies have created an uneven playing field and have led to tens of thousands of layoffs in the United States.

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

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In the past few years, the United States has stood up to Europe, and I have been proud to work with the Bush administration in that effort, first under U.S. Trade Representative Robert Zoellick, then under Rob Portman and now, of course, under USTR Susan Schwab. We have demanded that Europe stop the subsidies and play by the rules.

With the threat of a WTO trade case, we got the Europeans to the negotiating table, and I was hopeful that we could make progress. But over the past few months, Airbus and EADS have been in a tailspin over unsuccessful planes, production delays, and management scandals. Airbus is finally beginning to see how difficult it is to compete in the marketplace without the cushion of government subsidies. And it is floundering.

But now, rather than letting Airbus compete on its own in the marketplace, European governments seem poised once again to rescue Airbus with market-distorting subsidies.

If we want to keep a strong aerospace industry in America, we cannot let that happen. Every time the European government underwrites Airbus with subsidies, American workers get pink slips.

If we want to lead the world in commercial aerospace, our message to Europe must be strong and clear: No more illegal subsidies to prop up Airbus. Airbus must compete in the marketplace just like everyone else.

I first sounded the alarm on this important issue in March of 2004 when I spoke about my concerns here on the Senate floor. For those who have not been following the debate, I wish to provide some background.

Only two companies in the world make large passenger airplanes: the Boeing company, with its commercial air operation headquartered in Renton, WA, and Airbus, which is headquartered in Toulouse, France. Airbus is a division of the European Aeronautics Defense and Space Company, known as EADS.

The distance between Airbus and Boeing's headquarters is about as big as the disparity between how the United States and Europe view the commercial aerospace industry.

For us in America, commercial aerospace is a private industry, one that must respond to the needs of the marketplace and the demands of its shareholders. It is a difficult business, and many times manufacturers such as Boeing ''bet the company'' on a new airplane.

In Europe, on the other hand, commercial aerospace is viewed as a job-creation program. Airbus has been shielded from the dangers of the marketplace by decades of government subsidies. In fact, Europe doesn't seem to care if Airbus loses money as long as it produces jobs and those jobs come at the expense of American workers.

The history of Airbus and EADS is a history of government subsidies that have sheltered it from competition and real pressures of the marketplace. It has allowed Airbus to develop new aircraft with virtually no risk. This government assistance takes many forms, including launch subsidies, research subsidies, facilities subsidies, and supplier subsidies. These subsidies create an uneven playing field and allow Airbus to do things that normal private companies cannot afford to do. Because of those subsidies, Airbus has grown to become a market power without assuming any of the financial risk and accountability U.S. firms have to contend with every day.

As a result of this government support, Airbus has been able to erode Boeing's market share. Airbus's market share was once in the teens, but today Airbus claims to supply more than 50 percent of the industry.

But European government support of Airbus doesn't stop there. It includes everything from bribes to threats. There are reports of state airlines being promised landing rights at European airports if they buy Airbus planes, and we have seen countries threatened that they will not be let into the European Union unless they buy Airbus planes. There are reports of Airbus using deep discounts and guaranteeing to airlines that Airbus planes will hold their value.

To date, Airbus has received more than $15 billion in launch aid. But despite this massive infusion of government cash, Airbus and EADS are still hemorrhaging money and are undergoing a crisis in leadership at the highest levels. In fact, if anybody was to scan the newspapers this week, they could read about any number of problems Airbus and EADS have been confronted with. The Airbus A350 model has been widely condemned by major airline purchasers. It requires an expensive redesign, which is estimated to now cost between $9 billion and $10 billion. The A380 mega-jetliner, which Airbus spent more than $13 billion on developing, has secured only a small list of customers. Now it is plagued by delivery delays which could result in canceled orders and financial penalties for Airbus. In fact, according to recent reports, Airbus is facing the possible loss of orders worth more than $5 billion. The delays could reduce Airbus's annual earnings by $630 million between 2007 and 2010.

EADS also has a huge liability on its hands. It needs to buy out BAE Systems' share of Airbus, which is estimated to cost about $4 billion. On top of all of that, the co-chief executive of EADS, Noel Forgeard, is under investigation for insider trading.

By all accounts, Airbus is struggling. It is also losing credibility with its customers. In fact, when news broke about the A380's production delay, Singapore Airlines cast a no-confidence vote in Airbus by ordering 20 Boeing 787 Dreamliners.

One important customer who is taking notice is the U.S. Department of Defense. With Airbus's financial house of cards on the verge of collapse and no current U.S. manufacturing presence, it is becoming clear that EADS will not be able to give the U.S. Air Force the tanker of the future.

I am pleased that the Air Force has asked the right questions. In its request for information for the tanker contract, the Air Force asked potential bidders to provide them with information about launch aid and subsidies, including details about any government support, tax breaks, debt forgiveness, or loans with preferential terms they might have received. The Air Force clearly understands the need for transparency and a level playing field.

Any new subsidies to Airbus for tankers or other programs should end once and for all Airbus's campaign to access the U.S. Treasury.

To protect taxpayers and national security, the Air Force must exercise extreme caution if it continues to consider an Airbus tanker proposal.

As many of my colleagues know, my home State of Washington has a very proud and long history of aerospace leadership. On July 15, 1916, Bill Boeing started his airplane company in Seattle, WA, and since that day, Boeing and Washington State have shared the ups and downs of the commercial aerospace industry. In fact, just a few years ago, Boeing found itself struggling to keep up with Airbus, but through the sacrifice and hard work of more than 62,000 Boeing employees in Washington State and many more around the country, the company pulled itself up by its bootstraps. It recovered to once again evenly share the marketplace with Airbus, and it did so by producing a plane, the 787, which was just what the marketplace wanted.

Airbus, on the other hand, ignored the market's demand and produced a plane that few people wanted, and now they are being punished by the marketplace for their mistakes. But rather than take their lumps, they are likely to seek an illegal government bailout that would negate the hard work and sacrifice of Boeing employees.

Recently, an EADS spokesman called launch aid ''indispensable'' and said, ''Launch aid is the only available system right now'' to deal with Airbus's floundering market and design problems. How can aerospace workers in America compete with a competitor that never has to face the consequences for its failures?

Last week, President Bush met with EU leaders at a summit. Before his trip, I wrote to the President and urged him to raise the issue with European leaders. Time is running out. We are quickly approaching the Farnborough Airshow on July 17 when European Ministers are expected to decide whether to provide EADS with more launch aid.

I have supported this administration's willingness to go the distance at the World Trade Organization in its fight for fair markets. They stood up

for American aerospace workers after it became clear that negotiations with the Europeans were going nowhere. As a result, the WTO is now considering the subsidies case through its dispute settlement body.

The Senate is on record against Airbus subsidies. On April 11, 2005, the Senate unanimously passed S. Con. Res. 25. That is a resolution which called for European governments to reject launch aid for the A350 and for President Bush to take any action that he ''considers appropriate to protect the interests of the United States in fair competition in the large commercial aircraft market.'' The resolution also specifically encouraged the U.S. Trade Representative to file a WTO case unless the EU eliminates launch aid for the A350 and all future models.

The production of large civilian aircraft is now a mature industry in both the United States and Europe. It is now time that market forces—market forces, not government aid—determine the future course of this industry.

That crossroad I mentioned is coming up on us quickly. One road will leave American workers in a fight for their jobs, with the game stacked against them. The other road will give us a fair playing field where American workers can win through their hard work and American ingenuity. I hope for our country's future that we choose the right course, and it begins by sending a clear message from our government to Europe that the United States will not tolerate another round of illegal subsidies that kill American jobs. The clock is running, and the choice is ours.

Mr. President, I yield the floor, and 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. JEFFORDS. 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.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

Mr. JEFFORDS. Mr. President, I rise today in opposition to a constitutional amendment that would ban flag burning and other acts of desecration.

As I said during the recent debate on the Federal marriage amendment, I am very troubled by priorities put forth by the Senate majority. Our domestic programs are facing serious budget cuts. Millions of Americans are without health insurance. Gas prices are out of control while our Nation's reliance on foreign oil shows no sign of easing. And we still have no strategy for the war in Iraq. However, the Senate leadership has chosen to spend a portion of our limited days in session to bring up a constitutional amendment to ban flag burning.

Once again, we seem to be searching for a solution in need of a problem, and I am afraid the reason we are spending time on this topic is only for political gain.

As a veteran with 30 years in the U.S. Navy and the U.S. Naval Reserve, I know the pride that members of our Armed Forces feel when they see our flag, wherever they may be in the world. I share the great respect that Vermonters and Americans have for that symbol. I personally detest the notion that anyone would choose to burn a flag as a form of self-expression.

Members of the military put their lives on the line every day to defend the rights guaranteed by the U.S. Constitution. It is disrespectful of these sacrifices to desecrate the flag.

However, in my opinion, our commitment to free speech must be strong enough to protect the rights of those who express unpopular ideas or who choose such a distasteful means of expression. This concept is at the core of what we stand for as Americans.

Mr. President, I have given this constitutional amendment a great deal of thought. I must continue to oppose this amendment because I do not think we should amend the Bill of Rights unless our basic values as a nation are seriously threatened. In my view, a few incidents of flag burning, as upsetting as they may be, do not meet this high standard.

Mr. President, I yield the floor, and 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.

Mrs. FEINSTEIN. 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.

Mrs. FEINSTEIN. Mr. President, it is my understanding we are in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mrs. FEINSTEIN. But that it would be acceptable for me to speak on the pending business, which is the flag amendment.

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

FLAG PROTECTION AMENDMENT

Mrs. FEINSTEIN. Mr. President, I rise as the main Democratic sponsor of this amendment. I have given this a lot of thought for a long time. I believe what we have before us is language that is essentially content neutral. It is on conduct—not speech. I will make that argument later on in my remarks, but I begin my remarks with how I came to believe that the American flag is something very special.

For those of us who are westerners, the Pacific battles of World War II had very special significance.

Reporters were not embedded, there was no television coverage, and the war in the Pacific was terrible—island battle after island battle—the death march at Guadalcanal, Tarawa, and onward.

On the morning of February 24, 1945, I was a 12-year-old. I picked up a copy of the San Francisco Chronicle. There on the cover was the now iconic photograph done by a Chronicle photographer by the name of Joe Rosenthal, and it was a photograph of U.S. marines struggling to raise Old Glory on a promontory, a rocky promontory above Iwo Jima.

For me—at that time as a 12-year-old—and for the Nation, the photo was a bolt of electricity that boosted morale amidst the brutal suffering of the Pacific campaign.

The war was based on such solid ground and victory was so hard-pressed that when the flag unfurled on the rocky promontory on Iwo Jima, its symbolism of everything courageous about my country was etched into my mind for all time. This photo cemented my views of the flag for all time.

In a sense, our flag is the physical fabric of our society, knitting together disparate peoples from distant lands, uniting us in a common bond, not just of individual liberty but also of responsibility to one another.

Supreme Court Justice Felix Frankfurter called the flag ''The symbol of our national life.'' I, too, have always looked at the flag as the symbol of our democracy, our shared values, our commitment to justice, our remembrance to those who have sacrificed to defend these principles.

For our veterans, the flag represents the democracy and freedom they fought so hard to protect. Today there are almost 300,000 troops serving overseas, putting their lives on the line every day to fight for the fundamental principles that our flag symbolizes.

The flag's design carries our history. My proudest possession is a 13-star flag. When you look at this flag, now faded and worn, you see the detail of the 200-year-old hand stitching—and the significance of every star and stripe.

The colors were chosen at the Second Continental Congress in 1777. We all know them well: Red for heartiness and courage; white for purity and innocence; blue for vigilance, perseverance, and justice. Even the number of stripes has meaning—13 for 13 colonies.

Our flag is unique not only in the hearts and minds of Americans, but in our laws and customs as well. No other emblem or symbol in our Nation carries with it such a specific code of conduct and protocol in its display and handling.

For example, Federal law specifically directs that the flag should never be displayed with its union down, except as a signal of dire distress or in instances of extreme danger to life or property.

The U.S. flag should never touch anything beneath it: neither ground, floor,

water, or merchandise. The flag must be lit at night. It should never be dipped to any person or thing. And the flag should never be carried horizontally but should always be carried aloft and free.

The flag flies over our government buildings throughout the country. It flies over our embassies abroad, a silent but strong reminder that when in those buildings, one is on American soil and afforded all the protections and liberties enjoyed back home.

Last December, I traveled to Iraq and met with some of the brave men and women in the armed forces that are serving there. We flew out of Baghdad on a C–130 that we shared with a flag-draped coffin accompanied by a military escort.

The young man or woman in that coffin gave their life under the banner of this flag.

In 1974, Justice Byron White wrote that:

> It is well within the powers of Congress to adopt and prescribe a national flag and to protect the unity of that flag. . . . [T]he flag is an important symbol of nationhood and unity, created by the Nation and endowed with certain attributes.

Justice White continued:

> [T]here would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial or to prevent overlaying it with words or other objects. The flag is itself a monument, subject to similar protection.

I echo the opinion of Justice White: ''The flag is itself a monument, subject to similar protection.''

The American flag is our monument in cloth.

The flag flying over our Capitol building today, the flag flying over my home here and in San Francisco, each of these flags, separated by distance but not symbolic value, is its own monument to everything America represents. And it should be protected as such.

There is a sturdy historical and legal foundation for special protection for the flag. Constitutional scholars as diverse as Chief Justices William Rehnquist and Earl Warren and Associate Justices Stevens and Hugo Black have vouched for the unique status of the national flag.

On June 14, 1777, the Continental Congress passed the first Flag Act:

> Resolved, That the flag of the United States be made of thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new Constellation.

Historically, the flag has been protected by statute. In 1989, 48 of our 50 States had statutes restricting flag desecration. However, that protection ended in 1989.

That year the Supreme Court, by a vote of 5 to 4, struck down a Texas State law prohibiting the desecration of American flags in a manner that would be offensive to others in the Texas v. Johnson case.

Although the Court held that the government has ''a legitimate interest in making efforts to 'preserv[e] the national flag as an unalloyed symbol of our country,' '' it nevertheless concluded that burning the flag constituted speech under the first amendment, and that the Texas statute outlawing flag desecration was an impermissible regulation of the content of a person's speech.

Supreme Court Justice John Paul Stevens wrote in his dissent in Johnson that the flag is:

> a symbol of our freedom, of equal opportunity, of religious tolerance, and of good will for other peoples who share our aspirations.

I agree with Justice Stevens.

In response to the Johnson case, Congress passed the Flag Protection Act of 1989, which sought to ban flag desecration in a ''content-neutral'' way that would be permitted by the courts. Nevertheless, the Supreme Court struck down that Federal statute as well.

In that case, United States v. Eichman, the Supreme Court, by another 5-to-4 vote, held that although the Federal statute prohibiting flag desecration did not limit speech based on content, which had been found unconstitutional in Johnson, the statute still violated the first amendment because Congress's intent in passing the statute was ''related to the suppression of free expression.''

The Supreme Court has spoken, and I do not wish to quarrel with its decisions.

However, the Johnson and Eichman decisions make it clear that without a constitutional amendment no Federal statute protecting the flag will survive judicial review.

Consequently, the only avenue available for restoring protection to the flag is to amend the Constitution. Otherwise, any legislation passed by Congress or State legislatures will simply be struck down.

The Constitution itself prescribes instructions for its amendment when nepessary for the good of the Nation. And the Constitution is, after all, a living text that has been amended 27 times since its creation.

I do not take amending the Constitution lightly. It is a serious business and we need to tread carefully. However, the change we seek to make is narrow, it is limited, and it is necessary.

Some critics say we must choose between trampling on the flag and trampling on the first amendment. I strongly disagree.

The freedom of speech enshrined in the first amendment is a cornerstone of our great Nation.

However, there is no idea or thought expressed by the burning of the American flag that cannot be expressed equally well in another manner. While I might disagree with those who protest, I defend their right to do so.

Protecting the flag will not prevent anyone from expressing his or her point of view, regardless of what that point of view may be.

Indeed, the Supreme Court has recognized many instances in which speech is not protected, such as obscenity and ''fighting words.'' I believe that desecrating an American flag falls into the same category.

Limiting this very specific conduct will leave both the flag and speech safe.

Amending the Constitution for this narrow and necessary purpose is an implicit recognition of the depth and breadth of the first amendment. What could more clearly signal the scope and strength of our freedom of speech than the fact that even protecting our Nation's symbol from desecration requires a constitutional amendment?

I would like to assure those with reservations about amending the Constitution that the path we are taking is no slippery slope.

There will be no stampede of constitutional amendments that could erode our freedom of speech. There will be no litany of restrictions.

There has been much confusion surrounding this amendment.

It does not prohibit flag burning, as is so often stated. This amendment would, quite simply, enable the Congress—you and I and our 98 other Members, Mr. President, as well as the 435 Members of the House of Representatives, and the President of the United States—to set the protocols governing our flag and protecting it as it has been protected throughout most of this Nation's history.

In other words, we will hold hearings. We will devise legislation. We will debate that legislation on the floor of both bodies. The purpose is to enable this body and the other body to establish a protocol for the handling of the American flag. No more, no less. It is content neutral. It does not ban desecration, burning, defiling, or anything else.

Let me read the text of the amendment:

> The Congress shall have the power to prohibit the physical desecration of the flag of the United States.

Just as 48 States debated this prior to 1989, and just as 48 States made a decision and passed legislation, the Congress of the United States would now have the power.

That is it. No more. No less.

The resolution—if passed by three-quarters of the 50 State legislatures—would merely return to Congress its historical power to prohibit the physical desecration of the flag.

The amendment will enable Congress to have a full and fair debate on the appropriate protections for the flag.

As President Woodrow Wilson, who proclaimed the first Flag Day in 1916, said:

> This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. . . . Though silent, it speaks to us—speaks to us of the past, of the men and women who went before us, and of the records they wrote upon it.

In honor of this emblem of America, I ask that this body permit us to give

the American people the opportunity to decide if the Constitution should be amended. It is time to let the people decide.

I yield the floor.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FLAG DESECRATION AMENDMENT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S.J. Res. 12, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S.J. Res. 12) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit physical desecration of the flag of the United States.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I would like to say a few words about this amendment this morning because there seems to be a lot of misunderstanding about it. There are those who believe this amendment interferes with First Amendment rights and privileges. It does not. The media has largely portrayed this amendment as a ban on flag desecration. It is not. This amendment is, pure and simple, a restoration of the Constitution to what it was before unelected jurists, in a 5 to 4 decision, changed it. In 1989, five justices ruled that flag desecration, including burning the flag or any number of similar offensive acts, is speech. Four of them, led by the opinion of Justice Stevens, one of the most liberal members of the Court, found that such conduct does not constitute speech.

Fifty State legislatures, both red States and blue States, have called on us to pass this amendment. There are 60 up-front primary cosponsors of this amendment. There are at least six others who have said that they will vote for it. If that is all true, we are 1 vote short of having 67, with just a few who may still be undecided. We are hopeful that they will understand that this amendment simply says that ''Congress shall have power to prohibit the physical desecration of the flag of the United States.'' In other words, in passing this amendment, we would give to Congress the power that the Supreme Court took away from it when they decided the Johnson case in 1989. That is very important to understand.

Today, the distinguished chairman of the Judiciary Committee, Senator SPECTER, is holding a hearing on Presidential signing statements, which he and some others believe actually take away power from the Congress of the United States.

We have heard various Members on both sides of the aisle get up and say that they are tired of the other branches of Government, meaning the executive and judicial branches, taking away powers from the Congress. This amendment would restore power to Congress. That is its importance.

The amendment does not ban anything. It does not require the creation of a statute. It does not say what is and what is not desecration of the flag. That would have to be defined later, assuming that the Congress decides, under its own power, through its own Representatives, to try to pass a statute that would define physical desecration of the flag. And if Congress did, at some point in the future, decide to exercise this power, then I believe that the good Members of Congress would very narrowly construe in a statute what is and what is not desecration of the flag.

Once again, fifty States, 50 State legislatures, every State in the Union has called for this amendment. Sixty-six Senators, both Democrats and Republicans, support this amendment. We are hopeful that there will be one or two others who will vote with us, and I believe if we get that 67th vote we will have 75.

In addition, anyone who tries to say that this proposed amendment interferes with First Amendment rights has not read it, as many in the media have not. This amendment would have no effect on the First Amendment. It merely returns the power to protect the flag back to the Congress of the United States.

In his speech yesterday, Senator DURBIN, my dear colleague from Illinois, who is the Democratic whip, suggested that this amendment is unnecessary. He based his assertion on the supposition that there are relatively few incidents of flag desecration. So why bother, was basically his argument. Why should we address what appears to be a matter of minor significance?

I will tell you why. As I stated, this amendment does not ban anything. But let me assume, as Senator DURBIN did, that it does. Just one incident, just one, is enough to justify action. One flag burning is enough, I think, for most people in this country. Principles are not creatures of convenience, despite assertions to the contrary.

As my colleagues know, 48 States, plus the District of Columbia, had anti-desecration measures on the books before 1989. It was then that five unelected judges told those 48 sovereign entities that they were wrong.

Do my colleagues know the basis for the ruling? Five lawyers decided that all of these 48 State legislatures, as well as the District of Columbia, were wrong and that their measures were unconstitutional. But I ask, where does the Constitution say these measures are unconstitutional? Where in the text of the Constitution does it say this? The silence is deafening. We all know the Constitution does not say these measures are unconstitutional. Five lawyers came to this conclusion on the basis of a legal seance.

Now, I wonder, why did 48 States act in this area if anti-desecration laws are unnecessary? I will tell you why. Incidents of flag desecration are much more frequent than many of my colleagues have suggested.

The Citizens' Flag Alliance has been cataloguing reported incidents of flag desecration since 1994. Now, these are the incidents that are made public generally in the media. Their list is by no means comprehensive. There are many, many incidents of flag desecration, even some that are extremely offensive or even obscene, that are just not reported.

I know these people in the Flag Alliance. They are true citizen activists. They do not have high-priced lobbyists and $500-an-hour attorneys working for them. Many of them are working individuals who are simply committed to the values and ideals the flag represents. These hard-working individuals have devoted their time and energy fighting for the right to protect these values.

The Citizens' Flag Alliance has kept an eye on the news throughout the country to watch for reports of flag desecration. But with over 1,450 newspapers in this country it is no small feat to maintain a comprehensive list. Despite the difficulties in tracking these occurrences, the information that the Citizens' Flag Alliance has gathered appears to counter my colleagues' suggestion that there were not many incidents of flag desecration at all.

Since the Citizens' Flag Alliance began keeping count in 1994, there have been over 130 recorded incidents of flag desecration. In small rural areas as well as cities like Cincinnati, OH and Washington, DC, some of these people have defiled the very meaning of the flag by desecrating it, and, in many of those cases, more than one flag was desecrated.

For example, 10 flags were vandalized at the American Legion building on the Veterans of Foreign Wars post in New Hampshire just a few months ago. And, just last week in New York, there was an incident in which seven flags displayed on citizens' private property were desecrated and burned.

These reported occurrences of flag desecration are simply the tip of the iceberg. Besides the difficulties in monitoring the news for flag desecration incidents, there are many other acts of flag desecration that go unreported either because citizens know that the individual responsible cannot be prosecuted thanks to the Supreme Court

decisions or because the media just plain doesn't care.

I heard the other day that protesters recently desecrated an American flag at the funeral of one of our fallen soldiers at Arlington Cemetery. This is just in the last few weeks. I have yet to see this reported by the press.

The bottom line is that, while this may not be a common offense, it is an ongoing and perpetual offense against common decency. Like I said, one flag desecration is enough for the majority of people in this country, let alone hundreds of them.

Now, I would add that these counts miss the point. No matter how many incidents of flag desecration, the American people, through their representatives, should be allowed to pass judgment on this behavior. The courts, including the Supreme Court, used to understand this. They used to respect the considered judgment of the people's representatives. They understood that the desecration of this unique symbol, our symbol, the flag, had a unique impact on the communities that suffer through these events. The opponents of this constitutional amendment can only offer an admonition to grin and bear it, suggesting that we should all be bigger people and not worry about those desecrated flags.

I do not think my colleagues appreciate the harm done to these communities when flags are desecrated on our Independence Day, on Memorial Day, or on our Veterans Day.

The American people do. The American people understand that even one such event is one too many.

Consider these accounts and tell me these communities have not suffered. Let me refer to this chart. This is from the Las Vegas Review Journal. It is entitled: ''Misdemeanor Filed in Flag Burning in Las Vegas,'' dated September 14, 2004.

> [Stephen Drew] Hampton burned a U.S. flag during a tribute to the victims of the Sept. 11, 2001 terrorist attacks . . . Hampton set fire to a U.S. flag and waved it around before he was ushered out of the event by Las Vegas police and city marshals. Hampton also burned a U.S. flag last year on Sept. 11 in front of the New York-New York Hotel & Casino.

We were not even talking about the flag amendment then. This is simply the way some people handle our flag. This individual is by no means the only example.

The fact is that this is not a partisan issue. The American people want this amendment. This is an issue supported by Democrats, Independents, and Republicans nationwide. This amendment is supported in a bipartisan manner by both Democrats and Republicans in the Senate.

The problem is not that there is a rash of flag burning, although by anybody's count you would have to say there certainly is. This is not what this resolution is meant to address. Suggesting that we could only legislate to protect against widespread flag desecration is a red herring. What we are doing here is restoring the power of the American people over their own communities.

Let's be honest about it. This amendment is a very simple amendment. It says nothing about banning flag desecration. It does nothing to the First Amendment. It simply says we are going to return this issue back to the Congress where it should have been to begin with. This amendment says these words:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

Does that mean the Congress has to prohibit desecration of the flag? No. Will the Congress? I hope so. But the Congress does not have to. Even if, assuming this amendment is passed by this body and ratified by 38 States, Congress decides to bring forth a statute, it would still have to have a supermajority vote in the Senate because of those who would be opposed to it, who would filibuster it, and who would require us to invoke cloture. Therefore, it would only pass after the whole Congress has spent a considerable amount of time figuring out how best to define flag desecration.

Mr. President, I notice the distinguished Senator from Florida is on the floor and would like to make some remarks, so I will relinquish the floor at this time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, it is a real honor to follow the Senator from Utah on an issue of constitutionality, where I know he has had a great impact in the life of our Nation through the distinguished history he has had as a Senator. I know from his many years of serving in the Judiciary Committee that he is one who jealously guards and understands the importance and the meaning of our Constitution.

Mr. President, I wish to speak on this issue of the amendment to protect the flag of the United States, and I wish to begin by speaking about it in a slightly different angle, as someone who, as a young boy in school—I think it was when I reached the fifth grade—was charged with the responsibility of raising the flag in the morning and then bringing it down and protecting it and moving it into a safe place for the evening, until the next school day. I did that for the entire school year.

It was with great reverence and ceremony that this took place. I was, I remember, empowered with this responsibility as a young boy, which was one of the first I had, and I took it very seriously. The interesting thing is, it was in another place, in another land, and it was another flag. It was not the flag we honor and revere today, but it was the flag of the country of my birth, Cuba.

But what I noticed then and came to notice here is that people place great importance in symbols of national unity. No matter what country or where we are, there are very special symbols that from time to time touch a cord within the nation.

No greater evidence of the importance of this symbol can be given than through the history of our country, the stories we have heard and come to know of great heroism in battle, such as that of a soldier, perhaps at great risk to his own life, who would go to save the flag, go to save the colors—the symbol of the Nation he was fighting for and representing. And many soldiers in the history of our Nation have done just that.

So it seems almost odd there should be a heated debate. I understand the reason for the debate. It is rooted in the principles of constitutional freedom. It is rooted in the desire to honor those first 10 amendments to the Constitution, which are really what we call the Bill of Rights and the right of free speech.

But I do recall, early in law school, studying constitutional law, learning that all rights enshrined in the Constitution have certain limits within them, that they all have certain boundaries, that there is no such thing as unlimited rights. Although we treasure and value our right of free speech, I do believe it is important we understand there are some things that ought to be protected.

We protect our national monuments, not just because they are pieces of property that are beautiful and what they represent, but it is really more about the symbol of what they are. The national monuments are protected because they are a symbol of something special in our Nation, and it might be a person, it might be a historical moment in time.

Likewise, this very special symbol of our Nation, our flag, is one I believe we should also protect. It is protected in a simple way. It is about the balance of power within our Nation. It is about the difference between those things which are reserved for the judicial branch and others which are placed in the hands of the legislative branch.

What the Congress seeks to do in proposing this amendment to the American people, in placing it in a place where it can now enshrine forever what was attempted to be done legislatively a number of times, which the courts have chosen to strike down, is to say the legislative branch of Government, that branch closest to the people, elected by the people, shall have the right and the power to prohibit the physical desecration of the flag of the United States. That is what the article would say:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

When I was young, another life experience, now being shared by my youngest son, was being a Boy Scout. We see Boy Scouts through the halls of our Congress, visiting here, seeing our sacred monuments, seeing our places where this Republic has been a beacon of hope, the ''shining city on a hill'' to

many people around the world. When they come and relish what they see, they come with a certain pride. They have learned also, as young boys, to protect the flag, to defend the flag, to honor the flag, and to treat it with that very special respect which is expected for something as important as a symbol of national unity.

So I am an encouraged supporter of this amendment because I believe it is important that as our Nation goes forward we always respect and honor the opportunity and the right of those who disagree with the policies of our Government to freely express themselves, to have no place where they cannot speak. I understand the meaning of freedom, the meaning of the right of free speech. However, I do also understand the very special nature of what the flag represents. In that situation, I believe there are many opportunities available to those who wish to protest, to those who wish to express a point of view different from the Government, that can be expressed in ways that do not afront, that do not offend, and do not destroy that very important symbol of national unity which we have made our flag and which our flag has been.

So I am proud today to support this amendment. I believe it is important that it be a constitutional amendment because we know that past efforts to legislatively fix the problem—to legislatively say to all that this symbol of national unity is so important that we deem it important enough to protect in a very special way—have been frustrated by the inability of the courts to agree with a clear direction the legislative branch has imposed on this. So then it is upon us to allow the people of this country to vote on this issue and to allow the various State legislative bodies to move on this issue and to seek to preserve for evermore this symbol of national unity.

This amendment seeks to prevent the physical abuse of a symbol that has served our country in many valuable ways through its history. It does not do so by restricting anyone's speech but by addressing their physical conduct. We are a free and vibrant people, and we owe that to those who have gone before us, and to those who serve us now, in protecting our national interests. Desecrating the flag does nothing to celebrate or enhance our expressive freedoms, while it clearly dishonors those who have seen the flag as a basis for their service and sacrifice.

So I strongly urge my colleagues to support this amendment and protect the most prominent and visible symbol of the freedom that America represents to the world.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I strongly oppose S.J. Res. 12. Make no mistake, we are talking here today about modifying the Constitution of the United States to permit the Government to criminalize conduct that all of us find offensive and wrong, but that is protected by the first amendment. This amendment would, for the first time, amend the Bill of Rights. I cannot support this course.

Let me make one thing clear at the outset. Not a single Senator who opposes the proposed constitutional amendment, as I do, supports burning or otherwise showing disrespect to the flag. Not a single one. None of us think it is ''OK'' to burn the flag. None of us view the flag as ''just a piece of cloth.'' On those rare occasions when some malcontent defiles or burns our flag, I join everyone in this Chamber in condemning that action.

But we must also defend the right of all Americans to express their views about their Government, however hateful or spiteful or disrespectful those views may be, without fear of their Government putting them in jail for those views. America is not simply a Nation of symbols, it is a Nation of principles. And the most important principle of all, the principle that has made this country a beacon of hope and inspiration for oppressed peoples throughout the world, is the right of free expression. This amendment threatens that right, so I must oppose it.

We have heard at various times over the years that this amendment has been debated that permitting protestors to burn the American flag sends the wrong message to our children about patriotism and respect for our country. I couldn't disagree more with that argument. We can send no better, no stronger, no more meaningful message to our children about the principles and the values of this country than if we oppose efforts to undermine freedom of expression, even expression that is undeniably offensive. When we uphold first amendment freedoms despite the efforts of misguided and despicable people who want to provoke our wrath, we explain what America is really about. Our country and our people are far too strong to be threatened by those who burn the flag. That is a lesson we should proudly teach our children.

Amending the first amendment so we can bring the full reach of the criminal law and the power of the state down on political dissenters will only encourage more people who want to grandstand their dissent and imagine themselves ''martyrs for the cause.'' Indeed, we all know what will happen the minute this amendment goes into force—more flag burnings and other outrageous acts of disrespect of the flag, not fewer. Will the amendment make these acts any more despicable than they are now? Certainly not. Will it make us love the flag any more than we do today? Absolutely not.

It has been almost exactly 17 years since the Supreme Court ruled that flag burning is a form of political speech protected by the first amendment. Proposals to amend the Constitution arose almost immediately and have continued unabated. But while the interest of politicians in this course of action seems as strong as ever, public interest in it seems to be waning. Opinion polls show support for the amendment has fallen. Amending the Constitution to prohibit flag desecration is just not the foremost thing on the minds of the American people. Perhaps that is because it is long since clear that our Republic can survive quite well without this amendment. Nearly a generation has passed since the Texas v. Johnson decision, and our Nation is still standing strong. That alone shows that this amendment is a huge overreaction and an entirely unnecessary step.

The last time that the full Senate voted on, and rejected, this constitutional amendment was in the year 2000. I think it is fair to say that patriotism since then has not only survived without this amendment, it has flourished, and in very difficult times, much more difficult than the country faced in 1989, when the Supreme Court struck down flag desecration statutes, or in 1995 when I first voted on the amendment in the Judiciary Committee.

Indeed, outward displays of patriotism are greater today than they were in 2000. We all know why that is. Our country was viciously attack on September 11, 2001, and America responded.

We didn't need a constitutional amendment to teach Americans how to love their country. They showed us how to do it by entering burning buildings to save their fellow citizens who were in danger, by standing in line for hours to give blood, by driving hundreds of miles to search through the rubble for survivors and to help in cleanup efforts, by praying in their houses of worship for the victims of the attacks and their families.

September 11 inspired our citizens to perform some of the most selfless acts of bravery and patriotism we have seen in our entire history. No constitutional amendment could ever match those acts as a demonstration of patriotism, or create similar acts in the future. We do not need a constitutional amendment to teach Americans how to love their country or how to defend it from our enemies.

I know that many veterans fervently support this amendment. I deeply respect their opinions and their right to urge the Congress to pass it. But I also want the record to be clear that many of those who have served our country in battle oppose the amendment as well. In 1999, a number of veterans formed a group called the Veterans Defending the Bill of Rights. These veterans, who served our country in five

different wars, strongly believe it is wrong to pass an amendment to protect the flag that takes away the freedom the flag represents. I'd like to share with my colleagues the views of these brave veterans, who, in my opinion, represent the very best of the American spirit.

Let me start with the words of a veteran of our current conflict in Iraq. SPC Eric Eliason of Englewood, CO, served as an infantryman in the Army for 3 years, including 1 year overseas as part of Operation Iraqi Freedom. He said:

> We volunteered to go to war to protect the freedoms in this country, not watch them be taken away. . . . I consider myself an independent-minded conservative, and believe that creating unnecessary amendments to the U.S. Constitution is a betrayal of conservative principles.

Another veteran, Brady Bustany of West Hollywood, CA, who served in the Air Force during the gulf war, put it very simply. He said,

> 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.

A veteran of the Korean war, Jack Heyman of Fort Myers Beach, FL, whose great grandfather fought in the Civil War, whose father served in World War I, and whose son served in Vietnam, explained his opposition to the amendment this way:

> I know of no American veteran who put his or her life on the line to protect the sanctity of the flag. That was not why we fulfilled our patriotic duty. We did so and still do to protect our country and our way of life and to ensure that our children enjoy the same freedoms for which we fought.

The leader of Veterans Defending the Bill of Rights is Professor Gary May of the University of Southern Indiana. Professor May, whose father, father-in-law, grandfather, and brother also served our country in the Armed Forces, lost both legs in the Vietnam War on April 12, 1968, over 38 years ago. He opposes this amendment, and because of what he has sacrificed for his country, he speaks more eloquently than I could ever hope to about the danger of this amendment. Professor May testified at the last Senate hearing held on the flag amendment, which, by the way, was held more than 2 years ago, on March 10, 2004. Professor May said:

> Freedom is what makes the United States of America strong and great, and freedom, including the right to dissent, is what has kept our democracy going for more than 200 years. And it is freedom that will continue to keep it strong for my children and the children of all the people like my father, late father in law, grandfather, brother, me, and others like us who served honorably and proudly for freedom.
>
> The pride and honor we feel is not in the flag per see It is in the principles for which it stands and the people who have defended them. My pride and admiration is in our country, its people and its fundamental principles. I am grateful for the many heroes of our country—and especially those in my family. All the sacrifices of those who went before me would be for naught, if an amendment were added to the Constitution that cut back on our First Amendment rights for the first time in the history of our great Nation.

Professor May also provided in his statement excerpts from letters he has received from other veterans who oppose the amendment.

One veteran, James Lubbock of St. Louis, MO, who served in World War II and has two sons who served in the Vietnam war, said:

> Let's not alter the Bill of Rights to save the flag. We should respect the flag, but we should all cherish the Bill of Rights much, much more.

These kinds of expressions move me deeply. The service of our troops shows the awesome power of the American ideal. The willingness of our young people to serve this country, to risk their lives, and endure unimaginable hardships on our behalf is not to be taken lightly. I believe that this remarkable spirit is inspired and nurtured by the principles on which this country was founded, by our devotion to the Constitution and the rule of law. We should not trifle with those principles. Too much is at stake. We know that now more than ever.

Despite the expected close vote, it is clear that this is a political exercise in an election year. We will spend several days of precious floor time, as the legislative session winds down, debating a measure that would undermine the Constitution while affecting only a handful of miscreants each year.

As we do so, humanitarian catastrophes continue to unfold around the world, posing a direct threat to international peace and stability and affecting the lives of millions upon millions of people.

I sincerely hope we will remember what this debate today is really about—not whether flag burning is a good idea, not whether we love and respect our flag, not whether patriotism is worth encouraging and celebrating, but whether the threat to our country from those who burn the flag is so great—is so great—that we must sacrifice the power and the majesty of the first amendment to the Constitution in order to prosecute them.

In 1999—it just so happens the Presiding Officer is the son of this man—the late Senator John Chafee, one of this country's great war heroes at Guadalcanal and in the Korean war, testified before the Judiciary Committee against this amendment. He said:

> [W]e cannot mandate respect and pride in the flag. In fact . . . taking steps to require citizens to respect the flag, sullies its significance and symbolism.

Senator Chafee's words still echo in my mind. They should serve as a caution to all of us who have the responsibility to vote on this amendment. What kind of symbol of freedom and liberty will our flag be if it has to be protected from misguided protesters by a constitutional amendment?

In concluding, Mr. President, I pay tribute to you and your father. I will vote to defend our Constitution against this ill-advised effort to amend it. I urge my colleagues to vote for liberty and freedom and for the first amendment by voting no on this constitutional amendment.

I ask unanimous consent that several letters be printed in the RECORD.

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

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, June 9, 2006.

Hon. PATRICK LEAHY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the American Bar Association, I write to urge you to vote against S.J. Res. 12, the proposed amendment to the U.S. Constitution that would allow Congress to prohibit the physical desecration of the flag of the United States.

Few things are more offensive to most Americans than the desecration of our flag. But, as important as the flag is to all of us, we must never protect it at the expense of the constitutionally protected freedoms it symbolizes. One of our most precious rights is the right to express our dissatisfaction with our government through peaceful words or conduct, both of which are forms of political speech and protected under the First Amendment, S.J. Res. 12 would enshrine a restriction on our fundamental right to free speech in the very document that protects our individual liberties. For the first time in our Nation's history a fundamental right would be denied for future generations.

The Bill of Rights has remained honored and intact, even during great times of conflict and stress for our nation, for over 200 years. As James Madison once stated, amending the Constitution should he reserved for ''great and extraordinary occasions.'' Infrequent incidents of flag desecration do not warrant undermining the freedom of speech guaranteed under the First Amendment. If we were to desecrate our Constitution to protect the flag's cloth from insult, we would do it great disservice to both.

All through human history, tyrannies have tried to enforce obedience by prohibiting disrespect for the symbols of their power. The American flag commands respect and love because of our country's adherence to its values and promise of freedom, not because of fiat and criminal law. America is not so fragile and our citizens' patriotism is not so superficial that they must be upheld by the mandate of a constitutional amendment to protect the flag.

We urge you to defend and preserve our cherished constitutional freedoms by rejecting S.J. Res. 12.

Sincerely,

MICHAEL S. GRECO.

VETERANS FOR COMMON SENSE,
Washington, DC, July 14, 2005.

Re Oppose the Flag Desecration Constitutional Amendment.

DEAR SENATOR: We, the undersigned members of Veterans for Common Sense, write to urge you to oppose S.J. Res. 12, the proposed constitutional amendment to prohibit ''desecration'' of the flag. This proposed amendment is an attack on liberty, and a disturbing distraction from the real concerns of our nation's veterans.

Veterans for Common Sense (VCS) was founded on the principle that in an age when

the majority of public servants have never served in uniform, the perspective of war veterans must play a key role in the public debate over national security issues in order to preserve the liberty veterans have fought and died to protect. VCS was formed in 2002 by war veterans who believe that we, the people of the United States of America, are most secure when our country is strong and responsibly engaged with the world. Three years later, our organization has over 12,000 members throughout the United States. Central to our mission is supporting United States servicemen and women, veterans and their families, and preserving American civil liberties as guaranteed in the U.S. Constitution and its amendments.

The United States is faced with a number of pressing concerns related to national security and the quality of life of veterans. We believe that the United States government and military has a responsibility to maintain and continue its work in Iraq so that the country comes out of this war as a stable, secure and sovereign nation where its people have the best opportunity for a decent and free life. The government also has a responsibility to ensure that United States servicemen and women come home safe.

Out of the 360,000 discharged veterans from Operation Iraqi Freedom and Operation Enduring Freedom, nearly one in four have already visited the Veterans Administration for physical injuries or mental health counseling. Our government has a duty and a responsibility to address both the traditional and nontraditional effects of war, including battlefield injuries, post-traumatic stress, and diseases resulting from vaccines and toxic exposures.

These concerns should be on the top of the congressional agenda this session. But instead of devoting its time and resources to resolving these urgent challenges, Congress apparently chooses to consider amending the Constitution to prohibit a form of nonviolent expression. We are dismayed by this choice.

We urge Congress to preserve American civil liberties as guaranteed in the United States Constitution and its amendments. When it comes to the measure under consideration, we believe that the supposed threat of a few incidents of flag burning does not justify the first ever amendment to the First Amendment. The ability to express nonviolent dissent to government policy is central to the American way of life, and we are loathe to amend away this fundamental liberty.

As veterans, we are indeed offended by those who burn or defile the flag. The flag is a cherished symbol of the freedoms we fought to defend, and we honor it as such. But we must not attempt to protect this symbol at a cost to the freedoms it represents. The Constitution of the United States has never been successfully amended to restrict liberty. To do so now would betray the promise and ideal of America.

The proposed constitutional amendment to ban ''desecration'' of the flag threatens the civil liberties of Americans. Further, it distracts from the real world concerns of our active duty military personnel and veterans. Congress should not be in the business of undermining freedom of speech. During this time of war, we urge you to put this unnecessary and dangerous constitutional amendment aside, and instead focus on protecting our national security, insuring our servicemembers in harm's way have what they need to accomplish the mission, and that when they return home they get the best possible care. Again, please oppose S.J. Res. 12. If passed, it will undermine the Constitution that we swore to support and defend.

Sincerely,

BG (Ret.) EVELYN FOOTE,
Army, Accokeek, MD and over 1300 veterans.

THE AMERICAN JEWISH COMMITTEE,
OFFICE OF GOVERNMENT AND INTERNATIONAL AFFAIRS,
Washington, DC, June 22, 2006.

Re: Flag Desecration Amendment (S.J. Res. 12)

DEAR SENATOR, On behalf of the American Jewish Committee, the nation's oldest human relations organization with over 150,000 members and supporters represented by 33 regional offices nationwide, I urge you to oppose !he Flag Desecration Amendment (S.J. Res. 12). This amendment to the United States Constitution would authorize Congress to prohibit the physical desecration of the U.S. flag.

The Flag Desecration Amendment would encroach upon Americans' First Amendment rights. While AJC would be appalled by the burning of the flag for political purposes. the amendment would undermine the very values of freedom of expression and peaceful dissent that our flag represents. The House of Representatives already passed its version or The Flag Desecration Amendment one year ago. If adopted by the Senate. this legislation would mark the first time Congress has amended our founding charter to diminish the precious freedoms protected by the Bill of Rights,

We therefore urge you to protect the First Amendment's guarantee of freedom of expression by opposing S.J. Res. 12.

Thank you for considering our view on this matter.

Respectfully,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

NATIONAL COUNCIL OF JEWISH WOMEN,
June 23, 2006.

DEAR SENATOR: I am writing on behalf of the 90,000 members and supporters of the National Council of Jewish Women (NCJW) in opposition to the proposed amendment to the Constitution banning flag desecration (S.J. Res. 12).

NCJW is a volunteer organization, inspired by Jewish values, that works to improve the quality of life for women, children, and families and to ensure individual rights and freedoms for all. As such, we feel amending the Constitution in this way would threaten healthy civic debate, personal freedom of expression, and our fundamental democratic values.

As a symbol of our nation, the United States' flag represents our unique democracy and basic freedoms. The burning of the American flag constitutes dissenting expressive conduct, a right upheld by the US Supreme Court in Texas v. Johnson (1989). This Supreme Court precedent and our nation's history teach us that we must not protect this symbol at the expense of weakening the rights it represents.

As a senator, you are entrusted with protecting the rights and liberties of all Americans. I ask you to reaffirm your commitment to protecting these rights by opposing this egregious amendment.

Sincerely,

PHYLLIS SNYDER,
NCJW President.

Mr. FEINGOLD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Mr. President, like each of our colleagues in the Senate, I have a deep and abiding reverence for our flag.

As an 11-year-old Boy Scout, I learned flag etiquette and how we are supposed to show our respect for the flag. Later, I attended Ohio State University as a Navy ROTC midshipman and upon graduation took an oath to defend our country and its Constitution against all enemies both foreign and domestic.

I went on to serve our Nation as a naval flight officer for 23 years of Active and Reserve duty during the Vietnam war and until the end of the Cold War, much of it as a Navy P–3 mission commander.

We fly ''Old Glory'' on the front porch of our home throughout the year. We display it proudly in my Senate offices in Georgetown, Dover, and Wilmington, DE, as well as right here in Washington, DC.

Over the past 24 years, I have kicked off hundreds of townhall meetings by inviting attendees to stand and join me in pledging allegiance to our flag.

I wear an American flag lapel pin to work every day, and the American flag is even displayed on the Chrysler minivan I drive all over my little State.

I know it may sound old-fashioned or even corny to some, but I still get a lump in my throat more often than not when I pledge allegiance to our flag or sing our national anthem. In short, I love our flag and all of the good that it symbolizes about America.

In fact, I probably love our flag more today than all the days I have lived on this Earth. That is 59. But as much as I love our flag, I love our Constitution even more.

The U.S. Constitution is the foundation of the longest living experiment in democracy in the history of the world—America. Although written by man, I believe our Constitution was divinely inspired.

Among the rights that it guarantees us as Americans, none is more cherished than our right to freely express our beliefs. As much as we may disagree with the views of others, our Constitution seeks to guarantee that each of us has the right to convey our thoughts and views, however outrageous the rest of us may find them to be.

Our Constitution has been amended only 17 times since 1791 and just 6 times in my lifetime.

We have amended the Constitution to protect our freedom of speech, to worship God as we see fit, to protect our right to bear arms, and to ensure the right to a trial by a jury of our peers.

We have amended our Constitution to protect us from unlawful searches of our home and to guarantee our right to

assemble to present our grievances to those who serve us.

Constitutional amendments have abolished slavery, provided women and 18-year-old Americans with the right to vote, and limited our Presidents to serving just two terms in office.

The original Framers of our Constitution made it possible to amend the Constitution, but they did not make it easy. Our Founding Fathers believed they largely ''got it right'' the first time. History has demonstrated that they did.

When I served in Southeast Asia during the Vietnam war, flag burning was not uncommon. I was never in the presence of anyone who desecrated or destroyed our flag in protests then. It is hard to know for sure how I would have reacted, but it would not have been pretty.

Having said that, it has been a long time since I ever saw anyone burning or otherwise seeking to desecrate or destroy an American flag, and I am not the only one who feels that way either.

Former Secretary of State Colin Powell wrote several years ago:

> If someone destroys or desecrates a flag that is the property of someone else, that is a prosecutable crime. If someone is foolish enough to desecrate a flag that is their own property, do we really want to amend the Constitution to hammer a handful of miscreants?

In 1998, retired Green Beret Marvin Stenhammar testified before the Senate Judiciary Committee and addressed the two same questions above with this statement:

> As a true conservative, I ask you: When did it become conservative to recommend several changes to the Constitution? My brand of conservatism does not include this doctrine . . . I feel you—

''You'' being the Congress—

> have better things to do with your time and our tax dollars than changing the Constitution for something that rarely occurs and is typically done by immature idiots.

I have given this issue a lot of thought over the past 30 years. I have searched my heart, and I have concluded that once we let our passions subside, Colin Powell and Marvin Stenhammar have spoken the truth.

Flag burning or desecration, as we think of it, rarely does occur in this country today. In fact, last night, I was watching the news on television with my youngest son. The footage the networks were showing either dated back to the Vietnam war or they were images of foreigners burning a flag in Iraq or some other foreign countries.

I think that begs the question: Do we really need to amend the Constitution in an effort to eliminate a form of protest that almost never happens in America today? I am not convinced that we do.

Come to think of it, I don't recall a time in my life when there was a greater reverence for the American flag than there is today in our country.

I was reminded of that fact just last summer when I marched in Fourth of July parades throughout Delaware in places such as Hockessin, Smyrna, Laurel, and Bethany Beach and saw literally thousands of people of all ages waving, wearing, or displaying the stars and stripes.

All across America today, we see our flag proudly displayed on millions of homes, office buildings, factories, schools, stadiums, construction sites, bridges, and on the vehicles we drive.

A spirit of patriotism swept across our country since 9/11 in a way I have never witnessed in my life, and it has never fully subsided. That spirit is a source of comfort and inspiration to me, as I believe it is to millions of Americans everywhere.

The ''miscreants'' or the ''idiots'' who used to burn flags here did so to bring attention to their causes. They wanted to inflame passions in order to garner broader media coverage for those causes.

A Washington Post editorial of June 27, 2005—1 year ago today—said it better than I could. It said:

> When was the last time you saw someone burning a flag? If the answer is never, that's because it hardly ever happens. In fact, one of the few certain consequences of passing this amendment would be to make flag burning a more fashionable form of protest.

Given human nature today, the Post is probably right.

Another problem with the amendment is that just as beauty is in the eye of the beholder, so is flag desecration in several respects.

Most Americans would agree with us that burning an American flag in protest constitutes desecration, but how about a person covered with suntan lotion and perspiration lying on the sand on a hot sunny day at Bethany Beach or any beach for hours on an American flag beach towel? Or how about wearing an American flag swimsuit? What if a person wears American flag underwear, a neckerchief, or a sweatband of the stars and stripes?

What if they use their American flag neckerchief to wipe the dirt off their face or maybe even blow their nose on it? Do we really want to cause law enforcement officers, along with judges and prosecutors, to wrestle with questions such as these or do we want them fighting illegal drug trafficking, unlawful immigration, child abuse, assaults, rapes, and murders, and other serious crimes that are far more commonplace?

Let me suggest to my colleagues today not all behavior that dishonors our flag involves the physical desecration. I believe we desecrate our flag and what it symbolizes when we send American troops off to war without the body armor that they and their Humvees are supposed to have. I believe that we desecrate our flag and what it symbolizes if we don't provide for the needs of our soldiers when they come up with post-traumatic stress disorder, or without an arm, a leg, or their eyesight.

I believe we desecrate what our flag symbolizes when we discourage hundreds of thousands of Americans from voting by knowingly misallocating voting machines in some parts of America, causing people to give up after waiting for hours in line to cast their ballots.

I believe we desecrate what our flag symbolizes when we intimidate people whose religious beliefs are different from our own and try to compel them to worship God as we see fit. I believe that a handful of corporate CEOs desecrate what the American flag symbolizes when they loot the companies they lead and leave employees, pensioners, shareholders, and the rest of us holding the bag.

I believe we desecrate this beloved symbol of our country when we run up massive national debt that our children and our grandchildren will spend the rest of their lives trying to dig out from under.

I believe we desecrate what our flag symbolizes when some politicians who sought three deferments during an earlier war question the patriotism of those of us who served three tours of duty there or left three limbs on the battlefield of that war.

And I believe, my friends, that we desecrate all of the good that our flag symbolizes about America when we call on other nations to abide by the Geneva Conventions in providing humane treatment of the war prisoners they hold while we do not.

Mr. President, how much time do I have remaining, please?

The PRESIDING OFFICER. Seventeen seconds.

Mr. CARPER. Mr. President, I yield back the remainder of my time, and I will continue the rest of my speech at a later time today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, is there an order in effect for a time agreement? How much time do I have, in other words?

The PRESIDING OFFICER. The majority controls the time until 12:30.

Mr. CORNYN. Mr. President, I rise to address the resolution that is before us today and to speak in favor of its adoption. But before I do that, I think it is important first to read what the resolution says, because I think what we are actually going to be voting on has been misconstrued and, to some extent, inadvertently misrepresented. Also, during the course of my comments, I would like to address those who say that protecting Congress's prerogative to pass laws against flag desecration and those who say it is not important and emphatically disagree with them. And to those who say there are other things we can and should be doing, I say, well, we have been very busy doing a lot of very important things, but I certainly believe we have enough time in our crowded schedule to address this important issue as well.

There are also those who say amending the Constitution is simply something we should not do, even though we

have done so 27 times during the course of our Nation's history, and even though the 27th amendment to the United States Constitution provides that Congress can't increase its salary without having an intervening election. If we can amend the Constitution for that, which I agree is an important provision, we can certainly reinstate Congress's authority to pass laws protecting our national emblems and our national symbols such as the United States flag.

There are also those who try to get off—and again, I know people of good faith have serious disagreements. I don't mean to disparage the good faith of those who say this, but I would challenge those who say we can pass a statute and avoid having to pass a constitutional amendment. All I would say to that is: Been there. Done that. Doesn't work. The Supreme Court held that subsequent statutory provision unconstitutional, just like it did in the Texas case in 1989, the Texas law that prohibited desecration of the flag.

First of all, let me read the constitutional amendment being proposed, because there are some who say we are being asked to ban flag burning. In fact, this is a restoration of the authority under the Constitution to Congress to pass such laws as it deems appropriate, and we can talk about what the details of those bills would be later on, once the amendment is adopted. But it says, simply:

> Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, 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.

The article says simply this:

> The Congress shall have the power to prohibit the physical desecration of the flag of the United States.

As I said, this constitutional amendment doesn't actually make it a criminal act to desecrate the flag; it doesn't say what the penalties will be. What this constitutional amendment does is reinstate Congress's historical authority to protect the flag against desecration and leave for a later date what exactly that statute, that bill, would look like.

The reason I feel so strongly about this provision is because of the unique nature of our national symbol. The American flag is a monument, a symbol of our freedom, our country, and our way of life. Why in the world would we refuse to protect it against desecration?

As a former President of the United States has noted:

> We identify the flag with almost everything we hold dear on Earth. It represents our peace and security, our civil and political liberty, our freedom of religious worship, our family, our friends, our home. We see it in the great multitude of blessings of rights and privileges that make up our country.

Another President has said it this way:

> Our flag is a proud flag and it stands for liberty and civilization. Where it has once floated, there must be no return to tyranny.

We not only pledge allegiance to the flag each day in the Chamber of the U.S. Senate; children across America recite those words at the beginning of each school day, too. We celebrate Flag Day on June 14 of each year. We pin to our lapels flag pins and paste it to the windows of our cars and trucks. Following 9/11, you could hardly buy a flag, because they were in such demand as a rallying symbol of American patriotism and resolve in the wake of that awful attack, as depicted by this well-remembered picture of first responders in New York erecting the American flag out of the rubble following the deaths of 3,000 innocent Americans.

We insist on special rules of etiquette when a flag is handled. When I was a Boy Scout growing up, that was one of the things you learned. You learned flag etiquette, how to demonstrate respect for this unique symbol of our country, including learning how, when the flag is old and tattered, that special rules of etiquette dictate its disposal.

By displaying the flag, we demonstrate our gratitude to the generations passed who have fought and died for our country. And we remind ourselves of the obligation that we have to preserve our freedom for the generations yet to come and to pass along to our children and grandchildren the blessings of liberty that we have come to enjoy because of the sacrifices of those who have gone before. We drape this emblem over the coffins of those who have died in service to our country, those who have given the last full measure of devotion to keep us and our freedom safe. We proudly fly the flag over our Capitol here in Washington, DC, and at State capitols and public buildings all over our country.

Mr. President, recently I read a book about the most famous picture in the history of photography. This is a picture we are going to put up on this board that all of you will instantly recognize. This is a picture of Marines erecting the American flag on Iwo Jima in World War II, where thousands upon thousands of Marines gave their lives to take this island from the occupiers. The book I read recently is called ''Flags of Our Fathers,'' written by a man named James Bradley; his father was John. John Bradley, the father of the author, stands in the middle of the most reproduced figure in the history of photography. Only days before this photo was taken, John Bradley, a Navy corpsman, had braved enemy mortar and machine gun fire to administer first aid to a wounded Marine and then dragged him to safety. For this act of heroism John Bradley would receive the Navy Cross, an award second only to the Congressional Medal of Honor.

One of the amazing things about this book, ''Flags of Our Fathers,'' about this photograph and about John Bradley's service to his country as a Marine Corpsman and the service of others of these Marines who erected this flag on Iwo Jima in World War II, is that John Bradley, like so many of the Greatest Generation, never spoke of this historic moment or really much of his military service to his family or friends.

This reminds me a lot of my dad, who was a B–17 pilot in World War II who, on his 13th mission helping to knock out part of Hitler's war machine in Nazi Germany, was shot down and spent 4 months in a German prison camp. And like John Bradley, my dad never talked much about his military service. But James Bradley, John Bradley's son, discovered three boxes of artifacts his father had saved about Iwo Jima after his death, which launched him into a quest to find out a little bit more about his father's past and the past of the five other flag-raisers depicted in this picture.

This book explores the lives of all of these flag-raisers, showing how in times of national crisis ordinary Americans have found within themselves an uncommon courage and a capacity to attempt, and achieve, the impossible.

Indeed, that is one of the things that makes the American flag unique. What becomes of a country that has no special symbols; that somehow, over the passage of time, has deemed itself too sophisticated, too intelligent, too cynical to be choked by emotion when our flag is raised or when the pledge is spoken or when our National Anthem is sung?

During the Civil War, as James McPherson, a internationally known historian of that period has noted:

> The most meaningful symbol of regimental pride were the colors—the regimental and national flags, which bonded the men's loyalties to unit, State, and Nation.

He records one combatant as saying:

> When the American flag appeared above the battle smoke on the enemy works, it is impossible to describe the feelings one experiences at such a moment. God, country, love, home, pride, conscious strength and power, all crowd your swelling breast. Proud, proud as a man can feel over this victory to our arms. If it were a man's privilege to die when he wished, he would die at that moment.

These are not my words; these are the words of those who, in the service of their country, gained inspiration and purpose from this symbol that is a unique symbol, unlike any other we have in this country.

But ultimately, there are those on the floor of the U.S. Senate who ask: Well, is this really important enough to amend the United States Constitution? To those I would say, the question is not whether the Constitution should be amended; it already has been by judicial decree. The question then remains, who gets the final word? Five Justices on the United States Supreme Court or we, the people?

Not important? I disagree. This, I believe, is the ultimate test of our form

of government, based as it is upon consent of the government. Our Founding Fathers recognized that our Constitution might need to be amended over time and thus article V of the Constitution creates a difficult but nevertheless a way forward to amend the Constitution when the American people see fit.

Of course, this process will not stop upon this body's passage of this amendment. Assuming we are able to get the two-thirds vote requirement in the Senate and in the House, then it will go to the States, where three-quarters of the States must ratify the amendment for it to become the 28th amendment to the United States Constitution.

I believe, to quote the Declaration of Independence, that the powers of the Federal Government emanate from ''the consent of the governed.'' In other words, I believe that we as a nation do not have to accept as final the judgment of five Judges who, in 1989, in the Texas v. Johnson case, held the Texas flag desecration law unconstitutional.

The amazing thing about this debate is I do not think there are very many people who recognize that before 1989, when the U.S. Supreme Court struck down the Texas flag desecration statute, 48 States, including the District of Columbia, had laws criminalizing flag desecration—48 States. But, lo and behold, 200 years after its adoption, five Judges decided that the first amendment of the Constitution of the United States, which guarantees free speech, renders all of those 48 flag desecration statutes unconstitutional as being a limitation on free speech. Don't mind the fact that it is really not about speech, it is about behavior. It is not about what you say, it is about what you do. But the Supreme Court, five members of the Court, didn't seem to have too much trouble with that.

Chief Justice Rehnquist, recently departed, in the dissent to that case of Texas v. Johnson in 1989 that struck down all 48 flag desecration statutes, wrote:

> The American flag, then, throughout more than 200 years of history, has come to be the visible symbol embodying our Nation. It does not represent the views of any particular political party, and it does not represent any particular political philosophy. The flag is not simply another ''idea'' or ''point of view'' competing for recognition in the marketplace of ideas. Millions and millions of Americans [Chief Justice Rehnquist said] regard it with an almost mystical reverence, regardless of what sort of social, political or philosophical beliefs they may have. I cannot agree that the first amendment invalidates the act of Congress and the laws of 48 of the 50 States which make criminal the public burning of the flag.

Justice Stevens, not necessarily of the same sort of judicial ideology or bent as Chief Justice Rehnquist, also dissented, and he said:

> The flag is more than a proud symbol of the courage, the determination, and the gifts of nature that transformed 13 fledgling Colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of good will for the other peoples who share our aspirations. . . . The value of the flag as a symbol cannot be measured.

Justice Stevens concluded:

> The case has nothing to do with ''disagreeable ideas.'' It involves disagreeable conduct that, in my opinion, diminishes the value of an important national asset . . .

And that Johnson, the defendant in that case, was punished only for the means by which he expressed his opinion, not the opinion itself.

I mentioned a moment ago that there are those of our colleagues who in good faith think that we can fix this problem by simply passing another flag desecration statute in the U.S. Congress. I would point out to my colleagues that we have already tried to do that right after the Texas v. Johnson case. The U.S. Congress overwhelmingly passed a statute which was struck down by the same five Justices on the U.S. Supreme Court in a case called United States v. Eichman.

It is clear that no statute can pass constitutional muster as long as the Texas v. Johnson decision is on the books. There are some who would offer an amendment—maybe during the course of this debate—who in good faith think that if they limit the reach of the statute to fighting words, in other words some act that would provoke violence in a public place, that somehow they have fixed the problem. But we are not just talking about provoking people by what is tantamount to fighting words by protecting the flag. We are talking about protecting a valuable national symbol of all of the things our country has come to mean, both to us and to those abroad; and that the good faith of our colleagues notwithstanding, no statute that we might pass could possibly fix the problem of five Judges assuming after 200 years that flag desecration is protected speech, that it violates the first amendment of the Constitution.

We all know as a matter of constitutional law that no statute can fix a constitutional violation. So only a constitutional amendment, passed by Congress and ratified by three-quarters of the States, could possibly fix this problem.

Those who complain and say this is an imaginary problem, that we do not have acts of flag desecration today or why are we talking about this in 2006 if the Supreme Court held this flag desecration statute unconstitutional in 1989, there is a very simple reason we are still talking about it today. It is because we have been working on it under the leadership of Senator ORRIN HATCH and others for 11 years.

I think the first constitutional amendment that was introduced was in 1995, and we have gradually been making progress each year by getting more and more support in the Senate. I hope our colleagues today will meet the challenge and deliver the 67 votes needed in this Chamber in order to move this constitutional amendment along.

To those who say this is an imaginary problem, I will say simply look at the facts. The Citizens Flag Alliance has a Web site in which they demonstrate 17 acts of flag desecration in the United States over the last 2 years. It may be these are not widely reported in the press. I am not sure exactly what the reason is. But there are 17 acts of flag desecration just in the last 2 years. This is not a contrived or imaginary issue.

I remember the ranking member of the Judiciary Committee, the Senator from Vermont, saying he was vehemently against the constitutional amendment because he didn't think we ought to tamper with the Constitution—notwithstanding the Founding Fathers provided article V to give us a means to amend the Constitution when a sufficient number of people in the Congress and across the country see fit. But I think he said something like: If anyone had the temerity to desecrate the flag in his presence, they wouldn't need a statute criminalizing that act. They would have to get past him to get to wherever it was they were going, suggesting that perhaps individuals who were sufficiently motivated might, through acts of violence, perhaps, dictate justice.

I do not think that is a sufficient answer. This is a real issue. It is not contrived, as demonstrated by the 17 acts of desecration in the last 2 years. It is not a problem we can fix by passing a statute and patting ourselves on the back and saying: Yes, we fixed that problem. This is a problem that calls for a constitutional amendment.

Yes, I know how serious that is. I don't lightly suggest amendments to the Constitution. But I sincerely believe in my heart of hearts this unique symbol of our country and all of our aspirations and dreams—not only for people here but the kinds of aspirations and dreams that are a beacon to those who will come here in the future, and the generations that come here after—I believe it deserves special protection. Thus, I believe we ought to take this opportunity to say yes.

Congress does have a voice in this. Yes, the American people do have a voice in whether the flag is protected. The only way we can do that is by passing this resolution by two-thirds of the Senate and moving this process along and then leaving it up to the people of America, the three-quarters of the States that will have to ratify this before it becomes final. Let them have a word.

I yield the floor.

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

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

Mr. CORNYN. I thank the Chair.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:26 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

FLAG DESECRATION AMENDMENT—Continued

The PRESIDING OFFICER. The Senator from Maine—Vermont.

Mr. LEAHY. Mr. President, both are beautiful States. Maine is the largest land area, the largest State in New England. Most people are surprised to know that Vermont is the second largest. We beat out New Hampshire by about 90 square miles—larger than Massachusetts, larger than Connecticut, larger than Rhode Island. Smallest in population, but we take a back seat to no one in our independence.

I am glad to see my friend, the Presiding Officer, the distinguished Senator, and distinguished former Governor.

I commend the senior Senator from Connecticut for his outstanding statement last night and the senior Senator from Illinois, our Assistant Democratic leader, for his cogent observations on this matter. The statement this morning by the Senator from Vermont, a veteran, a man of principle and courage, made me proud to serve with him in representing the people of our great State. I thank the Senator from Wisconsin, the ranking Democrat on the Constitution Subcommittee for his statement, and the Senator from Delaware, another veteran, for his well-chosen words, as well.

This morning we awoke to read the latest example of this administration's incompetence. Because of bureaucratic bungling, widows of those who have served this Nation and sacrificed for all of us have been denied the survivors' benefits to which they should be entitled. A leader of the Gold Star Wives of America, a group of 10,000 military widows, was quoted as saying:

> It is shameful that the government and Congress do not deliver the survivor benefits equally to all our widows with the same compassion and precision the military presents the folded flag at the grave.

Edie Smith is right and we should be ashamed.

This news follows other recent public reports that posttraumatic stress disorders among our veterans are on the rise. Instead of seeking to turn the flag into a partisan political weapon and the Constitution into a billboard for political slogans, for partisan gain, we should be working to fulfill the pressing needs of our veterans and their families. I wish the Senate would use its time to discuss and solve the real problems that real Americans are facing right now, instead of trying to stir public passions for political ends.

The Republican leadership so rushed this amendment to the floor that there was not a single Senate hearing on it in this Congress. It was marked up in a side room off the Senate Chamber rather than in the regular public hearing room for the Judiciary Committee with very little debate, and it was reported without a committee report. This is the second time in a month that this Senate is rushing to debate a constitutional amendment without following the procedures that ensure thoughtfulness in such an important debate on a proposal to change our fundamental charter and, in this instance, cut back on the Bill of Rights for the first time in our history.

It was noted today in one of the newspapers that the U.S. Senate—the conscience of the country—is expected to spend 4 days debating this amendment—1 for each incident of flag burning that purportedly occurred this year in a Nation of 300 million people. I respectfully suggest that in the less than 10 weeks left to us in session this year, the Senate's resources would be better spent working to improve veterans' health care services, survivors' benefits and protecting veterans' and Americans' privacy. We have just witnessed the largest theft of private information from the Government ever, the loss of information on more than 26.5 million American veterans, including more than 2 million who are in active service, nearly 80 percent of our active-duty force and a large percentage of our National Guard and the Reserve. Why? Because this administration was so incompetent they did not think to lock the door.

This same administration says we need a constitutional amendment to ban flag burning in order to protect our veterans. We are not going to do anything to protect their credit records; we are not going to do anything to protect their privacy. We will leave the door open on that. But we have to watch out for the flag.

Let me quote what a spokeswoman for the American Legion said recently:

> Our armed forces personnel have enough on their plates with fighting the global war on terror, let alone having to worry about identity theft while deployed overseas. A spokesman for the VFW said: This confirms the VFW's worst fear from day one—that the loss of data encompasses every single person who did wear the uniform and does wear the uniform today.

What does the Bush-Cheney administration say? If you are over there fighting in Ramallah and your identity has been stolen, don't worry. We have an 800-number you can call and maybe buy some insurance or something to protect your credit. Well, call once you are not getting shot at.

Because of the Bush-Cheney administration's recklessness, our veterans and our active-duty servicemembers are now worried whether their personal information is being sold on the black market or available to foreign intelligence services or terrorists. That adds up to a heckuva bad job for America's veterans and our men and women in uniform.

Compounding the incompetence was the misguided impulse of the administration to keep everything secret for as long as they could. Three weeks after the theft, it was finally disclosed. Three weeks after that, the administration finally announced that it would do what it should have done from day 1 by making credit reporting available to those affected. And the administration is still fighting paying for its mistakes. It is resisting the efforts by Senators BYRD and MURRAY to provide the money needed to pay for credit monitoring and proposing to take the money from veterans health care or other programs. That is wrong.

Such incompetence at the Bush-Cheney Department of Veterans Affairs is worse than anything I have seen in the six Presidential administrations I have served with. At some point, this administration better stop appointing and hiring cronies, and at some point it might really take responsibility. Then we could have some real accountability for their incompetence. The American people suffer, the veterans are at risk, but those in responsibility get medals and promotions and the Republican Congress never gets to the bottom of what happened to make sure it will not happen again.

Rather than work on our privacy and identity theft legislation, rather than proceed on a bill protecting veterans, such as Senator AKAKA's or Senator KERRY's, we are being directed to another divisive debate on a proposed constitutional amendment. The White House calls the tune, and this Republican-led Congress is quick to dance to it. This is a White House that does not even list ''veterans'' as an issue on its Web site.

The Nation's veterans—who have been willing to make the ultimate sacrifice for their country—deserve better. In his second inaugural, while the Nation was fighting the Civil War, President Lincoln concluded with words that became the motto of the Veterans Administration and remains on metal plaques around the Vermont Avenue doors of the VA office here in Washington:

> To care for him who shall have borne the battle and for his widow, and his orphan.

In this fundamental mission, this administration has lost its way.

What the Bush administration's budget says is that honoring veterans is not a priority, especially when it comes to medical care. The President's budget requests consistently fall short of the levels needed to provide necessary services and care. Secretary Nicholson had to admit a billion dollar shortfall last year after first issuing inaccurate and unfounded denials of his mismanagement. Secretary Principi before him had testified that the Veterans Department asked the White

House for an additional $1.2 billion but that it was denied.

Veterans groups and families know that even these budget requests are inadequate—nearly $3 billion less than what veterans groups like the American Legion, the Veterans of Foreign Wars, and the Paralyzed Veterans of America recommend in the Independent Budget. These organizations know what it will take to meet veterans' health care needs.

And when Democratic Senators, such as Senators MURRAY, AKAKA, or NELSON, offer amendments to fund veterans programs, Republicans refuse to support those amendments to bring funding up to the levels recommended by the independent budget and just plain common sense.

We heard in March 2004 from the chairman of the Citizens Flag Alliance, Major General Patrick Brady, that ''we have never fully met the needs of our veterans.'' This echoed General Brady's frank admission following our April 1999 hearing that ''the most pressing issues facing our veterans'' were not flag burnings but rather ''broken promises, especially health care.'' Sadly, it appears that playing politics with veterans' emotions rather than sustaining their health care is nothing new.

During the past 5 years, Congress has had to add billions of dollars more to the President's budget request just to fill gaps in basic services. If we had done as the President asked year after year, veterans' medical care would be in even worse shape. Unfortunately, this year the Congress is not off to an encouraging start. The most recent supplemental spending bill excluded almost $400 million in additional spending for the veterans' health care. Again, the administration said it did not need the additional funding—but our veterans need it.

The Bush-Cheney administration's budget for veterans does not account for the increase in demand for VA services during the Iraq war. With nearly 20 percent of those returning from Iraq reporting mental health problems and 35 percent of Iraq war veterans needing health care services, we are cutting the money. Consider the cost of inflation and the increased costs for medicine and services and you can understand why the American Legion projects that more than $1 billion is needed in further funding just to meet annual payroll and medical inflation costs.

Most disturbing is the move to make veterans contribute a larger share to provide their own health care. The Bush-Cheney administration continues efforts to impose onerous fees and copayments on our Nation's veterans. This parallels the demands on families to buy armor, helmets, and other supplies for their family members serving overseas in our Armed Forces. It is the first time since the Revolution that we have sent our forces out there having to buy their own equipment when they went to war.

The Bush administration plans to increase by almost $800 million this year the fees and collections from third parties for veterans' health care. They plan on imposing an annual enrollment fee and doubling prescription drug copayments for certain veterans. Veterans are being forced to subsidize their government health care. So much for the words on the veterans building in Washington.

I could go on and on describing the claims backlog, the longer waits, and the cuts in service. To add insult to injury, the GAO reported recently that hundreds of battle-wounded soldiers are being pursued for collection of military debts incurred through no fault of their own, due to long-recognized problems with military computer systems. The bottom line is that the administration's rhetoric toward veterans simply does not match its real priorities.

We seem headed back to the time after World War I when veterans had to come to Washington and live in tent cities to demand that the Government honor the words of President Lincoln and care for them and those others had left behind.

Instead of debating polarizing issues that we have talked about in election years, we should be acting to provide real resources for our men and women who served this country with honor and sacrifice.

I will ask to have printed in the RECORD a collection of recent newspaper articles on veterans needs.

I have stated my position on this flag-burning amendment before. I have stated before that Vermont, the 14th State to join the Union, joined the same year that the Bill of Rights was ratified, then joined by the 15th State. And that became the flag that we had for many years in this country, with 15 stars and 15 stripes. But we Vermonters want to make sure that our rights are being protected.

We amend the Constitution according to the Constitution when there is an urgent need to do so. We have never amended the Bill of Rights—never, ever. Since World War II, since the Civil War, no matter what the threat, we have never amended the Bill of Rights. Now we are being asked for the first time to amend the first amendment.

We are told there is an urgent need. My God, what is the urgent need? Especially since 9/11, more Americans fly the flag probably than any time in my lifetime. I fly the flag outside of my home in Vermont whenever I am there. I flew it for my son when he joined the Marines. I flew it when he finished his time in the Marines.

My flag is protected. If anyone were to steal it, destroy it, desecrate it, they could be prosecuted.

I fly my flag because I want to, and I protect it because I want to. I do not need a law to tell me to do so.

Mr. President, I ask unanimous consent that the aforementioned articles be printed in the RECORD.

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

MILITARY FAILS SOME WIDOWS OVER BENEFITS

(By Lizette Alvarez)

JUNE 27, 2006.—As Holly Wren coped with her 6-month-old son and the sorrow of losing her husband in Iraq last November, she assumed that the military's sense of structure and order would apply in death as it had in life.

Instead she encountered numerous hurdles in trying to collect survivor benefits. She received only half the amount owed her for housing because her husband, one of the highest ranking soldiers to die in Iraq, was listed as single, childless and living in Florida—wrong on every count. Lt. Col. Thomas Wren was married, with five children, and living in Northern Virginia.

She waited months for her husband's retirement money and more than two weeks for his death benefit, meant to arrive within days. And then Mrs. Wren went to court to become her son's legal guardian because no one had told her husband that a minor cannot be a beneficiary. ''You are a number, and your husband is a number'' said Mrs. Wren, who ultimately asked her congressman for help. ''They need to understand that we are more than that.''

For military widows, many of them young, stay-at-home mothers, the shock of losing a husband is often followed by the confounding task of untangling a collection of benefits from assorted bureaucracies.

While the process runs smoothly for many widows, for others it is characterized by lost files, long delays, an avalanche of paperwork, misinformation and gaps in the patchwork of laws governing survivor benefits.

Sometimes it is simply the Pentagon's massive bureaucracy that poses the problem. In other cases, laws exclude widows whose husbands died too early in the war or were killed in training rather than in combat. The result is that scores of families—it is impossible to know how many—lose out on money and benefits that they expected to receive or believed they were owed, say widows, advocates and legislators.

''Why do we want to draw arbitrary and capricious lines that exclude widows?'' asked Senator Mike DeWine, an Ohio Republican, who has sponsored legislation to close some of the legal loopholes that penalize widows. ''It seems to me we ought to err on the side of compassion for families.''

Mr. DeWine said Congress sometimes passes these loopholes without considering the ramifications. But money also plays a large factor, and Congress is sometimes compelled to keep down costs associated with the war. ''That's what you hear behind the scenes,'' Senator De Wine said.

The Army is also trying to address the problem, for example, with new call centers intended to help survivors navigate the bewildering bureaucracy. ''As we always have, we constantly re-evaluate how we conduct our business to see if we can improve,'' said Col. Mary Torgersen, director of the Army casualty affairs operations center.

But legislators and advocates working with widows say the problems are often systemic, involving payouts by the mammoth Department of Defense accounting office and the Department of Veterans Affairs.

A few widows simply fall through the cracks altogether. The consequences are hard felt: they run up credit card bills, move in with relatives to save money, pull their children from private schools, spend money on lawyers or dedicate countless frustrating hours to unraveling the mix-ups.

''We have had more of these cases than I wish to know,'' said Ann G. Knowles, president of the National Association of County Veterans Service Officers, which helps veterans and widows with their claims.

The Department of Defense offers widows a range of benefits, including retirement security money, health care, life insurance payouts and a $100,000 death gratuity. The Department of Veterans Affairs allocates a minimum $1,033 monthly stipend and temporary transition assistance, among other things.

Widows also receive money from the Social Security Administration.

But a benefit is only as valuable as a widow's ability to claim it. Just days after her husband was killed in Iraq by a roadside bomb, Laura Youngblood, who was pregnant with their second child, got another piece of sobering news from the Navy: Her mother-in-law, who had been estranged from the family for several years, would be receiving half of her husband's $400,000 life insurance payment.

Nearly a year later, Mrs. Youngblood, 27, is still trying to persuade the Navy that the military's accounting department lost her husband's 2004 insurance form naming her and her son as co-beneficiaries, along with the rest of his predeployment paperwork. The only forms the Navy can find are from 2003, listing an old address for her husband, Travis, an incorrect rank and no dependents.

The military paperwork was in such disarray, Mrs. Youngblood said, that her husband went months without combat pay and family separation pay because the defense accounting service did not realize he was in Iraq, where he was detached to a Marine Corps unit.

When the Navy said there was nothing it could do, the Marine Inspector General's office stepped in to investigate, forwarding findings to the Navy Inspector General's office. ''These were my husband's dying wishes: to take care of his children,'' said Mrs. Youngblood, who has hired a lawyer to help her. ''You honor his wishes. That's his blood money.''

Congress has won plaudits in the past two years for increasing the payment after a soldier's death from $12,420 to $100,000 and upping the life insurance payout from $250,000 to $400,000. It made available to some recent widows a retirement income benefit for free. Congress has also paved the way for more generous health and housing benefits. Adding to that, numerous states have recently introduced free college tuition and property tax savings.

''Since 9/11, the demands on survivors are greater and they are getting much more in benefits,'' said Brad Snyder, the president of Armed Forces Services Corporation, which helps survivors with benefits. ''The expectations of what we had in Vietnam were much lower.''

But to the widows, some of whom adapted their lives to conform to the military, following their husbands from place to place, the complications can sting.

Jennifer McCollum, 32, who was raised on bases and whose husband, Capt. Dan McCollum, a Marine Corps pilot, died in 2002 when his plane crashed in Pakistan, has been busy lobbying Congress to reverse gaps in the law that penalize some widows financially simply because of when their husbands died.

''The president, whom I support, said in the State of the Union address that he would not forget the families of the fallen,'' she said. ''Why have I had to go to D.C. five times this year?''

GAPS IN THE LAWS

Hundreds of widows are denied thousands of dollars in benefits because of arbitrary cut-off dates in the law. The family of a soldier who was killed in October 2003 receives less money than the family of a soldier who was killed in October 2005. ''It is shameful that the government and Congress do not deliver the survivor benefits equally to all our widows with the same compassion and precision the military presents the folded flag at the grave,'' said Edie Smith, a leader of the Gold Star Wives of America, a group of 10,000 military widows that lobbies Congress and the Pentagon.

Shauna Moore was tending to her newborn, Hannah, on Feb. 21, 2003, when she learned that her husband, Sgt. Benjamin Moore, 25, had been shot during a rifle training exercise at Fort Hood, Tex. Months later, after her grief began to subside, she noticed that she was not entitled to the same retirement benefits as more recent widows with children.

Congress allowed certain widows to sign over to their children their husband's retirement benefit, sidestepping a steep so-called military widow's tax. But the law applies only to the widows of service members who died after Nov. 23, 2003. Mrs. Moore is one of an estimated 430 spouses with children who are ineligible.

If that option were available to Mrs. Moore, she would collect an extra $10,000 a year until Hannah became an adult.

''It makes a difference, if you are a single mom,'' she said.

Last week, the Senate approved Senator DeWine's measure that would extend the benefit to widows whose husbands died as far back as Oct. 7, 2001, the start of the war in Afghanistan. The House did not approve a similar measure, which is tucked into the Senate Defense Authorization bill, so now the issue must be resolved in negotiations.

Hundreds of widows also fail to qualify for a monthly payment of $250 in transition assistance, from the Department of Veterans Affairs, paid to help children for two years after their father's death. It applies only to those spouses whose husbands died after Feb. 1, 2005. Those who lost husbands before February 2003 received nothing because their transition is presumably over, and those who were widowed from 2003 to 2005 received a smaller amount.

Congress has closed some glaring gaps in laws, including one that excluded many families from the $100,000 death benefit and the $400,000 insurance payout because the soldiers' deaths were not combat-related. The outcry forced Congress last year to include all active-duty deaths since Oct. 7, 2001, in those benefits.

THE LONG WAIT

Even good intentions demand patience. A much-upgraded health care benefit to help the children of service members who died on active duty has yet to be implemented after 18 months because the new regulations have not been written.

Because Champus/Tricare, the federal insurer for military families, does not recognize the law, widows are still paying out more money for health care, which some can ill afford.

The January 2005 law will greatly improve health care for all children. But Nichole Haycock's severely disabled son, Colten, 13, may not be among them.

Her husband, Sgt. First Class Jeffrey Haycock, 38, died in April 2002 after a run; Army doctors had failed to tell him about a heart condition they had discovered two months before. But because her husband did not die in a combat-related situation, her son was denied admission to a program for the disabled.

As she teeters on the brink of exhaustion, her two other children get short shrift. ''It's been very difficult to care for a child that is this severe by myself,'' Mrs. Haycock said. ''I would love to see my daughter and son in school events. But I can't do those things.''

Tricare officials cannot say for sure whether her son will be covered by the 2005 law when the regulations are written. Francine Forestell, the chief of its customer communications division, said federal regulators plan to interpret it as broadly as possible, ''but we can't promise anything,'' she said.

A LOST LIFE BUT NO INSURANCE

Few cases are as heartbreaking as the widow who winds up with little or no life insurance money after her husband's death. In many instances, the husband simply neglected to change the beneficiary. Little, if anything, can be done to recoup the money in such a case after it has been paid out, and advocates emphasize that couples must do a better job of educating themselves about benefits at pre-deployment family meetings.

But in some cases, widows said that they had done their jobs, had double-checked the paperwork and something still went wrong.

Staff Sgt. Dexter Kimble, 30, a marine, was killed Jan. 26, 2005, when his chopper crashed in an Iraqi sandstorm. It was his third deployment. Before he left, he redid all his deployment paperwork, after consulting with his wife, Dawanna. She noticed that the life insurance form on file still had designated his mother as a co-beneficiary.

''I said, 'What is this? Because I just had baby number four,' '' Mrs. Kimble said. ''He had not added baby number four to the paperwork, either. He said, 'Don't worry. I'm switching that and making you the sole beneficiary.' ''

After his funeral, Mrs. Kimble said her casualty assistance officer informed her that her husband's paperwork had not been filed on time. The system had processed the 2001 form, and her mother-in-law had received half the $400,000. Her casualty officer offered to call her mother-in-law and explain what had happened.

''I assumed it wouldn't be a question of if,'' Mrs. Kimble said about the money, ''but when.''

Mrs. Kimble, who lives in Southern California, did not get any money from her mother-in-law. She received $300,000—the death benefit and half of the insurance money—but used a chunk to help pay her extended family's way to the burial and to pay off the car and other debts. Maj. Jason Johnston, a public affairs officer for the Marine Corps Air Station Miramar, said the corps processed what it had. ''I'm not saying the system is infallible,'' he said. ''Anything is possible.

''If the Marine tells the spouse one thing and does another,'' he added, ''that is very unfortunate. But we have to go by what the marine puts in the system.''

Mrs. Kimble has taken a dead-end job in San Diego and is worried about the future. To get to work, she gets up at 4 a.m. She pulled one child out of private school. She left her home and is living with her children in a friend's empty house. She is also paying for child care for four children.

Lawrence Kelly, a lawyer who is representing Mrs. Youngblood and Mrs. Kimble, said the problem is not unlike that confronted by thousands of soldiers who have recently faced mistakes in their pay made by the military's mammoth accounting office. ''Same system, same bureaucracy, same results,'' he said.

Responding to concerns from widows, Congress last year passed a law stating that if there is a change in the beneficiary or in the amount of the insurance, a spouse must be notified. But the law left a major loophole: If a service member makes no change in his beneficiary after he marries—if his mother or father were originally named and he did not change it—his wife does not have to be notified.

''It has left me frustrated and very bitter,'' Mrs. Kimble said. ''We have already sacrificed our husbands. Our children are fatherless. For them to struggle financially is another blow.''

[From the Washington Post, April 27, 2006]

GAO SAYS GOVERNMENT PESTERS WOUNDED SOLDIERS OVER DEBTS

(By Donna St. George)

Nearly 900 soldiers wounded in Iraq and Afghanistan have been saddled with government debts as they have recovered from war, according to a report that describes collection notices going out to veterans with brain damage, paralysis, lost limbs and shrapnel wounds.

The report from the Government Accountability Office, to be released at a hearing today, details how long-recognized problems with military computer systems led to the soldiers being dunned for an array of debts related to everything from errors in paychecks to equipment left behind on the battlefield.

The problem came to light last year, as soldiers' complaints began to surface and several lawmakers became involved. The GAO had been investigating other pay problems caused by the defense accounting system and was asked by Congress to investigate debts among the battle-wounded.

The new report shows a problem more widespread than previously known.

''We found that hundreds of separated battle-injured soldiers were pursued for collection of military debts incurred through no fault of their own,'' the report said.

Last fall, the Army said 331 soldiers had been hit with military debt after being wounded at war. The latest figures show that a larger group of 900 battle-wounded troops has been tagged with debts.

''It's unconscionable,'' said Ryan Kelly, 25, a retired staff sergeant who lost a leg to a roadside bomb and then spent more than a year trying to fend off a debt of $2,231. ''It's sad that we'd let that happen.''

Kelly recalled the day in 2004 when, months after learning to walk on a prosthesis, he opened his mailbox to find a letter saying he was in debt to the government—and in jeopardy of referral to a collection agency. ''It hits you in the gut,'' he said. ''It's like, 'Thanks for your service, and now you owe us.''

The underlying problem is an antiquated computer system for paying and tracking members of the military. Pay records are not integrated with personnel records, creating numerous errors. When soldiers leave the battlefield, for example, they lose a pay differential, but the system can take time to lower their pay.

The government then tries to recoup overpayments, docking pay for active-duty troops and sending debt notices to those who have left the military. Eventually, the government sends private agencies to collect debts and notifies credit bureaus.

The computer system is so broken that 400 soldiers killed in action were listed as owing money to the government, although no debt notices were sent, the report said.

A total of $1.5 million in debts has been linked to the 400 fallen soldiers and 900 wounded troops. Of the total, $124,000 has been repaid. The government has waived $959,000, and the remainder of $420,000 is still owed.

Michael Hurst, a former Army finance officer in Arlington who has studied the issue, said the military should have taken action years ago to prevent the debts from being created.

''It's a complete leadership failure,'' he said. ''We can't expect the soldiers to notice mistakes in their pay that the paid professionals have failed to notice and correct.''

Although the GAO report focuses on battle-wounded soldiers who have separated from the military, there are probably others who were still on active duty when their debts caught up with them, Hurst said. Factoring those in, ''I would say thousands'' are affected by the problem, he said.

The GAO report said that 73 percent of the debts were caused by pay problems, including overpayments, calculation errors and mistakes in leave. Other debts were created when soldiers were billed for enlistment bonuses, medical services, travel and lost equipment.

House Government Reform Committee Chairman Thomas M. Davis III (R–Va.), who is holding the hearing, has called the phenomenon ''financial friendly fire.'' Yesterday, his spokesman, Robert White, reacted to the report, saying: ''Literally adding insult to injury, the systems that are supposed to nurture and support returning warriors too often inflict additional wounds to their financial health.''

In one case cited in the GAO report, the debts meant that a soldier's family had no money to pay bills and had to send an 11-year-old daughter to live out of state.

At today's hearing, Army and Defense Department officials are expected to testify about what is being done to correct the problem. A database of soldiers wounded in action has been created, but the GAO suggested that more needs to be done, including congressional action to forgive more soldiers' debts and provide refunds in certain cases.

Previously the GAO had issued 80 recommendations for improving the Army payroll processes. Army officials have said they are at work on those recommendations. An Army spokesman did not return calls yesterday requesting comment.

[From the Washington Post, May 24, 2006]

VETERANS ANGERED BY FILE SCANDAL—VA HAS CONSISTENTLY SCORED POORLY ON INFORMATION SECURITY

By Christopher Lee

Veterans brimmed with shock and anger yesterday at the loss of their personal data by the Department of Veterans Affairs, but in many ways the information security breach should not have come as a surprise.

The department has consistently ranked near the bottom among federal agencies in an annual congressional scorecard of computer security. For five years, the VA inspector general has identified information security as a material weakness and faulted officials for slow progress in tackling the problem.

As many as 26.5 million veterans were put at risk of identity theft May 3 when an intruder stole an electronic data file from the Aspen Hill home of a VA data analyst, who was not authorized to remove the data from his office. The electronic file contained names, birth dates and Social Security numbers of veterans discharged since 1975, as well as veterans who were discharged earlier and filed for VA benefits.

VA officials waited two weeks to call in the FBI to investigate the theft, the Associated Press reported, citing two law enforcement sources.

''To the best of my knowledge, the loss of 26 million records by VA is the largest by a federal agency to date,'' said Rep. Thomas M. Davis III (R–Va.), chairman of the House Government Reform Committee. ''Perhaps if the department improved its compliance with the existing information protection laws, this breach would not have happened. There seem to be two problems here: a department that's inadequately protected, and an employee who acted incredibly irresponsibly.''

In 2005, Veterans Affairs earned an F on the annual federal computer security report card compiled by Davis's committee, the same grade it has received every year but one since the scorecard began in 2001. (It got a C in 2003.) The government-wide average for 2005 was a D-plus, but there were wide variations—the Social Security Administration got an A-plus, while the departments of Defense and Homeland Security earned F's.

The report card measures compliance with the 2002 Federal Information Security Management Act, which requires agencies to test their systems, develop cyber-security plans and report on their progress.

''We continue to get a number of wake-up calls from these breaches that shows that we still have a ways to go before we have a truly robust information security posture nationally,'' said Greg Garcia, vice president for information security at the trade group Information Technology Association of America.

Veterans groups reported mounting anger and frustration.

Steve Kennebeck, 46, an Army sergeant who retired from the military in 1997 after 20 years, said he called a special VA toll-free number but was unable to learn whether he was among affected veterans. His father and two brothers, veterans all, are wondering, too.

''We've probably all been compromised,'' said Kennebeck, who lives in Washington. ''I'm angry. . . . If we had done something like that in the military, we'd be punished by courts-martial. We protect America, and do they protect our personal information? No. It's galling. Somebody's head should roll.''

VA officials did not return two telephone calls seeking comment yesterday. VA Secretary Jim Nicholson said Monday that the employee has been placed on administrative leave pending investigations by the FBI, the VA inspector general and local police. Nicholson said he has directed all VA employees to complete a computer security training course by the end of June.

Advocates called on the federal government to, at a minimum, pay to help veterans increase monitoring of their credit. ''The VFW feels strongly that the government must accept responsibility for any consequences of this inexcusable breach of trust with America's veteran community,'' Robert E. Wallace, executive director of Veterans of Foreign Wars, wrote Sen. Larry E. Craig (R–Idaho), chairman of the Veterans Affairs Committee. Craig has indicated he will hold hearings. The House Veterans Affairs Committee has scheduled a hearing for 9 a.m. tomorrow.

The Veterans Affairs Department provides millions of veterans with health care, home loans, disability compensation and a burial plot. In doing so, it collects Social Security numbers, service histories and medical records.

But the sprawling bureaucracy, with 220,000 employees nationwide, has not always been the best steward of sensitive data. In more than a dozen reports, audits and reviews since 2001, the VA inspector general has repeatedly cited the department for security problems in the handling of personal information.

In 2003, tests by IG staff showed that a hacker could gain access to veterans' protected medical information from outside the VA network.

In 2005, reviews found that access controls were not consistently applied at dozens of data centers, medical centers and regional offices. Recommendations included ensuring that background checks are performed on

VA and contract workers, restricting off-duty workers' access to sensitive information and providing annual security awareness training for employees.

In a report last November, acting Inspector General Jon A. Wooditch wrote that many of the security concerns the IG had reported on for years remained unresolved. He cited a March 2005 report, saying 16 recommendations still had not been implemented eight months later.

''We identified significant information security vulnerabilities that place VA at considerable risk of . . . disruption of mission-critical systems, fraudulent benefits payments, fraudulent receipt of health care benefits, unauthorized access to sensitive data and improper disclosure of sensitive data,'' he wrote. ''The magnitude of these risks is impeding VA from carrying out its mission of providing health care and delivering benefits to our nation's veterans.''

[From the Washington Post, June 20, 2006]

IRAQ WAR MAY ADD STRESS FOR PAST VETS—TRAUMA DISORDER CLAIMS AT NEW HIGH

(By Donna St. George)

More than 30 years after their war ended, thousands of Vietnam veterans are seeking help for post-traumatic stress disorder, and experts say one reason appears to be harrowing images of combat in Iraq.

Figures from the Department of Veterans Affairs show that PTSD disability-compensation cases have nearly doubled since 2000, to an all-time high of more than 260,000. The biggest bulge has come since 2003, when war started in Iraq.

Experts say that, although several factors may be at work in the burgeoning caseload, many veterans of past wars reexperience their own trauma as they watch televised images of U.S. troops in combat and read each new accounting of the dead.

''It so directly parallels what happened to Vietnam veterans,'' said Raymond M. Scurfield of the University of Southern Mississippi's Gulf Coast campus, who worked with the disorder at VA for more than 20 years and has written two books on the subject. ''The war has to be triggering their issues. They're almost the same issues.''

At VA, officials said the Iraq war is probably a contributing factor in the rise in cases, although they said they have conducted no formal studies.

PTSD researcher John P. Wilson, who oversaw a small recent survey of 70 veterans—nearly all from Vietnam—at Cleveland State University, said 57 percent reported flashbacks after watching reports about the war on television, and almost 46 percent said their sleep was disrupted. Nearly 44 percent said they had fallen into a depression since the war began, and nearly 30 percent said they had sought counseling since combat started in Iraq.

''Clearly the current Iraq war, and their exposure to it, created significantly increased distress for them,'' said Wilson, who has done extensive research on Vietnam veterans since the 1970s. ''We found very high levels of intensification of their symptoms. . . . It's like a fever that has gone from 99 to 104.''

Vietnam veterans are the vast majority of VA's PTSD disability cases—more than 73 percent. Veterans of more recent wars—Iraq, Afghanistan and the 1991 Persian Gulf War—together made up less than 8 percent in 2005.

VA officials said other reasons for the surge in cases may include a lessening of the stigma associated with PTSD and the aging of the Vietnam generation—explanations that veterans groups also suggest.

PTSD is better understood than it once was, said Paul Sullivan, director of programs for the group Veterans for America. ''The veterans are more willing to accept a diagnosis of PTSD,'' he said, ''and the VA is more willing to make it''

In addition, as Vietnam veterans near retirement age, ''they have more time to think, instead of focusing on making a living all the time, and for some this is not necessarily a good thing,'' said Rick Weidman, executive director for policy and government affairs at Vietnam Veterans of America.

Max Cleland, a former U.S. senator from Georgia and onetime head of the VA who was left a triple amputee by the Vietnam War, said the convergence of age and the Iraq war has created problems for many of his fellow veterans—as well as for himself.

''As we Vietnam veterans get older, we are more vulnerable,'' he said. When the war started in 2003, he said, ''it was like going back in time—it was like 1968 again.''

Now he goes for therapy at Walter Reed Army Medical Center and is wary of news from Iraq. ''I don't read a newspaper,'' he said. ''I don't watch television. It's all a trigger. . . . This war has triggered me, and it has triggered Vietnam veterans all over America.''

PTSD has become a volatile topic lately, with some skeptics questioning whether the rise in claims is driven by over diagnosis or by financial motives. A report last week from the Institute of Medicine, part of the National Academies, concluded that ''PTSD is a well characterized medical disorder'' for which ''all veterans deployed to a war zone are at risk.''

VA's growing PTSD caseload became an issue last August, when the agency announced a new review of 72,000 PTSD compensation cases, expressing concerns about errors and a lack of evidence. That probe was dropped after a sample of 2,100 cases turned up no instances of fraud.

Still, some experts are not convinced that the Iraq war has driven up the caseload. ''I'm skeptical that it accounts for a broad swath of this phenomenon,'' said psychiatrist Sally Satel, a resident scholar at the American Enterprise Institute. ''These men have had deaths in their families, they had all kinds of tragedies over 30 years that surely affected them emotionally but they coped with.''

Although a small percentage of veterans might be deeply affected, she said, she doubts ''they have become chronically disabled because of it''

Around the country, many veterans dwell on the similarities between the wars in Vietnam and Iraq: guerrilla tactics, deadly explosives, fallen comrades, divisive politics. The way they see it, ''Iraq is Vietnam without water,'' Weidman said.

''We have people who have symptoms that they haven't had in a long time,'' said Randy Barnes, 65, who works in the Kansas City offices of Vietnam Veterans of America. For some, ''the nightmares and flashbacks have been very hard to deal with,'' he said. Group therapy sessions are ''much more crowded,'' he said, ''with Vietnam veterans particularly, but now also with the Iraq and Afghanistan veterans.''

Barnes served as a combat medic in Vietnam from 1968 to 1969 and went into treatment only in the late 1990s. By the time the Iraq war started, he said, he felt steadier—but then his symptoms ramped up again.

''Depending on what I saw or heard that day or read, I would have night problems—nightmares, night sweats,'' he said. Sometimes, he said, he would roll out of bed and wake up crawling on the floor, ''seeking safety, I guess.''

A study published in February by VA experts showed that veterans under VA care experienced notable mental distress after the war started and as it intensified. While younger veterans, ages 18 to 44, showed the greatest reactions to the war, ''Vietnam era VA patients reported particularly high levels'' of distress consistently, the study reported.

Powerful images of war have revived combat trauma in the past. ''Traumatized people overreact to things that remind them of their original trauma,'' said Scurfield, the PTSD expert in Mississippi.

When the movie ''Saving Private Ryan'' was released, World War II sought mental health help in great numbers, said Wilson of Cleveland State. ''It rekindled it all,'' he said.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, earlier today I was given the opportunity to speak on the Senate floor about the constitutional amendment that is before us. Time ran out before I was able to conclude my remarks. I would like to do that at this time.

One of the heroes of the Vietnam war in which I served was a former POW named Jim Warner. I would like to close my comments today with his words. It is an extensive quote, but I want to quote all of his letter.

Here is what he said:

In March of 1973, when we were released from a prisoner of war camp in North Vietnam, we were flown to Clark Air Force base 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 one-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 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 that 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 us 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.

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 you are wrong.'

'No,' I said. 'That proves 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.

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. . . . Don't be afraid of freedom.

Those, my friends, are the words of former POW Jim Warner.

There are many issues in the Senate that need our attention today—a path forward in Iraq, our large and growing dependence on foreign oil, the threat of global warming, the skyrocketing cost of health care, just to name a few. These are pressing issues which demand action not just from the Congress but from the President, too—not in the next administration, not next year, now. Instead, we are spending this week debating a constitutional amendment—however well intentioned—that is truly, in my judgment, not needed in America today.

Later this week, Senator BENNETT and others will offer legislation that would criminalize flag desecration under specific circumstances without having to amend our Constitution. That measure would prohibit burning or destroying the flag with the intent to incite or produce imminent violence or a breach of the peace or damaging a flag that belongs to the United States or another person on U.S. lands.

Senator DURBIN will seek to add to that legislation an amendment that would prohibit groups from demonstrating or protesting near a funeral of someone who died serving in our Armed Forces. This is in response to an extremist group that has been traveling the country—it came to Delaware—and disrupting funeral services for our fallen soldiers, making outrageous claims about our country. Their behavior is reprehensible. It desecrates our flag and everything it stands for. By God, it should be illegal—that kind of behavior—and the Durbin amendment will make it illegal.

We could take up both of these measures today and pass them, I believe, without objection. We could penalize flag desecration to the fullest extent possible without jeopardizing the values inherent in our Constitution. In my view, this approach is a balanced one in that it allows us to maintain our reverence both for our flag that we love and for the Constitution we revere.

As I said earlier in my remarks this morning, I still get a lump in my throat when I sing our national anthem or say the Pledge of Allegiance to our flag and take a moment to truly consider what our flag stands for and the sacrifices made in its honor. It is a symbol of America. I love it now more than I ever have. But behind that symbol is our Constitution. It is the foundation on which our country has been built and endures today. It is what guarantees us the freedoms and the liberties that make this country of ours great. We should not amend that living document lightly, and we should not change it when we can find another way.

My friends, let's find that other way this week. Let's maintain our reverence for the flag and for our Constitution.

Mr. President, I yield back my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator please hold?

Mr. CARPER. Yes.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate having received a message from the House that the House agrees to S. Con. Res. 103, and having received the conference report on H.R. 889 from the House, the conference report is agreed to, and the motion to reconsider is laid on the table.

(The conference report is printed in the House proceedings of the RECORD on April 6, 2006.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FLAG DESECRATION AMENDMENT—Continued

Mr. INOUYE. Mr. President, I ask that I be permitted to use 6 minutes of my party's time.

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

Mr. INOUYE. Mr. President, I rise to speak against the proposed constitutional amendment.

Since World War II, I have been involved directly or indirectly in 13 wars and conflicts: Korea, Vietnam, the Dominican Republic, Desert One, Grenada, Lebanon, Panama, the Persian Gulf war, Somalia, Haiti, Yugoslavia, Afghanistan, and now Iraq.

In all these wars and conflicts, there are several things in common. First, American lives were lost and many young Americans were wounded and will bear scars for the rest of their lives, and we must not dishonor their memories by abandoning the freedoms for which they sacrificed.

Second, in every war, great speeches are made and delivered energizing our citizens to defend our unique American freedoms contained within the Bill of Rights. I can still hear some of those stirring words.

During the Second World War, very close friends of mine were lost. Much blood was shed to preserve every American's constitutional freedoms.

To be clear, I have no patience with those who defile our flag. It is unpatriotic and deeply offensive to those who serve or who have served in uniform. It angers me to see symbols of our country set on fire. This objectionable expression is obscene, it is painful, it is unpatriotic, but I believe Americans gave their lives in many wars to make certain that all Americans have a right to express themselves, even those who harbor hateful thoughts.

Our country is unique because our dissidents have a voice. Protecting this freedom of expression, even when it hurts the most, is a true test of our dedication to democracy.

As a commissioned military officer and as a U.S. Senator, I took an oath to uphold and defend the Constitution. As a Senator, I have become accustomed to being insulted and condemned by people who disagree with me. I have been castigated for having cast votes that some call unpatriotic or un-American. I believe that my actions were patriotic and American, but those who criticize me have a right to disagree and express their disagreement.

It is not always easy to serve the country with a Bill of Rights that defends the rights of those who would defile our national symbol. While I take offense at disrespect to the flag, I nonetheless believe it is my continued duty as a veteran, as an American citizen, and as a United States Senator to defend the constitutional right of protesters to use the flag in nonviolent speech.

For over 200 years, our Bill of Rights has endured. It proclaims the Government of the United States is limited in its powers, and this sacred document continues to instruct and inspire people throughout the world. And for the last 200 years, despite repeated efforts to tamper with this document, we have always found the strength necessary to live within these limits.

So today we must look inside ourselves once again and find the strength to affirm our commitment to the precious liberties enshrined in the Bill of Rights.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have great respect for the Senator from Hawaii, for his service as a veteran, as well as his service in this body, but I couldn't disagree more.

Our Founders used the word ''speech.'' They didn't say ''expression'' or ''expressive behavior.'' They used the word ''speech'' very critically. It was discussed in the documents: What word will we use in the Bill of Rights in this first amendment?

They chose the word ''speech'' because they meant speech. They didn't mean behavior. They meant speech.

I think it is real important for the American people to understand what this debate is all about. It is not about burning the flag. It is about restoring the balance of the three branches of Government, and that when one of the three becomes imbalanced, that we have the right to restore that balance. Our Founders were wise in that regard

to give us this vehicle of amending the Constitution.

We can talk about the flag all we want, but the real debate here is, when an overwhelming majority of Americans agree with this and all 50 State legislatures have passed requests that we do this, why we don't do this? The only way we have to balance the judiciary with the legislative branch is to do it in a manner that represents the will of the people as prescribed by our Founders.

Seven new Republican Senators were elected in 2004, and if there was an issue that dominated that debate more than anything, it was, what kind of judges are we going to put on the courts? Are we going to confirm judges who take what they want, twist the Constitution into what they believe, and change the basics of how we operate in this country or are we going to put judges on the courts who understand that they have a very limited role to interpret the Constitution, interpret the treaties, and interpret the statutes of this country?

The reason we were sent here, the seven of us, the vast majority of the impact of that election, was to have an impact on what kinds of judges we were going to put on the courts. This is that same debate coming from a different angle. Do we want a 5-to-4 decision where five Members of the Court determine and twist what the real words of our Constitution say—speech, not behavior; it says ''speech,'' not behavior, not expressive conduct; it says ''speech''—and do we want to allow that to continue to be twisted or do we want to reserve the right for Congress to go through the method that our Founders allowed to bring about a constitutional amendment that says we have the right to control whether somebody can do that.

To vote against this amendment will limit the ability of this body to hold on to its balanced share of one-third of the power of this Government. This is about restoring the power of this body and the House to, in fact, represent what the people in this country want in an overwhelming majority in all 50 States.

It is not about burning the flag. It is about reestablishing the proper role of the balance of the three branches that run this country—the executive, the judiciary, and the legislative.

We are going to miss a great opportunity if we don't do this. It will do two things: One, it will reestablish the power, but it will send a signal that when judges take an oath, they have to follow the oath and the oath is not to determine what they think is best based on what they believe. Their oath is to follow the Constitution, not change it but follow it; and No. 2, interpret the statutes and interpret the treaties.

We have to reestablish a balance. This resolution is about reestablishing that balance and sending the message that we are serious that judges take their oath seriously, that they don't get to play games with what they would like but they, in fact, have to uphold their oath. They also have to follow what the Constitution says, and the Constitution says the same thing as their oath. They don't get the privilege of deciding what they want. They have the privilege of only deciding what the Constitution says, what the statutes say, and what the treaties say.

I remind the Members of this body that our Founders put the word ''speech'' in the first amendment on purpose. They didn't put the words ''expressive behavior.'' They used the word ''speech,'' and we ought to establish the right of the Congress to establish within itself the right to do what the American people want and to follow the Constitution. That is what this is about.

There have been a lot of statements made about what would you do with a flag; what about a bathing suit? The way you judge what is a flag is what you drape over the coffin of one of our fallen soldiers. That is how you judge what it is. That is what it means. You can't define what it is other than the value of service and sacrifice that is part of the heritage of this country. To say we cannot preserve the value of that and bring back our constitutional responsibility to do that—No. 1, which does follow the Constitution and, No. 2, is the desired will of this country—means that we won't stand up to the obligations of our office, and we ought to be very serious about it as we do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise today in full support of S.J. Res. 12, the flag desecration resolution introduced by Senator HATCH. The Senate has given this bill adequate consideration and it is now time to pass it and send it to the States for ratification.

I have heard a lot of critics of the flag amendment incorrectly characterize it as stifling free speech. Nothing could be further from the truth. First, the amendment itself does not prohibit anything. The constitutional amendment we are considering today restores to Congress the power to protect the flag—a power the Congress freely exercised until 1989, when the Supreme Court handed down 5 to 4 decision in Texas v. Johnson. This decision struck down a flag protection statute in Texas, and effectively invalidated similar statutes in 48 States and the District of Columbia, as well as the Federal statute. In 1990, in another 5 to 4 decision, the Court struck down a revised Federal statute.

The Court's decision in Texas v. Johnson was notable for a powerful dissent authored by Justice Stevens. I would note that Justice Stevens provides consistently one of the most liberal votes on the Court. Justice Stevens found that neither the States nor Congress had acted improperly in passing the statutes in question. He was on the mark in his dissent when he said:

> The case has nothing to do with disagreeable ideas; it involves disagreeable conduct that, in my opinion, diminishes the value of an important national asset.

Justice Stevens is absolutely correct in recognizing that a prohibition on certain forms of conduct is a power long held by Congress and the States and in no way infringes on the right of any individual to express an idea. He went on to say:

> 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.

Then-Chief Justice Rehnquist also questioned the communicative value in desecrating the flag, saying that such conduct ''is most likely to be indulged in not to express any particular idea, but to antagonize others.''

Prior to these rulings, Congress, with the support of a majority of the American people, had the power to protect our Nation's symbol. Respect for the flag is not something that falls along ideological lines or party affiliation; it is shared by Americans from all walks of life. In these polarized times, the flag remains a unifying symbol.

Last month, as chairman of the Judiciary Subcommittee on the Constitution, I chaired a markup of this bill. We had an energized debate, and passed the amendment with a bipartisan 6-to-3 majority. Two-thirds of the membership of my subcommittee not only supported the amendment but were, and are, proud cosponsors.

I would like to thank my good friend and ranking member, Senator RUSS FEINGOLD for his cooperation in scheduling a markup. He doesn't support the amendment, but I know he believes amending the Constitution is a very serious matter, and I appreciate his cooperation in having a fair and honest debate. I would also like to thank Senator FEINSTEIN. She is one of the strongest supporters of this amendment and is also a member of the Constitution Subcommittee. I commend her for ignoring powerful special interest groups and diligently fighting for what's right.

We should be very careful in considering amendments to the U.S. Constitution. It is not something that should ever be taken lightly, but the Court has left us with few options. It is unfortunate that we have to consider this amendment, but I do believe that in light of the Supreme Court's decisions it is the appropriate action.

The amendment has broad bipartisan support here in the Senate, and is supported by Americans from both ends of the political spectrum. Poll after poll indicates that the people of this country want their flag protected. I have been contacted by numerous veterans

groups from my home State of Kansas, as well as across the country voicing strong support for this amendment. We ask a lot from our men and women in uniform. They sacrifice their safety and risk their lives so that each of us can remain free in this great Republic. Their defense of the principles and liberties embodied in the red, white, and blue preserve the freedoms enumerated in the Constitution.

Passing this amendment and sending it to the States allows for the American people to have their voices heard on this important issue. The House passed the flag amendment by a two-thirds majority vote last year, and it is now our turn to do the right thing and give the States and the people of this great Nation the opportunity to decide whether to grant protection to our national symbol. If ratified by three-fourths of the States, then we can debate an appropriate statute concerning treatment of the flag.

There is a lot of misinformation regarding this amendment that should be cleared up. If ratified, the text of the Constitution would not prohibit flag burning. The amendment states:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

Even if the amendment passes, the Congress may decide not to prohibit flag desecration. But we will have corrected a wrong decision by the Supreme Court.

Article V to the Constitution does not give nine unelected Justices the right to amend our founding document. This power rests solely in the democratic process. Restoring this power to the people and their elected representatives in Congress preserves this process. Protecting the integrity of our national symbol should not be left to a handful of unelected judges. Why would any Member of this body vote to limit our power and expand the power of the Court?

The Founding Fathers wisely devised a process for the people through their elected representatives—not the courts—to amend the Constitution. It is our duty as elected Members of Congress to exercise this constitutionally granted power when necessary and appropriate. Justice is not served when we remain silent and allow unaccountable judges to exercise this power for us. If, as Members on both sides the aisle repeatedly claim, we truly oppose judicial activism, we should send this amendment to the States for ratification.

I am proud to have cosponsored this amendment in every Congress since I became a Member, and to have consistently cast my vote in support each time the bill has made it to the floor. I urge my colleagues to support this bill, so that the American people can choose whether or not to bestow protection to their flag. There is no symbol that has the power to unify us like the flag, which is why a majority of Americans continue to support this amendment. It is time to restore the traditional meaning of the first amendment and send the flag desecration resolution to the States for ratification. I urge my colleagues to vote for this important amendment.

Mr. President, I thank my colleague from Oklahoma for his great work on this amendment. This legislation passed the Constitution Subcommittee 6 to 3. It passed the full Judiciary Committee and is now ready for this body to vote, and we need to have a positive vote on it.

I flew in to Washington today. There were cloudy skies, but one could still see the monuments when flying in. The beauty of the monuments never ceases to strike me. Whether it is the White House, the Washington Monument, the Lincoln Memorial, National Cathedral, there are just certain landscape features one looks at.

When you are flying in on the so-called river run that the pilots so often do, you get to see these monuments, and it is just so striking.

I was preparing for this debate and thinking about the Lincoln Memorial. What if somebody today, yesterday, or some other time had taken spray paint and sprayed on the Lincoln Memorial: ''We want freedom'' or ''Death to tyrants'' or ''Down with the flag''? Let's say they wrote that in big spray paint on the Lincoln Memorial and defaced the memorial and then was caught and was brought to trial and claimed: Wait a minute, I have a first amendment right to say what I want to say, and I believe it is important that I say it anywhere, and I want to say it on the Lincoln Memorial. I want to make my message known, and I am going to spray-paint it all over here; this is free speech, and I ought to be able to do that and this is the place to do it, and Lincoln would approve of that; he believed in free speech, so he wouldn't mind that the memorial was sprayed upon, that it was defaced.

We would all recognize that as being something wrong, violating the law, and something there should be a law against.

We don't have a problem with a person standing on the Lincoln Memorial and shouting at the top of his lungs for as long as he wants whatever he wants to say—if it is about the war in Iraq, if it is about the President, if it is about somebody in the Senate, if it is about myself, if it is about the Chair, if it is about anything he wants. We don't have any problem with that. But if he defaces the memorial, we do.

It is interesting, that was the dissent Justice Stevens used in the Texas v. Johnson case. He made that same point. We have no problem with a person speaking on the Lincoln Memorial. We have a problem with him defacing the Lincoln Memorial. We have no problem with people speaking against the flag. We have a problem with them defacing the flag.

Justice Stevens in his dissent—which I think was rightly said—said:

> 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 Government to prohibit this means of expression. The prohibition will be supported by the legitimate interests in preserving the quality of an important national asset.

That is what we are talking about today: preserving the quality of an important national asset that people follow into battle, that we have had and honored for years and years, and until recently the court has held up as saying: Yes, this is something that should be protected and is protected by the laws of the land, and these laws are appropriate and are not limitations on free speech.

I think if you follow this court ruling, where does it end? If you say actions are speech, wouldn't you have a legitimate objective in defacing the Lincoln Memorial, particularly if it was some form of political free speech that you wanted to express and put forward?

We have held many hearings on this topic. This is not a complicated issue. It is about whether we are going to have some authority and ability to be able to limit and to be able to honor and to uphold something so precious as our American flag. I think we should do that. I think because of the people who follow this flag and because we are a nation of symbols, and symbols are what unite us, and because of the words and thought that are conveyed by this flag, we should be able to uphold this mighty national asset. I think it is important that we be allowed to do that.

I have had a chance to speak on this at length in committee. I have carried the amendment in our subcommittee. I urge my colleagues to support this amendment and let the States vote on it. Let the States decide what they would choose to do.

Mr. THOMAS. Mr. President, I would like to make a few comments on the bill before us. I have heard a great deal of discussion and, as always, there should be a lot of discussion, different ideas about it, the idea of protecting free speech, and none of us disagree with that. I think the difference here is the fact that the flag represents our right and our freedom for free speech as well as all of our other freedoms. So I am proud and honored to be one of the 59 original cosponsors of the flag protection amendment.

Having served in the Marine Corps, I stood before the flag and understood that it represented the things that we stand for. It represented the freedoms we have. It represented the things that we sacrifice for. I believe it should receive special protection because that is what it symbolizes to the citizens of the United States.

I understand there are concerns about limiting free speech. This amendment does not limit speech; it simply gives Congress the authority to prohibit physical desecration of the

flag. To me, that is pretty easy to determine. It is something we should protect. It is something that we have given a great deal to protect. It is symbolic of the things that mean so much to us.

Since the Supreme Court decision that said desecrating the flag is protected speech, there has been an overwhelming amount of public support to protect the flag. All 50 States have passed resolutions calling for Congress to pass a flag amendment.

I understand that amending the Constitution should not be taken lightly, but burning or defacing or trampling the flag sends the wrong message to people who have given so much, including their lives, for the defense of this country, so certainly that should not be taken lightly.

Throughout history, in times of war, peace, and uncertainty, our Nation always turns to the flag as a sign of resolve, as a sign of commitment, as a sign of strength. After the attacks of September 11, our Nation unfurled the flag at the Pentagon and raised it from the rubble at Ground Zero. It is a symbol of national unity and identity. This symbol needs to be held in the highest regard. Generations of American soldiers have died under the flag and the ideals it stands for. The flag is a strong symbol for those who fought in wartime.

The American flag is a national asset. Just as it is unlawful to desecrate the Washington Monument, the Lincoln Memorial, and the graves at Arlington, it should be unlawful to desecrate the flag. Aren't there some things like symbols of freedom that should rise above politics? It seems to me that they should.

So I urge my colleagues to support this amendment so we can send it to the States for ratification and ultimately let the people of America decide.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I rise in support of the amendment to allow the U.S. Congress to protect the American flag.

I was elected 2 years ago, in the most recent election. I ran on a campaign of three basic promises and commitments to the people of Georgia: The first was to support the President and our men and women in harm's way in the war on terror. The second was to work diligently for strong fiscal accountability on behalf of the Congress. And the third was to vote in favor of confirming the judges appointed by the President of the United States to the Federal bench. With those promises, I made the statement that I really felt as though the division of powers of our Constitution was sound, and that it was absolutely important for judges to interpret the law, not to make the law.

This amendment has been said by some to be a violation of the first amendment. This amendment has nothing to do with speech or expression. It has everything to do with protecting our flag and allowing the Congress to write those laws that would prohibit physical desecration of our flag.

Unlike some, I do not believe the flag is an inanimate object. I believe it is a living symbol for which our men and women in harm's way have fought for over two centuries.

Just a month ago, I went to Normandy. I went to Bellewood. I went to the Netherlands and Margraten. I went to Belgium and Carthage in Northern Africa. We did seven ceremonies in 6 days at seven American cemeteries, cemeteries where tens of thousands of Americans are buried, having paid the ultimate sacrifice in World War I and World War II. They died to protect the first amendment. But if those in the graves could come back and speak, I don't think a one would say they died to have the flag they fought for desecrated.

The courts have also been inconsistent in this case in my judgment about the first amendment and expression. The court, in 1989, in Texas v. Johnson, and in 1990 in the case of the United States v. Eichman, ruled that burning the flag was protected by the first amendment. I find it ironic that in 2003, the U.S. Supreme Court ruled in the Virginia case, Virginia v. Black, that the burning of a cross in someone's front yard was not expression and, therefore, the Virginia law banning it was upheld.

I did a little research on that case which led me to find out that the District of Columbia has that law, the State of Georgia has that law, and many States in the United States have that law, which says the terrible act of desecrating a cross and burning it is protected—is fine for the States to do that. In fact, I read a little bit about Clarence Thomas's opinion written in that 2003 case, and I want to share his remarks because it applies directly to my point on protecting the flag and not allowing its desecration. Justice Thomas said:

> This statute prohibits only conduct, not expression. ust as one cannot burn down someone's house to make a political point and then seek refuge in the First Amendment, those who hate cannot terrorize and intimidate to make their point.

I don't think it can be said more succinctly or more clearly.

The amendment that is to be voted on by this Senate, hopefully sometime today or tomorrow, is an amendment that does nothing to prohibit the speech of anyone but does everything to protect the flag from being desecrated. I think those brave men and women who died for this country would agree with that, I agree with that, and I think the people of Georgia agree with that. I urge my colleagues to vote in favor of passage of the amendment.

Mr. President, I yield the floor, and 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. TALENT. 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. TALENT. Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. TALENT. Mr. President, I rise to speak on the proposition before us and on the importance of protecting the American flag. The American flag is a unique symbol in the Nation's consciousness. America, unlike many countries, actually had a birthday. There was a day when the Colonies became States and the States became a nation and they were organized explicitly around certain beliefs about human dignity and freedom: the belief that people have certain inalienable rights that inhere in them as human beings and that because of those rights the Government is the servant and not the master of the people. It is also a nation that cherishes diversity but balances against that, unity. It is no accident that the national motto is ''out of the many, the one.''

We are not a country with a monarchy. We rebelled against a monarchy. We are not a country with an established religion. We rebelled against that as well. We are a country with only a few unifying symbols, chief among which is the flag. That is why it is so uniquely important to America's conception of itself to protect the flag. In protecting the flag, we are affirming the basic beliefs of the country.

I believe that there is in the Constitution a narrow power on the part of the States and the Congress to protect the flag from public desecration. In passing this amendment, if the Senate chooses to do it, we will simply affirm those underlying ideals. We are not saying you can't criticize those ideals—you can. You can attack them. You can attack the flag if you want. But there ought to be a power to protect the flag from public desecration, and I think the amendment comes down simply to that proposition:

How much do you value the flag as a symbol of what this Nation has stood for and what the people of this country have sacrificed for and in some cases have died for?

There are arguments that have been raised on the floor against the amendment. One of them is that we should not amend the Constitution. The Supreme Court has amended the Constitution. Until recently, it was the common understanding that this power existed. There were 48 States that had laws against the desecration of the flag. The Supreme Court said they were unconstitutional. In effect, the Court updated or amended the traditional understanding of the Constitution to say that. Whatever you think of the Court's power to amend the Constitution or update it according to the opinions of the Justices, surely the people

ought to have the power to amend the Constitution.

If the Court can do it, the people ought to be able do it.

That is another basic American ideal—the right of the people to govern themselves, to decide for themselves what their own organic law says. If the people are to have their will carried out in this respect, the only way they have left to do it is by amending the Constitution. If you say we should not amend the Constitution under these circumstances, you are saying, in effect, that the courts can change the Constitution when they think it is important to do it, and the people have no response. They cannot pass a statute because the Court would say it is unconstitutional, and they cannot pass a constitutional amendment because so many in this body say they should never amend their own Constitution.

Another argument against the amendment is that it regulates expression. It does not. Burning the flag is an act. It is an act with expressive overtones, surely, so we should be careful before doing it, but it is an act, and it is fully within the tradition of the first amendment to allow the regulation of actions that have speech overtones. It was only a few years ago that this body passed comprehensive campaign finance reform that most certainly regulated not just acts but expressions. According to that legislation, it is unlawful for grassroots groups to sponsor political advertisement in the last 60 days of an election that mentions the name of a candidate. I cannot think of anything more closely related to the core of what the first amendment was passed to protect, yet the Court said that was constitutional. If it is permissible to regulate speech in that context, why is it not permissible to regulate action that has speech overtones?

Mr. President, I ask unanimous consent for another 2 minutes to finish my remarks.

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

Mr. TALENT. Why is it not permissible to regulate something that is clearly an act that strikes at the heart of the American consciousness and that leaves unregulated a vast area of expression?

I would daresay, if the average American decided to participate in the political process and try to get his or her views out, they might very well join a grassroots group and get involved in a campaign. Yet it is evidently consistent with the first amendment, according to the Court, to regulate that, yet not consistent to prohibit a particular action that has one narrow area of expressive overtones.

We should at least understand what this debate is about. It is about how much you value the flag. I do not begrudge anybody their views about expression or the Constitution or the role of this body in regulating the one or amending the other. But I believe this debate is about how great a significance you attach to the flag of the United States. I believe it is important. People have fought under it. They have died for it. There are literally billions of people around the world who see the flag as a symbol for all that is good about their hopes for the future.

I believe it is important that we have this debate. I hope the Senate will think clearly and deeply and thoughtfully and not on a partisan or political basis and decide it is consistent with America's traditions and that it will sustain the balance between diversity and unity for us to pass this amendment and protect our flag.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, I have listened to this debate today and yesterday. I have heard the heartfelt sentiments of my colleagues on both sides of the aisle about this flag. I think everyone following this debate has the same strong feelings about this flag and what it symbolizes.

Today, Senator DAN INOUYE, my colleague from the State of Hawaii, spoke. There probably is no one better qualified to come to the Senate floor and speak to this issue. Senator DAN INOUYE, a veteran of World War II, lost his arm in combat and was decorated with the Congressional Medal of Honor for the bravery and valor he showed in that conflict. He went on to serve his Nation again in the U.S. Congress and came to the floor today to speak from the heart about what that flag means to him. One would think that a man like Senator INOUYE, more than any other who serves in the Senate, would understand the importance of that flag to our men and women in uniform and to all of us who, from the moment we were old enough, learned the Pledge of Allegiance and stood up in front of our classrooms and said that flag means something special.

Today before us is an opportunity to do something for that flag, and I believe we should seize that opportunity. But I think what has been proposed by the other side, the idea of amending our Constitution, is not necessary.

Stop and reflect for a moment. Since 1791, when James Madison, Thomas Jefferson, and the Founding Fathers crafted the words of our Bill of Rights, they have stood as a sacred document in this country. They have guided us through good times and bad. They have given us our moral compass as a nation. They have inspired others to follow that wording so carefully crafted in building their own constitutions and their own nations. It is, indeed, a sacred document.

Some have come to the Senate floor in the last several days and suggested it is time to change the Bill of Rights. It is time for the first time in the history of the United States of America to change the words crafted by our Founding Fathers.

I have said it before and I will repeat it now, when it comes to changing this Constitution, I approach that task with great humility. I like to think I have some skills, perhaps at writing or speaking, but if you are asking me to write words to put in that Constitution, words that would change what Madison, Jefferson, and the Founding Fathers intended to be our basic rights as Americans, I come to that task with great humility.

But some of my colleagues do not. In fact, over the last 15 years we have had 1,000 amendments proposed to the Constitution. There was a time in the Senate Judiciary Committee not long ago when the chairman scheduled two constitutional amendments to be considered on the same day. I took exception to that. I objected to one of them and I argued then, and I still believe, that for all that is holy in America, we should not amend the Constitution more than once a day.

Today we are facing the second constitutional amendment this month proposed by the Republican side of the aisle. I think it is unfortunate. I wish my colleagues approached this with the same sense of humility which I think most Americans would if facing this challenge. The obvious question is this: If we love this flag, if we respect this flag, if it is a symbol for our Nation, how should we show that respect? We do it in so many ways, from the Pledge of Allegiance to our national anthem, saluting it as it passes in parade or putting your hand over your heart. We do it in ways large and small.

But what about those who desecrate that flag? What about those who engage in hateful conduct toward that flag to protest some action by the United States or for whatever reason? What should we do with those people? According to those supporting a constitutional amendment, we should show our hatred for their conduct by amending the Bill of Rights for the first time in the history of the United States of America. I disagree. I disagree. I believe there is a way to protect that flag without defiling our Constitution. There is a way to show our love of that symbol of our great Nation, not at the expense of that sacred document which has guided us from the beginning. What I am proposing at the end of my statement today is an amendment. It is an amendment that is being offered on a bipartisan basis. It is an amendment that will make it unnecessary to amend the Constitution of the United States. It is an amendment which establishes that it will be a crime to desecrate that flag. We spell out the circumstances that would make it a crime.

The Supreme Court has not said that you have to amend the Constitution to protect that flag—just the opposite.

In the United States v. Eichman case in 1990, the Supreme Court expressly recognized that while citizens have a free speech right to express their political dissent by burning the flag, the Government may punish flag-burning under certain circumstances.

In a unanimous decision in 1992—in R.A.V. v. the City of St. Paul—the Court explained that although a law prohibiting individuals from dishonoring the flag is not content neutral, the Government may punish flag-burning in a content neutral manner.

Stripping away the constitutional language, what the Court has said is this Congress has within its power to write a criminal statute that would punish someone who desecrates that flag. This amendment that I offer will do that expressly. It would prohibit a person from destroying a flag with the intent of inciting imminent violence. It would prohibit people from threatening someone by burning a flag. It would prohibit damaging a flag owned by the United States. And it would prohibit damaging a stolen flag on Federal land.

Each of those elements in this amendment has been carefully thought out and tested against constitutional standards that have been handed down by the Court.

You may recall, if you follow the Supreme Court decisions, that not long ago there was a historic decision in Virginia v. Black. The year was 2003. The Court in that decision held that the Government may prohibit people from burning crosses with the intent to intimidate.

You know what the symbol of burning a cross is. It is a symbol of hatred and bigotry and prejudice. It is especially a hateful symbol to African Americans who recall our bitter past of slavery, before the dawn of the civil rights movement. And the Supreme Court made it clear. It said, the Government may prohibit intimidation by the use of burning crosses.

We use the same logic and the same argument of the Court and apply it to the flag.

For those who have come to the floor—and many have—and said how much they respect the flag, we offer them a reasonable alternative: an alternative that protects the flag without infringing our Bill of Rights.

I think that is the way we should move. We have learned long ago that when it comes to amending the Constitution, it shouldn't be the first thing we do. It should be the last resort. That sacred document deserves to be honored and only changed when absolutely necessary for America.

There is a criminal statute that I am going to propose as an alternative way to protect that flag, to show respect for that flag, and to still show respect for our Bill of Rights.

Let me tell you about another issue which we address in this amendment. You have read about it. If you read it, as I have recently, it makes you sick. What I am referring to is a group nominally calling themselves Christians that is now picketing and protesting at the funerals of our fallen soldiers. There is a man by the name of Phelps. He calls himself a minister. But his gospel seems to begin and end with hatred—hatred for gays and lesbians, and obviously hatred and insensitivity for the poor families of our fallen veterans.

About 15 years ago, this man Phelps and his so-called church followers started showing up at the funerals of men and women who died of HIV/AIDS. They have reportedly picketed over 22,000 funerals and other events across America. When their vile acts of incivility stopped generating the publicity they sought, Mr. Phelps found a new target.

I am reluctant to show these photos because I don't want to encourage this man. But I have to tell you that it puts in context what we are talking about today. Imagine if you had someone who calls themselves God-fearing and goes to the funeral of fallen soldiers with signs like these, ''Thank God for 9/11'' and ''You are going to hell.''

Here is another one of those followers holding a sign at a veteran's funeral, ''God hates you.'' Here he is. ''AIDS is God's curse.''

I received a letter recently from the wife of one of our fallen heroes in Iraq. Mr. Phelps and his group showed up at her husband's funeral.

Can you imagine the heartbreak that family must have felt, losing a father, a husband, a brother, coming for that sad moment of parting and then to have these protesters standing around saying that God hates you.

In the past year, these hate-mongers have protested at more than 100 military funerals in America. They claim that the deaths of America's Armed Forces are God's punishment for America's tolerance for those with different sexual orientation. This is such an affront to the families, to everyone in uniform, and to our Nation.

I think there will be a special place in the next life for these people, but there is no place for their brand of hatred at veterans' funerals in this life.

Last month, we passed a bill which the President signed into law that made it clear that Mr. Phelps and his faithful followers could not engage in this sort of demonstration at our 121 national cemeteries.

The amendment which I will be offering includes a section which not only protects our flag by making it a crime to defile or desecrate under the circumstances I mentioned, it goes further. It expands the bill that we passed earlier. It applies the same standards as would apply to national cemeteries to the funerals of all veterans, whether they are buried in a national cemetery or in their own church cemetery or somewhere else.

My amendment will prohibit protests at cemeteries, funeral homes, houses of worship and other locations where deceased veterans are honored and buried.

We can honor our veterans and protect our loved ones from these hateful, barbaric intrusions on the grief of their families. We can do this without weakening or assaulting our Constitution. We can do this without diminishing the basic freedoms we revere in our Nation—freedoms that those veterans fought for.

I ask my colleagues to stop, pause, and think for a moment. If we can achieve this, if we can truly protect this flag and if we can protect the veterans and their families from these hateful demonstrations without amendment to our Constitution, let's do that. Let's join together on a bipartisan basis.

We often disagree in this Chamber. Debates go on and on. Can't we come together in agreement on this that we love this flag and can protect it without amending our Constitution, that we respect our veterans, soldiers and their families, and that now we include this provision as well to protect them?

The amendment I offer is very narrow. It doesn't ban all protest activities. It permits protests outside military funerals as long as protesters don't engage in loud activities. But it draws strict guidelines so that you can't disrupt that funeral home by putting demonstrators and pickets within certain distances consistent with our constitutional rights.

I hope that those who will consider this amendment will go back to the point I made earlier. We can stand for this flag and we can stand for our veterans. But first we must stand for our Constitution. We should address this Constitution with humility and with the understanding that the words that have inspired our Nation and people around the world for more than 200 years are words worth protecting. And that before we come to this floor for whatever motive to change those words, if we can find an alternative to create Federal crimes for the activities that we find so objectionable, so abhorrent, it is a much more reasonable path to follow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank my friend from Illinois for the amendment he has offered. It is my understanding that it is the same wording of the amendment to the bill which I offered and which is pending before the Judiciary Committee, cosponsored with Senator CLINTON and others but that he has added a section to it which I find very worthwhile. I thank him for his thoughtfulness and for the section that he has added with respect to funerals and cemeteries, and for his diligence in bringing forward that piece of legislation which I had offered and which has been bogged down in the Judiciary Committee for whatever reason. I am grateful to him for his consideration.

I ask unanimous consent that I be added as a cosponsor to his amendment.

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

Mr. BENNETT. Mr. President, while I have the floor, I would like to make

this comment about the debate that is before us.

I have great personal conflicts on this issue because my senior colleague from Utah, Senator HATCH, is the cosponsor and the principal sponsor of the constitutional amendment which would empower the Congress to have the right to take legislative action to protect the flag.

The PRESIDING OFFICER. Time is currently under the control of the minority.

Mr. KERRY. Mr. President, I ask unanimous consent that whatever time he uses be charged to the majority and I reserve our time appropriately.

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

Mr. BENNETT. I thank my friend from Massachusetts. I wasn't aware of the time situation.

I have enormous respect for Senator HATCH—not only for his legal ability but perhaps more so for his sincerity and his commitment to this cause.

This is not something he is doing for any cheap political purpose. This is not something he is doing to grandstand. This is something that he is doing because he sincerely believes it. He is sincerely committed to the idea that protecting the flag is an essential thing for us to do, not only to honor our veterans but to teach our children the importance of the flag in the future.

I respect that, and I am with him. But I cannot quite bring myself to amend the Constitution in the manner that he suggests for those purposes. I want to make it very clear that I do not under any circumstances denigrate those purposes. I believe that the legislation I offered—which, as I indicated, is still before the Judiciary Committee—would take care of the challenges of protecting our flag. He disagrees. He insists that my legislation would be unconstitutional based on past precedent.

Checking with legal authorities, I am assured that it is constitutional. That is not the point. The Senate will work its will one way or the other with respect to this.

I simply want to make it clear that although I have come to the conclusion that a constitutional amendment under the present circumstances is not necessary, this does not mean that I surrender one whit of my respect for and loyalty to my senior colleague. The Senate will make its decision. I will be happy with whatever that decision might be.

I once again extend my support and respect for my senior colleague even as I announce my intention to vote in a different path.

The PRESIDING OFFICER. Five minutes remain on the minority side.

Mr. KERRY. Only 5 minutes of the total?

The PRESIDING OFFICER. That is correct.

Mr. KERRY. Is that on the half hour?

The PRESIDING OFFICER. Yes.

Mr. KERRY. Mr. President, would it be possible, because we got pushed back a little bit, that I could have 10 or 15 minutes on my time and then slide it back the other way?

Mr. President, I ask unanimous consent that I be permitted to proceed for 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. Mr. President, I thank the Chair and I thank my colleague.

Mr. President, let me begin by saying that all through the years we have been here before. We have had this vote before a number of times. And each time, thank God, the Senate in its wisdom has protected the Constitution of the United States.

I must say that I have concern at a time when real leaders ought to be uniting the country around our biggest challenges, in a summer when American soldiers are in harm's way in Iraq, Afghanistan, and elsewhere in the world, while families at home are struggling with record gas prices, with health care costs soaring, jobs being shipped overseas and veterans who are defending our country and flag are still going without the health care they were promised, it is astonishing that we are here having this debate.

This debate, like wars themselves, can pit father against father, family against family, veteran against veteran. It is a complicated debate emotionally, and I understand that. I am not doubting at all the emotional feeling which is real for every American about our flag. We all understand that.

I remember taking an oath in 1965 with a group of friends of mine who decided—all of us—that we ought to serve our country. We went into different branches of the service with a common sense of what our obligation was. But when I raised my hand, I did not raise my hand to defend the flag; I raised my hand and took an oath to defend the Constitution and our country.

A lot of those friends did not come home. They were buried in coffins that bore that flag until the moment of their burial, and then that flag was given to a family member. That flag was a symbol of their sacrifice, a symbol of their gift, a symbol of our country itself and all that it stands for, but it was not our country itself. I think each of us still feels bound by those oaths.

I took almost the same oath when I came here to the Senate. The obligation is the same: to defend what the Framers of the Constitution intended and never to give in to the passions of the moment, to the momentary urge to try to respond to something emotional that, no matter how much the emotion is genuine, and it is, takes away from the larger principle and larger set of values that guide our country.

I think it would be a grave mistake if we broke those oaths in the Senate today. We need to listen to the voices of patriotism which urge us to do our real duty. Our former colleague, one of the best and bravest men I know, Senator John Glenn, said:

> [T]hose 10 amendments we call the Bill of Rights have never been changed or altered by one iota, not by one word, not a single time in all of American history. There was not a single change during any of our foreign wars, and not during recessions or depressions or panics. Not a single change when we were going through times of great emotion and anger like the Vietnam era, when flag after flag was burned or desecrated. There is only one way to weaken our nation.

Senator Glenn said:

> The way to weaken our nation would be to erode the freedom that we all share.

Gary May, who lost both his legs above the knee after a landmine explosion in Vietnam—a veteran who was awarded the Bronze Star with combat ''V'' and the Purple Heart—spoke for all of us when he said:

> [A]s offensive and painful as flag burning is to me, I still believe that those dissenting voices need to be heard. . . . The freedom of expression, even when it hurts, is the truest test of our dedication to the belief that we have that right.

This is not a test of who loves the flag; this is a test of who has the courage to protect the Constitution.

Mr. President, as I said, I think every single American feels the same emotions when they see the flag. I have seen it in so many different kinds of circumstances where I have been moved and touched by what it does symbolize to us. But our flag is, in the end, not the Bill of Rights. It does not carry in it the freedoms that are expressed in the Bill of Rights. It symbolizes those freedoms. The fact is, who we are is embodied, above all, in a document that has not been changed since the beginning. A desecrated flag is replaceable. Desecrated rights are lost forever.

What makes the United States different, I think in many ways stronger than any other nation, is our ability to be able to tolerate opinions we do not agree with, to tolerate diversity, to tolerate the aspiration for a people to be able to express themselves even when we disagree. That is what is different about the United States. Thanks to our Constitution, we are the leading proponent on the face of the planet for the greatest experiment in freedom set forth in words and in practice.

At the end of our national anthem we sing, with hand over chest, to the flag: ''land of the free and home of the brave.'' If this amendment passes, make no mistake about it, we will be a little less free and we will be a little less brave.

Ivan Warner, an American soldier who was imprisoned by the North Vietnamese from 1967 to 1973, wrote:

> 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 you are wrong.''

And this prisoner of war, not knowing if he would ever be returned to America or whether he would be tortured for what he said, said:

> ''No. 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 [who was interrogating him] was on his feet in an instant, his face purple with rage. He smashed his fist into the table and screamed at [Ivan] to shut up.

And Ivan said:

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.

In the words of Ivan Warner:

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. . . . Don't be afraid of freedom.

In the final analysis, there are eight other powerful reasons for why we should not do this. They are Iran, Libya, North Korea, China, Cuba, Syria, and the Sudan. And of the many nations—there are about 30-plus of them—that have laws about not burning the flag—even a few of our friends—none of them have a constitution that prohibits it. I do not think the United States of America ought to join those countries, including Iraq under Saddam Hussein, the South Africa of apartheid, and Nazi Germany.

So I ask my fellow Senators, are we really that frightened of somebody's willingness to go out and be stupid? In the United States of America, you have a right to be stupid. You have a right to go out and do something that every one of us thinks is dishonorable or unacceptable. And communities can punish those people in any number of ways. I have voted previously for a statute in the U.S. Senate because I believe a statute is enforceable and does less violence to the Constitution. And there are plenty of ways for prosecutors—on disturbance of the peace or destruction of personal property or any other numbers of ways—to prosecute people. But, in the end, a community of Americans, whose love of flag is so great, is going to ostracize anybody who engages in that kind of behavior. Communities have the ability to make sure they do not get jobs, to make sure they are persona non grata within the community.

It is unbelievable to me, with only two flags we know of being burned in this last year—something like eight or so in the last 365 days in America—that this prompts Senators to feel they have to change the Constitution for the first time and the first amendment for the first time. I think it is wrong. I think our country is bigger than that, and I hope our colleagues in this institution will be today.

Mr. DAYTON. Mr. President, ever since I began my campaign for the U.S. Senate over 6 years ago, I have consistently promised to support the proposed constitutional amendment to prohibit the desecration of the American Flag. Indeed, I am a cosponsor of that constitutional amendment, which will soon be voted upon by the Senate.

I value and respect the first amendment's protection of free speech, and I have personally experienced its importance. When I opposed the Vietnam War in the 1960s and '70s, the first amendment permitted my lawful dissent, although it did not prevent President Richard Nixon's Justice Department from tear-gassing our demonstrations or from unlawfully spying upon me. A generation and another war later, the first amendment again protected my right to speak out against President Bush's policies without intimidation or incarceration, and, this time, without being tear-gassed. I would never infringe upon those precious freedoms of expression and dissent.

The question before us today is not whether we honor the first amendment, which we do, but, rather, whether an act as vile as burning the American flag should be considered ''free speech'' or is it an act of such wanton violence and outrageous disrespect that it should be ''out of bounds''? I come to the second conclusion.

Our Nation's Pledge of Allegiance was first published almost 114 years ago and was established by Congress in 1923. It states, ''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.''

I note, parenthetically, that the U.S. Supreme Court ruled in 1943 that under the first amendment no one can be compelled to recite the Pledge of Allegiance. Nevertheless, it is one of our most revered statements of citizenship. It does not pledge allegiance to a Democratic or a Republican administration. It does not pledge allegiance to any ideology, policy, or platform.

It pledges 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. In other words, allegiance to something above any one of us. To something that unites us as one people indivisible, with liberty and justice for all.

Those are our Nation's founding principles. They are our eternal ideals. We can disagree; we can dissent; we can lawfully protest; we can say almost anything we want and do most of what we want, because those are our rights. They are precious, inviolable rights.

But we also have responsibilities. This great country cannot succeed, if we concern ourselves with nothing more than our rights as individuals. We must equally consider our responsibilities as citizens.

This Constitutional amendment says that one of those responsibilities of citizenship is to not burn or otherwise desecrate our American flag. I am astounded that the U.S. Supreme Court could construe that as free speech, but it has. This amendment would simply permit Congress to declare otherwise and to place that senseless act of desecration outside the boundary of freedom of speech, just as the Supreme Court recently ruled burning a cross outside that boundary of protected free speech.

I am willing to take this carefully considered action, because of what I know the American flag means to millions of American citizens. Many of them are relatives or friends of heroic Americans who have given their lives to defend our country. In my view, those great American heroes have consecrated our flag with their precious blood. Honoring our flag honors their extraordinary sacrifices, as it honors the principles and ideals for which they died.

That is why I will vote for this constitutional amendment.

Mr. OBAMA. Mr. President, I rise today to speak in opposition to the proposed constitutional amendment.

There have been so many moments in our history where the flag was not just a piece of cloth. It was a focal point that united this country through both our most difficult days and our proudest moments. This is the flag that inspired Francis Scott Key in Baltimore Harbor during the War of 1812. It is the flag that Illinois soldiers rallied to during the Battle of Gettysburg. It is the flag that marines raised over Mount Suribachi on Iwo Jima during a battle that claimed 6,800 American lives. It is the flag that Neil Armstrong and Buzz Aldrin planted on the surface of the moon. It is the flag that was draped over the charred Pentagon following the September 11 attack. It is the flag that rests atop the caskets of the men and women who give the ultimate sacrifice in Iraq and Afghanistan.

I cannot imagine anything more abhorrent to a veteran than seeing the flag they fought for, or watched their good friends die for, being burned to make a political point. Although I have not served in the military, I too have great pride in our flag, as do the overwhelming majority of Americans. I share outrage at the thought of its being disrespected. I have never seen anyone burn a flag. And if I did, it would take every ounce of restraint I had not to haul off and hit them.

But we live in a country of laws. Laws that stop people from resorting to physical violence to settle disagreements. Laws that protect free speech. The primacy of the law is one of the things that protects us, one of the things that makes us great.

When I took this job last year I was asked to swear an oath of office. It is a short, simple oath, and everyone in this Chamber has repeated it. It begins: ''I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same.'' Our first allegiance here is not to a political party, or to an ideology, or to a President, or even popular opinion, it is to the Constitution and to the rule of law.

Senator BYRD often talks about the Constitution as a remarkable document that transformed a revolutionary movement to a stable government that has lasted more than 200 years and is the envy of the world. He is right.

The Constitution has only been amended 27 times. The amendments include guarantees of our most basic freedoms, the freedom of religion, the right to a trial by jury, the protection against cruel punishment. The amendments also chronicle the great struggles of this country. The 13th amendment abolished slavery in 1865. The 17th provided for the direct election of senators in 1913. The 19th amendment gave women the right to vote in 1920. The 24th eliminated the poll tax in 1964.

The Framers established a high bar for amending the Constitution, and for good reason. It is difficult to amend the Constitution because our founding document should not be changed just because of political concerns or temporary problems. The Constitution should only be amended to address our Nation's most pressing problems that can't be solved with legislation. But even the supporters of this amendment are hard pressed to find more than a few instances of flag burning each year.

Today, there are hundreds of thousands of U.S. troops risking their lives for their country, looking to us to come up with a plan to win the peace so they can come home. Across America, there are millions who are looking for us to do something about health care, about education, about energy. We are only supposed to be in session for about 50 more days for the rest of this year. To spend the precious time we have left battling an epidemic of flag burning that does not exist is a disservice to our country.

Mr. President, 141 years ago, Congress passed—and the States approved—the 13th amendment to end slavery. A century and a half later, Americans can look back at that effort and be proud. What will Americans 141 years from now think if we pass the 28th amendment to ban flag burning? Will they breathe a sigh of relief that we made the world safe from flag burners? Or will they see this for what it is: an effort to distract, an effort to score political points, an effort to use the same flag that should unite us to instead divide us? I believe they will laugh and shake their heads.

During this debate, we have heard much about Colin Powell's opposition to this amendment. I am moved by his statement that:

> 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.

His view is shared by the many calls and letters I have received from Illinois veterans. All of them full of honest passion, and all of them sharing a common love of flag and country. I want to read a bit from a few of the letters I received.

Richard Savage of Bloomington wrote me:

> I am a Vietnam veteran and Republican. . . . Those who would burn the flag destroy the symbol of freedom, but amending the Constitution would destroy part of freedom itself.

Marci Daniels from Edwardsville wrote:

> I am a veteran and I oppose the flag amendment. I did not put my life on the line for the flag, but for the Constitution and the freedoms it guarantees.

Terrence Hutton of Winnetka wrote:

> As a Vietnam war veteran, I did not like the steady fare of flag-burnings we seemed to see on TV and in the print media back in those unhappy days, but I accepted them as part of the price we pay as a free society. . . . We have survived this long without a flag-burning provision in the Constitution and can go right on surviving without one.

These are all proud Americans, veterans. They know that we should not play politics with the Constitution. We shouldn't distract voters in an election year, when there are so many common challenges we face and so little time to face them.

There is, in fact, another way. There is a way to balance our respect for the flag with reverence for the Constitution. Senators CLINTON and BENNETT are proposing an amendment to this proposal that would protect the flag without amending the Constitution. Their statutory approach is a new one that doesn't fall into the same constitutional traps that doomed previous flag protection bills. The Clinton-Bennett amendment is narrowly drawn to meet the first amendment tests the Supreme Court has laid out in previous court decisions. It makes it illegal to burn a flag in a threatening way or to incite violence. I believe this statute will pass constitutional muster and be upheld by the Supreme Court.

I will vote for the Clinton-Bennett amendment in an effort to find a way to balance our respect for the flag and our protection of the Constitution. I urge my colleagues to do the same.

Mr. NELSON of Florida. Mr. President, I intend to vote in favor of this resolution.

The flag is a sacred symbol to this country and its citizens. Men and women have given their lives to protect the ideals embodied in the flag, and it's a unifying representation of America and all that we value. I believe it is a symbol worthy of protection.

This resolution will give Congress the ability to consider legislation that will protect the flag and prevent its desecration.

Mr. CONRAD. Mr. President, today I will support the Durbin amendment to pass a statute to protect the flag and address the very real problem of protests at military funerals.

I was recently at a funeral for a North Dakota soldier, and I was disgusted—absolutely disgusted—by the behavior of protesters who used the funeral to convey their twisted message of hatred for our soldiers and their families. The Durbin amendment would restrict these protests from the immediate area of the funeral, and it would protect the flag without amending the Constitution of the United States for that purpose.

Anybody who advances an amendment to the Constitution has to clear a very high threshold. The Constitution of the United States is one of the greatest documents in human history. It is not to be amended lightly. And it should certainly not be amended when there are other ways of addressing a problem.

In our history, more than 10,000 amendments to the Constitution have been proposed. Only 27 have been approved. Since I have been in the Senate, more than 850 constitutional amendments have been offered.

Thank goodness we have not adopted them. Many of them would have made that document worse. Many of them would have done things that ought to be done by statute.

The Constitution is a framework. It does not deal with specifics. It deals with the larger framework of how this Government should operate. Individual laws, individual statutes are meant to deal with the specific problems that we encounter as a society within the framework provided by the Constitution. Some would have us change that basic organic document to deal with this problem. I believe that would be a mistake that we would come to regret.

Flag burning and flag desecration are unacceptable to me and unacceptable to a majority of Americans. They are certainly unacceptable to the people of the State that I represent. But the first answer cannot and should not be to amend the Constitution of the United States.

Of course, it is unacceptable to engage in flag desecration. Of course, it is abhorrent to desecrate the flag. We do not need to amend the Constitution to address these few instances of deplorable conduct. We have an alternative. The alternative is to pass a statute.

The proponents of the constitutional amendment will say that the statutory alternative will be ruled unconstitutional, as has the previous attempt to pass a statute.

But this statute has not been ruled unconstitutional, and a range of constitutional experts believe it would pass constitutional muster. They are saying to us this statute would be upheld. It is my view that we ought to see if they are right before we conclude that the only alternative is to amend our Constitution. We ought to give the Supreme Court a chance to look at this statute, and see if we can find a way to protect the flag by statute before we amend the Constitution.

I am not alone in taking this position. I have heard from distinguished veterans all across my state and all across the country who agree that the Constitution does not need to be amended to protect the flag.

For example, Rick Olek, a 22-year member of the American Legion, a

combat veteran, and a Purple Heart recipient, has written:

As a combat veteran, I fought for this country and I respect our flag, but I also respect the rights of freedom of speech. The position of Senators Conrad and Dorgan on the flag amendment is consistent with protecting first amendment rights as well as protecting our flag.

Similarly, Mike Dobmeier, former National Commander of the Disabled American Veterans, says:

I fought—and many of my comrades died—to protect the freedom and ideals the U.S flag embodies. Senator Conrad understands our sacrifice and he is working tirelessly to protect Old Glory. Last year he introduced bipartisan legislation that would criminalize the desecration of our flag, rather than changing the Constitution. Senator Conrad knows that we can protect our flag without infringing on the precious freedom it represents.

And Brad Maasjo, a retired Air Force Colonel from Fargo, ND, writes:

There is a poem that says in part that '. . . it is the soldier, who fights for the flag . . . whose coffin is draped by the flag . . . who wins the right to protest the flag. . . .'' Maybe if we take away that right, we also lose sight of what he fought for in the first place.

These are just a few of the people I have heard from, proud North Dakota veterans who support the flag but also revere our Constitution. They tell me that they abhor flag desecration, but that the flag is a symbol for the liberties and freedoms they fought to protect. They do not want to rush to amend the Constitution when there are other options available.

Finally, GEN Colin Powell, Secretary of State Powell, has written the Congress to say he does not believe that the appropriate response is to amend the Constitution of the United States. GEN Colin Powell, former Chairman of the Joint Chiefs of Staff, the man who led us in Desert Storm, a man for whom I have profound respect says:

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. . . . 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.

I urge my colleagues to step back from the constitutional amendment and instead support the Durbin amendment. This is the wiser course. It is the right course. It is one that will stand the test of time.

Mr. AKAKA. Mr. President, I rise today in opposition to S.J. Res. 12, the flag desecration constitutional amendment.

I believe our flag is a living symbol that represents this great country and its rich history. As a World War II veteran, I feel a deep connection to our flag, and it offends me when I see the flag burned or treated poorly. Our flag deserves our reverence and respect.

As a U.S. Senator, I have sworn to protect the Constitution and the freedoms for which it stands. I believe it would be wrong to amend the Constitution to infringe upon our first amendment freedoms. Although I find it personally detestable that someone would desecrate the flag, it is my duty to protect the right to free speech and expression. To me, this amendment would protect our Nation's preeminent symbol at the cost of sacrificing the very freedoms that it is supposed to represent.

This amendment is all the more troublesome because it is wholly unnecessary. Americans are not lacking in patriotism nor is there an epidemic of flag burning. To the contrary, in these five years since the tragic events of September 11, 2001, Americans have vigorously rallied around our flag and the liberties it represents.

For these reasons, Mr. President, I will be opposing S.J. Res. 12, and I urge my colleagues to do the same.

Mr. LEVIN. Mr. President, the American flag is a cherished symbol of our freedom and the democratic values and liberties that we believe in, and we should respect the flag as a reminder of the bravery of the men and women who have lost their lives fighting under its colors for our country. One of the most poignant images to a patriotic American is when that flag is draped over the coffin of a fallen soldier.

I detest flag burning. To deliberately desecrate the flag is an insult to anyone who has fought to defend it and to all of us who love it. Any person who destroys such an important reminder of sacrifice and patriotism deserves the scorn of all decent men and women.

Although I love the flag, I also love the Constitution and its Bill of Rights. For more than 210 years, this timeless document has protected our most basic freedoms. The Supreme Court has ruled that a physical attack on the flag is a protected form of speech under the first amendment.

In 1984, Gregory Johnson publicly burned an American flag as a means of political protest and was convicted of desecrating a flag in violation of Texas law. In Texas v. Johnson, the Supreme Court held that, although ''the government has a legitimate interest in making efforts to 'preserv[e] the national flag as an unalloyed symbol of our country,' '' Johnson's burning of the flag was constitutionally protected speech.

In response to that decision, Congress passed the Flag Protection Act, a Federal law to prohibit flag-burning and other forms of desecration. I supported that legislation, but the Supreme Court found it unconstitutional in United States v. Eichman. The Court found that the statute suppressed constitutionally protected expression, and held:

The Government's interest in protecting the ''physical integrity'' of a privately owned flag rests upon a perceived need to preserve the flag's status as a symbol of our Nation and certain national ideals. But the mere destruction or disfigurement of a particular physical manifestation of the symbol, without more, does not diminish or otherwise affect the symbol itself in any way. . . . While flag desecration—like virulent ethnic and religious epithets, vulgar repudiations of the draft, and scurrilous caricatures—is deeply offensive to many, the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.

Now that the Court has decided that flag burning as a means of expression is constitutionally protected, the question for the Senate is whether to amend the Constitution to ban such speech. Our Constitution has been amended only 17 times since the adoption of the Bill of Rights in 1789. The Bill of Rights has never been amended. I believe that to deliberately weaken the first amendment rights of all Americans is not the answer to those very few who attack a symbol of freedom.

Senator John Glenn, an American hero who fought for our country through two wars and took our flag into space, eloquently expressed this view before the Judiciary Committee:

[I]t would be a hollow victory indeed if we preserved the symbol of our freedoms by chipping away at those fundamental freedoms themselves. Let the flag fully represent all the freedoms spelled out in the Bill of Rights, not a partial, watered-down version that alters its protections.

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 we have in this country, but it is not the freedoms themselves.

Steve Sanderson, a Michigan Vietnam-era veteran, expressed a similar view as quoted in the Detroit Free Press on June 14, 2006. He said:

Veterans certainly cherish the flag, perhaps more than civilians who have never been to war can realize. But commitment is not confined to that symbol. I am hurt when I see the flag burned, largely because I've also seen the flag draped on coffins of troops. But my patriotism lives in my heart and mind. We set a very dangerous precedent if we argue that certain forms of speech should be restricted because the majority disagrees with the message and how it is expressed.

Mr. President, I love our flag. I love our Constitution. Flag desecration is repugnant, but it would be a mistake to let a flag burner cause us to weaken our first amendment guarantees. If we take this fateful step of singling out one symbol to exempt from the first amendment, will we next authorize Congress to make it a crime to rip up a copy of the Constitution or a copy of its Bill of Rights?

The American flag symbolizes our freedom, and that includes freedom from an overreaching government that decides which symbols are worthy of protection. We are honoring our flag and the republic for which it stands by refusing to amend the Bill of Rights in response to a few misguided people.

I do support the statute that will be offered as a substitute for the constitutional amendment, which provides that: ''Any person who shall intentionally threaten or intimidate any

person or group of persons by burning, or causing to be burned, a flag of the United States shall be fined not more than $100,000, imprisoned for not more than 1 year or both.'' The Supreme Court has held that the first amendment does not provide full protection for what are called ''fighting words.'' or those words which, by their very utterance, inflict injury or tend to incite an immediate breach of the peace.

Also, in Virginia v. Black, a case that involved the burning of a cross, the Supreme Court held that the government can prohibit people from burning crosses with the intent to intimidate. In that case, Virginia law prohibited cross burning through a statute that made it unlawful for any person to burn a cross with the intent of intimidating any person or group of persons. A majority of the Court held that it believed the substantive prohibition on cross-burning with an intent to intimate was constitutionally permissible. Writing for the majority, Justice O'Connor said:

> The protections afforded by the First Amendment, however, are not absolute, and we have long recognized that the government may regulate certain categories of expression consistent with the Constitution . . . Thus, for example, a State may punish those words ''which by their very utterance inflict injury or tend to incite an immediate breach of the peace. . . . We have consequently held that fighting words ''those personally abusive epithets which, when addressed to the ordinary citizen, are, as a matter of common knowledge, inherently likely to provide violent reaction'' are generally proscribable under the First Amendment.''

The substitute also contains an important provision to support our military families in their time of grief. During the past year, a fringe religious group has held protests at more than 100 military funerals across the Nation, claiming that the deaths of U.S. soldiers is God's punishment of America. In May, Congress passed and the President signed into law the Respect for America's Fallen Heroes Act, which prohibits demonstrations at and around national cemeteries. This amendment would expand that Act to include military funerals at private cemeteries, funeral homes, and houses of worship. The families of the fallen have a right to be free to bury their loved ones and our heroes in peace.

I support this narrowly drawn substitute because it both protects the flag, consistent with the Bill of Rights, as well as honors those who have made the ultimate sacrifice while fighting under its colors.

Ms. MIKULSKI. Mr. President, I rise to support the substitute offered by Senator DURBIN to ban the desecration of our flag. The Durbin alternative stands for the same things I do. It protects the principles embodied in our Constitution—as well as our U.S. flag. It does not amend the Constitution, but it will get the job done by punishing those people who help wage war against the symbol of this country and everything it stands for.

I know that we have gone down this road before, by passing statutory language to ban flag-burning only to have the Supreme Court overturn it. But this language has been specifically crafted so that it will pass constitutional challenge.

It says you cannot get away with abusing the flag of the United States or using it to incite violence. This is an exception the Supreme Court has allowed. The Durbin substitute says you can't use this Nation's symbol of freedom and turn it into a symbol of disrespect.

If there is a way to deal with and punish those who desecrate our U.S. flag without amending the Constitution, I am all for it. That is why I support the Durbin Substitute.

I feel very strongly about this issue. I have voted for legislation to prohibit flag burning, and I have voted against amending the U.S. Constitution. Today, I will do so again.

I take amending the U.S. Constitution very seriously. In the entire history of the United States we have only amended the Constitution 17 times after the Bill of Rights. Seventeen times in over 200 years—that's it.

We have amended the Constitution to extend rights. We have amended the Constitution to end slavery, give women the right to vote, and guarantee equal protection of the laws to all citizens. The Constitution protects our liberty and it is the symbol of the strength of our Nation. I believe that it is my obligation as a Member of this body to protect its integrity and strength.

So many of our veterans have fought to protect our flag and what it stands for in battle. They have defended our flag and the nation against foreign enemies. These men and women fought valiantly to protect America and this issue is very important to veterans, who fall on both sides of the debate.

Many want an amendment to protect this important symbol of our Nation. Others know that the flag is a symbol of our freedom but our freedom endures beyond the cloth of the flag.

I respect how strongly they feel about our flag and all that it stands for. I share their concerns and have seriously considered supporting a constitutional amendment.

But, I have weighed the concern about protecting this national symbol with the need to defend our Constitution and the rights of free speech. I believe that the substitute offered by Senator DURBIN strikes the right balance. My colleague from Illinois has offered an alternative to amending the Constitution that would protect the flag and protect the Constitution. I will support that alternative approach today.

Yet, I can't help but be concerned about why we are raising this issue now. There has not been a sudden surge in flag burning. In fact, to the contrary, I see more Americans waving their flags proudly as they support our troops overseas. It disappoints me that we raise this issue now, instead of focusing on priorities that really matter to veterans.

Instead of focusing on amending the Constitution, we should be standing up for our veterans where it really counts. Support for our military in the field must be matched by support for our veterans at home. This means deeds, not just words.

There are 25 million veterans in the United States. These veterans served with honor, bravery and sacrifice. The way to thank them is with a commitment to veteran's healthcare, veteran's programs and veteran's services.

Whether at Iwo Jima, Pork Chop Hill, the Mekong Delta, Falluja or the mountains of Afghanistan, our veterans shouldn't have to fight for the services they need and deserve at home. Instead of debating this amendment, the Senate should take up and pass Senator AKAKA's Keeping Our Promise to America's Veterans Act.

I am proud to cosponsor this bill, which does five things to provide real support to our veterans with deeds, not just with words. First, it makes sure veterans get full funding for veterans medical care by accounting for growing vets population and rising health care costs. Second, it provides mental health care to vets from Afghanistan and Iraq. Third, it allows VA hospitals to fill prescriptions written by private doctors. Fourth, the bill guarantees concurrent receipt of military retired pay and VA disability benefits. Finally, this bill makes it easier to take advantage of the G.I. bill by excluding G.I. benefits from financial aid eligibility computations.

I am disappointed that the Senate has chosen to spend time on this debate, instead of taking up this important bill and keeping our promise to America's veterans. We are giving our veterans rhetoric instead of results, and I am deeply disappointed for Maryland's 500,000 veterans, and veterans all across the Nation.

Mr. HARKIN. Mr. President, I have come to the floor today to speak in opposition to the flag desecration amendment to the Constitution.

If I were strictly following my emotions, I would no doubt favor this amendment. After all, I can imagine few acts more despicable, offensive, and cowardly than to deliberately desecrate the flag of the United States of America. But in considering this constitutional amendment, which for the first time would amend the Bill of Rights, we have a solemn responsibility to separate reason from passion. We have a responsibility to preserve and protect the Stars and Stripes of the United States of America. But even more importantly, we have a responsibility to preserve and protect the principles and rights for which it stands.

Fortunately, instances of flag desecration in the United States are extremely rare. Nonetheless, there is no denying the emotions and anger that

are incited even by the thought of someone desecrating the American flag. I myself feel those emotions and that anger. I believe that we all do. We all have memories that cut deep to the heart, and when we see the flag on fire it feels like something burning inside of us.

I remember what the flag meant to my mother, an immigrant from what is now Slovenia, who came to America speaking just a few words in English. When I was growing up, the American flag was always proudly displayed in our home because, to my mother, that flag meant the freedom of her new country.

I have not forgotten my mother's pride, and even now the American flag, standing proudly by my desk, is the first thing I see when I go to work in the morning and the last thing I see when I leave to go home at night.

I remember, too, the friends I lost in Vietnam. I remember escorting the body of a fellow pilot to his home and presenting the American flag to his widow. The flag is our country's ultimate tribute to a fallen soldier.

So it is with strong feelings—right here in my stomach and right here in my heart—of rage and disgust that I view those who would desecrate my flag, defile my memories, and dishonor my heritage.

I think back to my days flying jets in the Navy.

I think of the friends I had, and the friends I continue to have as a proud member of American Legion Post 562 in my hometown of Cumming, IA.

Over the years, I have turned to my fellow veterans to see how they would vote on such an amendment. Some were for, some against. But I have been most impressed by the arguments of those who oppose a flag desecration amendment.

Frankly, I expected my neighbor, who earned five Purple Hearts in combat, to be gung-ho for a constitutional amendment. But he told me he was absolutely opposed to an amendment. He said, ''I fought for freedom. I didn't fight for doing away with freedom.''

An Iowa veteran I met at a coffee shop had this common-sense perspective. Speaking of the flag-burner in the case of Texas v. Johnson, he said: ''Look, this flag burner, this Greg Johnson, he's just one of a handful of kooks. Should we change the Bill of Rights, which has never been changed, for a handful of kooks?''

Most moving to me was the article I read years ago in the Cedar Rapids Gazette by a former prisoner of war, James Warner.

Let me read to you part of his article:

> It hurts me to see other Americans willfully desecrate the flag. 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.

Mr. Warner went on to recount how, in a North Vietnamese prison camp, he was given a choice: He could renounce his country and leave, or stay and be tortured. James Warner chose to stay. The North Vietnamese tried to break his spirit but they couldn't. During one interrogation, his captor showed him a photograph of some Americans protesting the war by burning a flag.

''There,'' the North Vietnamese officer told him, ''People in your country protest against your cause. That proves you are wrong.''

''No,'' Warner said, ''That proves I am right. In my country we are not afraid of freedom, even if it means that people disagree with us.''

In that moment, the interrogator was on his feet—his face purple with rage, according to Warner's account. There was also pain in the interrogator's eyes, compounded by fear. The Communist feared freedom; only freedom could be used to defeat him.

Likewise, in 1989, the Chinese Communists feared the students in Tianamen Square who burned the Chinese flag. The students' protests were silenced with tanks and guns. As communism crumbled across Eastern Europe in the late 1980s, expressions of freedom took many forms: protests, speeches, underground newspapers, strikes—and yes, even flag desecrations. And when we saw those torn and burned flags, symbols of Communist domination, did we denounce these protestors for defiling their own State symbols? Of course not. We praised them for their acts of political defiance. Burning and tearing their flags represented a powerful act of political speech, a denunciation of the communist regimes that had oppressed those countries for decades.

And once the Communist regimes began to fall, what came next? Calls for Western-style guarantees of rights to freedom of the press, freedom of association, and freedom of speech. Many called for a constitution. They knew what some of us seem to forget: That the only way those freedoms can be protected is with an inviolable Bill of Rights such as our own. A Bill of Rights that has stood unchanged for more than two centuries—despite Civil War, Depression, two world wars, and powerful internal movements of dissent. Even at those times of profound turmoil, we resisted any temptation to amend the Bill of Rights.

As a veteran, I will never, ever do anything to show disrespect for the flag. At the same time, I will never, ever do anything that would diminish the freedom our flag represents.

In our churches, synagogues, and mosques, we are taught not to worship the idols of our faith, but rather the ideals of our faith. Likewise, patriotism is not measured, first and foremost, by our love for the flag as a physical object, but by our love for the rights and ideas the flag stands for.

I do not want to see the flag become another Golden Calf—an object to be worshipped for the sake of worshipping. The flag is only as powerful as the republic—and the rights and ideals—for which it stands.

Back in 1990, when the Senate first debated—and rejected—a flag desecration amendment, I remember reading a letter to the editor of the Burlington, IA, Hawkeye, written by a World War II veteran who had volunteered for duty. He wrote:

> I served my country under the flag. I pledged allegiance to the American flag, and to the Republic for which it stands. 'Stands' is the key. The flag stands for the government. The government guarantees us free speech. My allegiance is to the flag however it is displayed, cloth, paper, paint, or the one that waves continuously in my mind. That one, in order to burn, they would need to burn me. I like the Bill of Rights just as it is. Exactly what the flag stands for.

So wrote the veteran from Mount Pleasant, IA. And he concluded with these words: ''Isn't it better to put up with a few disgusting frustrating acts of free speech than to open a Pandora's box?''

I have to agree with his characterization of this amendment as a ''Pandora's box'' which, once opened, could lead to other proposals to punch holes in the Bill of Rights.

Mr. President, I hope that the Senate will reject this amendment, once again. But I believe this debate can have a positive legacy—not by diminishing our rights as citizens, but by increasing public displays of the flag, increasing people's knowledge and understanding of the flag's history, and increasing good citizenship and public service.

We are proud of the flag. Let us fly the flag.

We are proud of the flag. Let us tell our children and grandchildren about what that flag represents, what it means and why so many died for it.

That flag in my mother's house was not used as a tablecloth, it was not used as a scarf, it was not used as a piece of clothing. I grew up believing there was a proper way to hold the flag, a right way to display it. We need to take it a step further and educate people, young and old, as to the meaning behind the symbols—behind the flag and our Bill of Rights.

Mr. President, next week we celebrate 230 years since our Declaration of Independence. Fireworks will recall the 'rocket's red glare' and the 'bombs bursting' overhead when those who were first to wear the uniform of the United States Armed Forces put their lives on the line.

And in all of our 50 States, the American flag will be hailed, waving in the breeze over courthouses and city halls, public buildings and private homes. Pride will be felt and respect shown, not because it is mandated by law, but because it is embedded in our hearts.

I can think of no more patriotic way to celebrate the Fourth of July, no better way to show respect for the American flag and for the principles for which it stands, than by voting against this proposed amendment to the Bill of Rights.

Ms. SNOWE. Mr. President, I rise today to support in the strongest terms the proposed constitutional amendment to grant the States and Congress the power to prohibit the physical desecration of the flag of the United States.

Our flag occupies a truly unique place in the hearts of millions of citizens as a solemn and sacred banner of freedom. As a national emblem of the world's greatest democracy, the American flag should be treated with unyielding respect and scrupulous care.

At this time when Americans are fighting and, tragically, perishing under the flag of the United States, it is long overdue that we pass a constitutional amendment to protect that very symbol of American ideals from acts of desecration. We lost the effort by just 4 votes 6 years ago in the Senate. Meanwhile, the other body has done its duty and passed a bill twice. We in this chamber must finally do the right thing and protect our flag once and for all and for all time

With the introduction of this resolution, we resume our effort to protect the greatest symbol of the American story and American experience. There is no more powerful example of freedom, democracy, and our steadfast commitment to those principles than the American flag , and it is altogether fitting and just that we try to ensure that it is publicly displayed with pride, dignity, and honor.

I cannot underscore the point enough that the flag is not merely a visual icon to us, nor should it be. The American flag is not just another piece of cloth. It is not just another banner or logo or emblem. It is our revered testament to all that we have defended and protected. Too many Americans have contributed too much and sacrificed too much . . . their labor, their passion, and in many cases their lives for the flag to be simply and frivolously regarded. The flag permeates our national history and relays the story of America in its most direct, and most eloquent terms. Indeed, knowing how the flag has changed—and in what ways it has remained constant—is to know the profound history and limitless hopes of this country.

More than 220 years ago, a year after the colonies had made their historic decision to declare independence from Britain, the Second Continental Congress decided that the American flag would consist of 13 red and white alternating stripes and 13 white stars in a field of blue. These stars and blue field were to represent a new constellation in which freedom and government of the people, by the people and for the people would rule. The colors of the flag are representative, as well. Red was to represent hardiness and valor, white was to represent purity and innocence and blue was to represent vigilance, perseverance and justice. And as we all know, the constellation has grown to include 50 stars, but the number of stripes has remained constant. In this way, the flag tells all who view it that no matter how large America may become, she is forever rooted in the bedrock principles of freedom and self-government that led those first 13 colonies to forge a new nation.

Even more significant is the fact that the flag also represents our enduring pledge to uphold these ideals. This dedication has exacted a high human toll, for which many of America's best and brightest have given their last full measure of devotion. It is in their memories and for their ultimate sacrifice to America's ideals that I am proud to support this amendment.

Make no mistake, this amendment is necessary because the Supreme Court, in its 1990 U.S. verses Eichman ruling, held that burning the flag in political protest was constitutionally protected free speech. No one holds our right to free speech more dearly than I do. But I have long held that our free speech rights do not entitle us to consider the flag as merely personal property, to be treated any way we see fit, including its desecration for the purpose of political protest. The fact is the Eichman decision unnecessarily rejects the deeply held reverence millions of Americans have for our flag. With all the forums for public opinion available to Americans every day, from television and radio, to newspapers and Internet chat rooms, Americans are afforded ample opportunity to freely and fully exercise their first amendment rights, even if what they have to say is overwhelmingly unpopular with a majority of American citizens. At the heart of the issue is respect. I applaud the right to protest and to assemble in order to express opinion, dissent, or a point of view. Write letters to the editor. Start a website. Create a blog. Organize. Leaflet. March. Chant. Speak out. Petition. Do any and all of these things but do not burn our flag.

As we consider this amendment, we must also remember that it is carefully drafted to simply allow the Congress and individual State legislatures to enact laws prohibiting the physical desecration of the flag, if they so choose. It certainly does not stipulate or require that such laws be enacted, although many States and the Federal Government have already demonstrated widespread support for doing so. In fact, 48 States, including my own State of Maine, along with the Federal Government, have had antiflag burning laws on their books for years and that was prior to the Supreme Court's rulings on this issue. So, in effect, what this resolution does is simply give the American flag the protection that almost all the States, the Federal Government, and a large majority of the American people have already endorsed.

Whether our flag is flying over the U.S. Capitol, a State house, a military base, a school, Fenway Park, or on a flag pole on Main Street, the stars and stripes represent the ideals and values that are the foundation of this great Nation. Our flag has come to not only represent the pride we have for our Nation's past glories, but also to stand for the hope we all harbor for our Nation's future.

Perhaps it was The Reverend Henry Ward Beecher who captured best the essence of the flag's meaning and symbolism more than a century ago when he wrote that ''a thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself and whatever may be its symbols, its insignia, he reads chiefly in the flag the government, the principles, the truths, the history which belongs to the nation that sets it forth.''

Mr. President, our flag represents not just the new constellation of freedom envisioned by our forebears, but the distillation of that freedom, too everything that was behind the forming of our nation and everything that informs our nation and who we are to this day. So, it is with undaunted pride and unwavering hope that I urge my colleagues to support this amendment.

Mr. DOMENICI. Mr. President, I rise today in support of the flag protection amendment, S.J. Res. 12.

This amendment was precipitated by the Supreme Court's ruling in Texas v. Johnson, which overturned a law which prohibited flag burning. The ruling made the burning of the American flag a legitimate exercise of free speech.

I believe freedom of speech, guaranteed in the first amendment, is one of the fundamental freedoms the Founding Fathers sought to protect since it is the basis for every other freedom we enjoy. However, in the past the Supreme Court has ruled that freedom of speech is not an absolute freedom. For example, it is unlawful to yell ''fire'' in a crowded auditorium, and it is also illegal to threaten to harm the President of the United States.

I disagree with the Supreme Court's analysis of flag burning. The Supreme Court erred in equating free speech with the desecration of the American flag. The act of desecrating the American flag goes beyond merely expressing a point of view—it is a violent act against the symbol of our Nation. It is not an act of free speech. Every American is free to denounce our Nation and ideals for which the flag stands. Frankly, I think it would be terribly misguided, but if that is what they want to say, they have the right to say it. There is a vast difference, however, between speaking one's mind and desecrating the symbol of our Nation.

The American flag is a unifying symbol of our Nation and is considered by many to be the physical embodiment of the founding principles of this country. The predominance our flag holds in the national psyche was reconfirmed after the September 11 attacks, when the vision of the red, white and blue galvanized our Nation.

The American flag is not just a piece of cloth. It is a symbol of freedom and of the sacrifice it takes to gain that freedom. The red stripes are there to

remind us of the blood that was and continues to be shed in defense of this Nation.

I have the deepest reverence for the U.S. Constitution, and I do not believe it should be amended casually. However, in this case, I believe the American flag and all it represents deserves the protection of our laws. Therefore, I have decided to support a constitutional amendment that would require due respect for this great symbol of freedom.

Mr. FEINGOLD. Mr. President, I understand the desire of my colleagues to defend the flag, and I share their outrage at the despicable conduct that some families of fallen servicemembers have had to endure as they bid farewell to their loved ones. But I cannot support the substitute amendment offered by the senior Senator from Illinois. The Supreme Court has twice held that criminalizing flag desecration violates the first amendment. Flag burning is unacceptable, but outlawing certain forms of flag destruction based on the message that the misguided person is trying to convey raises obvious first amendment problems.

The vast majority of flag desecration incidents can be prosecuted under criminal trespass, destruction of private property, and other State and local criminal statutes. We do not need a Federal statute to handle the handful of other incidents that occur each year, and we certainly should not amend the Constitution to make such a statute possible.

Mr. INHOFE. Mr. President, today this Chamber considers whether to send a constitutional amendment to the States and people of the United States, a United States that is represented by that glorious flag that stands to your right, Mr. President.

This is not the first time the people's elected representatives have acted to protect the flag, but as a result of a willful judicial resolve, we are forced to take this decisive action as the people's duly elected policymakers.

I find it highly doubtful that the Framers intended the first amendment to cover flag desecration as protected speech. I find it even more unlikely that they intended the courts to be able to tell Congress that it cannot protect our flag. Quoting Alexander Hamilton, in The Federalist No. 78, it is Congress who ''prescribes the rules by which the duties and rights of every citizen are to be regulated,'' not the courts. This is a principle I have consistently stood for and will stand for again when I vote in favor of S.J. Res. 12. When I see images on the news of different groups around the world burning American flags, it sickens my stomach. That is not speech: that is chaos. That is the mob mentality that is rebelliousness. That is conduct that appeals to the deepest and darkest parts of human nature. That is not the kind of riotous conduct that should be protected in this Nation; this amendment will allow us to make that clear once and for all.

I have heard some say—Justice Brennan in Eichmann—that allowing protesters to burn the flag is the greatest tribute to that flag, that what the flag stands for allows those who hate it to abuse it. Though I understand the merits of this argument, I disagree that it gives any kind of real reason to allow this behavior. This pseudo reverent justification could also defend spitting on our soldiers returning from duty or the hateful, vile-spewing protesters who want to defile the funerals of our Nation's heroes. After all, it is our soldiers who give these protesters a free country in which to protest.

Opponents say that one has a right to burn the flag. I say that we have a right not to have our flag burned. Countless soldiers and citizens have given their lives defending what this flag stands for. It is time that we, as the Congress of the United States, stand up and defend our flag, that we recognize that our national symbol that represents our system of laws is worthy of the protection of our laws.

Mr. SESSIONS. Mr. President, the amendment we are debating is short and to the point. It contains only 17 words:

> Congress shall have the power to prohibit the physical desecration of the flag of the United States.

We are discussing this today because in 1989, in Texas v. Johnson, five members of the Supreme Court held that flag desecration—specifically burning the American flag—was a form of first amendment-protected speech and Texas's law banning desecration of the flag was unconstitutional. Adding insult to injury, when Congress passed the Flag Protection Act of 1989, codified as title 18, section 700 of the United States Code, five members of the Supreme Court struck down that law as unconstitutional, too, in United States v. Eichman, 1990.

I believe the amendment we are considering today is entirely appropriate, and I am proud to cosponsor it. I wish to respond briefly to some of the criticism I have heard. Some would say: Well, you want to limit free speech when you want to stop burning the flag.

Now, it is true that the Supreme Court, by a 5-to-4 majority, held that the act of burning a flag is free speech. Well, I don't agree. The Supreme Court for a long time has allowed reasonable ''time, place, and manner'' restrictions on speech.

Moreover, the Supreme Court has long recognized that:

> [t]here are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or 'fighting' words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.

The late Chief Justice Rehnquist wrote in his dissent in Texas v. Johnson: ''Far from being a case of 'one picture being worth a thousand words,' flag burning is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others.'' It is not really ''speech'' at all, but if you consider it some sort of expression, it is certainly inarticulate. It is not of great value compared to the unifying symbol of the flag.

The first amendment is about intelligent debate, argument, concern over policy issues—not whether you get to ''grunt'' or ''roar'' by burning a flag. I don't believe flag-burning was ever intended to be covered by the Constitution. So I believe the Supreme Court got it wrong in Texas v. Johnson and United States v. Eichman.

More importantly, the American people agree that the Supreme Court got it wrong. All 50 States have asked Congress to propose an amendment prohibiting flag desecration. In our democracy, the people have the last say on the Constitution. If the people think the Supreme Court is wrong, they have every right to amend the Constitution and tell it so.

In my view, the flag of the United States is a unique object, and prohibiting its desecration will not in any fundamental way alter the free expression of ideas in this country.

It seems to me if burning the flag is speech and if the Court is correct in saying it is speech and the people of the United States care deeply about protecting the flag, then they should adopt a restricted, narrow constitutional amendment that would allow Congress to stop flag desecration.

Indeed, it would be healthy for this country to adopt a constitutional amendment that would allow the protection of the flag. More Medals of Honor have been awarded for preserving and fighting to preserve the flag than any other. We know the stories of battle when time after time the soldier carrying the flag is the target of the enemy. When he fell, another one would pick it up. When he fell, another one would pick it up. When he fell, another one would pick it up. That is the history.

We pledge allegiance to the flag, not the Constitution, not the Declaration of Independence. We pledge allegiance to the flag because it is a unifying symbol for America, and having a special protection for it is quite logical to me.

I do not believe we should never amend the Constitution. I do not think we amend the Constitution enough. But we want to have good amendments that are necessary, that are important, that enrich us, and that make us a stronger nation. In 1816, Thomas Jefferson wrote: ''Some men look at constitutions with sanctimonious reverence, and deem them like the ark of the covenant, too sacred to be touched.'' Jefferson disagreed and proposed amending a constitution every 20 years or so so that it could ''be handed

on, with periodical repairs, from generation to generation, to the end of time, if anything human can last so long.''

I don't know whether we need to amend the Constitution every 20 years, as Thomas Jefferson proposed, but I do think a constitutional amendment is a healthy way for us to remind ourselves that this Nation is a democratic republic. We are not a nation under the rule of the Supreme Court. The Constitution belongs to ''We the People of the United States,'' as its preamble states—not the judiciary of the United States. The Constitution was democratically adopted. It was meant to be democratically amended. It must remain democratically accountable—or lose its legitimacy as the foundation for a democratic republic.

Let me finally address one more concern about the language of this amendment. It is short. It is concise. And it leaves it to Congress to address the details on what specific forms of conduct to prohibit. I trust Congress to do that. Congress did it in 1989 with the Flag Protection Act codified at title 18, section 700 of the United States Code.

Concern has been expressed that the term ''desecration'' is too broad, too vague. I don't think so. I think it will clearly grant Congress the power it needs without any restriction on our great freedoms, particularly real speech.

Mr. President, the flag of the United States is a unique, unifying symbol of our country and all it embodies. Brave men and women have fought and died for that flag and what it represents. Let us today act to protect the flag and adopt S.J. Res. 12.

Mr. ENZI. Mr. President, I rise in strong support of S.J. Res. 12 which proposes an amendment to our Constitution allowing Congress to prohibit the physical desecration of the flag of the United States. I am proud to be an original cosponsor of the resolution introduced by my colleague from Utah.

Throughout the years of our Nation's existence, many brave men and women have fought and died to defend the freedom that our flag symbolizes. We must honor their memory by protecting our flag and preserving this symbol of our Nation and the unity of the 50 States. I have heard from veterans across my home State of Wyoming about their service and the importance of the flag in both their military and civilian lives. Our flag is a constant reminder of all those who have sacrificed so much so that we might be free.

We are now engaged in a new and different kind of war. We have taken up arms to end the threat of terror. We have been joined by many different nations in that effort, but we are, once again, relying on our own Armed Forces, the greatest fighting force in the world. With the talents and abilities of our service members and our support and prayers, I have no doubt they will get the job done.

When our deployed troops return home, they will deserve our support and encouragement as they return to their everyday lives. I believe they will also expect us to take action to ensure the symbol of our Nation that they carried with them into battle is afforded the protection it deserves. We must ensure our flag is respected and protected as a symbol of our freedoms and the sacrifices that were made.

Over the last couple of days, some Members of this body have made some misleading statements about what this resolution does. Let's be clear—this piece of legislation does not ban anything. It does begin the process of restoring the authority of Congress to pass a flag desecration statute. A constitutional amendment will only become law if it is approved by three-quarters of the States.

I have also heard some of my colleagues claim that the language we are debating is too vague. Again, this is simply the first step in a process. The details will be debated once Congress regains its authority to make laws related to the desecration of the flag. It is then the job of those in Congress to talk about and debate the definition of desecration and what that word will mean in our laws.

Again, I believe our flag should be protected as a symbol of this Nation and our history. It represents us in military actions, in athletic competitions, diplomacy, and any activity we engage in around the world. The flag helped rally the Nation after the attacks of September 11, 2001. It calls to mind those who serve on our police, fire, and emergency response teams, risking their lives every day to ensure we are safe and protected from harm.

Diana and I have a friend from Finland who taught in the United States for a year. She had a flag of Finland that she traveled with while we were debating a flag burning amendment. She couldn't believe that anyone would dishonor their country's flag by burning it. As a symbol of the country, she couldn't believe that anyone would desecrate it in any way. She couldn't imagine that burning or desecrating the flag of a person's own country could have any positive effect. She believed that what people were doing to the symbol of our Nation would have a very detrimental effect overseas.

Changing the law may not change people, but the discussion alone that we are having should point out what is right and wrong and how other countries view the disrespect we demonstrate for our country. People are missing the issue of the protests. They are only seeing the disrespect for the country. We can do better. We must do better. This amendment will help us do better on focusing on problems instead of drama that takes away from ways we can make our lives and our country better.

Our flag symbolizes our hope for the future and our willingness to work together to make this world a better place for us all to live. That hope for tomorrow unites us, guides us, and helps to make us truly one Nation under God, with liberty and justice for all.

I encourage all Senators to support S.J. Res. 12.

Mr. VITTER. Mr. President, the America flag is such an important symbol to our country that from the time we are children, we salute the flag with a hand over our hearts and pledge our allegiance to the flag of the United States of America. For the past two centuries, in battles all around the globe, the American flag has served as an inspiration and rallying point for our Armed Forces fighting for the ideals it embodies. We hold the flag with such reverence that it covers the coffin of America's military heroes who have dedicated their lives to the service of our Nation. Old Glory should be revered and protected because it represents American History, American sacrifice, and hope for our Nation's future.

On the Fourth of July, especially, we are reminded of the sacrifices of our forefathers in founding this great Nation, and the American flag symbolizes that sacrifice. The act of burning or destroying the flag shows a tremendous disrespect for our forefathers and the countless men and women who have given their lives to make the United States what it is today. That's why I am an original cosponsor of the flag protection amendment, and I rise to speak in support of it today.

By supporting this amendment, I believe that I am supporting the will of the people of Louisiana and the American people. I have received so many phone calls, letters, and e-mails from people in my home State of Louisiana in support of a constitutional amendment to prevent the desecration of our American flag. Polls show an overwhelming majority of Americans believe that burning the U.S. flag should be a crime. According to Fox News poll when asked, ''Do you think burning the American flag should be legal or illegal?'', 73 percent respondents said they thought it should be illegal.

Before the Supreme Court issued its decision in Texas v. Johnson, declaring that flag burning is politically expressive conduct protected by the first amendment, 48 States, including Louisiana, and the District of Columbia, had enacted statutes prohibiting the physical desecration of the American flag. In my opinion, the Johnson decision is just one more example of unelected activist judges ignoring the will of the American people. In response to the Court's decision in Johnson, Congress enacted the Flag Protection Act. However, in U.S. v. Eichman the Court struck down the Flag Protection Act, holding that Government's interest in protecting this symbol did not outweigh the individual's right to politically expressive conduct.

Since the Supreme Court issued these 2 decisions, all 50 States have passed resolutions asking Congress to pass a constitutional amendment that would

provide some protection to the American flag. This is overwhelming evidence that the American people disagree with these activist decision and believe that the flag—the symbol of Our nation—should be protected. I believe that we as Senators owe it to our constituents—as their elected representatives—to support this amendment and give Congress the power to enact a law banning the physical desecration of the U.S. Flag.

The Flag Protection Amendment gives Congress the power to enact laws prohibiting the ''physical desecration'' of the flag. This amendment does not ban flag burning—it doesn't ban anything. It merely gives Congress the power to enact legislation if and only if three-fourth of the States ratify the amendment within 7 years. Therefore, this amendment would place the power back into the hands of the American people, which, in my mind, is much better than leaving it in the hands of activist judges.

Opponents of this amendment state that any laws prohibiting physical desecration of the flag, no matter how narrowly tailored, violate an individual's first Amendment right to free speech. However, while the first amendment grants Americans the precious right to free speech, that right is not without limitations. For example, the Supreme Court has held that certain types of hate speech and obscenity are not covered under the first amendment. Additionally, public school teachers may not espouse their personal religious views in the classroom, and attorneys and doctors cannot breach the confidence of their clients.

The first amendment protects a number of avenues for individuals to voice their dissent, but it should not protect the physical desecration of the symbol that embodies the spirit of our Nation.

It is time for the Senate to pass the flag protection amendment—an amendment that has overwhelming bipartisan support and 59 cosponsors. The House passed this amendment last year by two-third majority. Now it is time for the Senate to pass this amendment so that we can send it to States and give the American people a chance to vote on this very important legislation. Mr. President, I believe that protecting the symbol of our Nation is one of our duties as elected representatives of the American people, and it is too important to leave in the hands of activist judges.

Mr. JOHNSON. Mr. President, today I share with my colleagues my thoughts on S.J. Res. 12 to amend the Constitution of the United States to prohibit the physical desecration of the flag of the United States. There are good, thoughtful, and patriotic Americans on both sides of this contentious issue. I have great respect for the views of many that amendment would constitute an unnecessary and harmful interference with the first amendment guarantees of free speech. Nonetheless, I am a supporter of S.J Res. 12. For most of America's history, flag desecration has been illegal under State law and local ordinances. This constitutional amendment allows the return of the law to its former state, and I support this amendment to ensure those protections.

Mr. McCONNELL. Mr. President, whether flying on an aircraft carrier, hanging in one of our Embassies, or worn as a patch on a soldier's uniform, the American flag stands for freedom.

The vast majority of Americans honor the flag, and rightly so. Some would go so far as to amend the Constitution to protect the flag against those who would burn it. While I share and admire their patriotism, weakening the first amendment, even for the noble purpose of protecting the flag, is not a position I can support.

Make no mistake I treasure the Stars and Stripes as much as any American. One of my most prized possessions is the flag which honored my father's military service in World War II. It was draped upon his coffin after his death from cancer in 1990. He fought in the European theater to protect the freedoms that flag represents, and it now rests proudly on the mantle in my Senate office.

I do not have any sympathy for any who would dare desecrate the flag. They demean the service of millions of Americans, including my father and the brave men and women currently fighting the war on terror. They deserve rebuke and condemnation.

There may be no greater symbol of freedom than the flag. Its powerful symbolism is precisely why miscreants choose to desecrate it to make their point. They intend to convey a powerful message, and they have succeeded, because we find their message so disgusting that proponents of S.J. Res. 12 seek to ban their message. But freedom of speech means nothing unless people are allowed to express views that are offensive and repugnant to others.

Over 60 years ago, Justice Jackson noted how much the flag means to all Americans, and at the same time argued that the principles of liberty require us to allow others to view the flag differently than we see it ourselves. He wrote that:

> The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own . . . But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom.

Since our founding, we have watched other nations silence dissent, while America welcomed it—and America has prevailed. In fact, the Senate has seen free and open debate this week about the flag resolution. Those who support the resolution have made their best arguments to try to convince those who disagree. Regardless of the outcome of the vote on this measure, this week's debate is good for democracy and good for America.

Free and open debate is also the correct approach to use in dealing with those who desecrate the flag. The Supreme Court has recognized that ''[t]he way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong.''

Flag burning is an abominable act. We are lucky to live in a country where the overwhelming majority of people not only reject it, but honor the American flag and the freedoms it stands for. These freedoms are America's source of strength, whether embodied in the first amendment's protection of speech, or the second amendment's protection of the right to bear arms, or the fifth amendment's protection of private property, or in any other provision of our enduring Constitution.

Ultimately, people who use the flag to convey a message of protest pose little harm to our country. But weakening our first amendment freedoms might.

Our Founding Fathers wrote the first amendment because they believed that, even with all the excesses and offenses that freedom of speech would undoubtedly allow, truth and reason would triumph in the end. And they believed the answer to offensive speech was not to regulate it, but to counter it with more speech, and in so doing, let the truth prevail in the marketplace of ideas.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator's time has expired.

The majority leader is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee amendment be agreed to and that the following amendment be the only amendment in order to the pending joint resolution, S.J. Res. 12: Durbin first-degree amendment relating to statutory language. I further ask consent that all debate be equally divided between the two leaders or their designees until 5:30; and further, at that time the Senate proceed to a vote in relation to the Durbin amendment; further that the resolution then be read a third time and the Senate proceed to a vote on passage of S.J. Res. 12, as amended, with no further intervening action or debate; provided further that if all 100 Senators fail to vote on final passage, then the vote be reconsidered and the Senate vote again on final passage on Thursday, June 29, at a time determined by the two leaders.●

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I would further ask that the consent agreement contain the understanding that the Durbin first-degree amendment relating to statutory language be the only amendment that would be in order.

Mr. FRIST. Without objection.

The PRESIDING OFFICER. That is part of the agreement.

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. So it is clear, I will have an up-or-down vote on my amendment.

Mr. REID. At 5:30.

Mr. DURBIN. But it will be an up-or-down vote directly on the amendment; is that understood?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I would like to just clarify the unanimous consent request so that Members who are on the floor are not excluded from the debate that is going on.

Mr. REID. Senator FRIST and I will allocate the time that is left.

Mr. BUNNING. But there is time allocated presently.

Mr. FRIST. That is correct, Mr. President. Through the Chair, time has been allocated. The remainder of the time will be allocated between the two of us, and there is nothing in the unanimous consent request that will interfere with that.

Mr. BUNNING. Thank you.

The PRESIDING OFFICER. Is there objection?

The Senator from Colorado.

Mr. ALLARD. Mr. President, I think Senator KERRY had asked for some additional time, and it is cutting our time on this side. I want to make sure we restore that time we would have lost.

Mr. REID. Mr. President, I think that is very appropriate. I believe the extra time Senator KERRY took from the Republicans should be restored. It would be about 5 minutes, I think.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. FRIST. Mr. President, just briefly, on our side, because I can tell there is some confusion as to the order, I have Senator BUNNING for 10 minutes, Senator ALLARD for 7 minutes, Senator WARNER for 7 minutes, and Senator THUNE for 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I rise in support of S.J. Res. 12, the flag protection constitutional amendment. It is fitting for the Senate to address this issue on the eve of the Nation's most celebrated national holiday, the Fourth of July.

For over 200 years, from the time of the Revolutionary War to this very moment, the American flag has served as the most unifying and visible sign of our great Nation. It is a symbol that knows no particular political affiliation or ideology. It is a symbol that has many different meanings for many different people. And, most importantly, it is a symbol of our Nation's greatest freedom that so many men and women in our Armed Forces have and continue to sacrifice to protect.

I believe it is an insult to those sacrifices to stand idly by while the flag is desecrated. It is time to show the same honor to our flag that we do to those who have sacrificed to protect it. I believe we owe it to our Old Glory, and that is why I am here today to speak in support of the constitutional amendment to protect our flag.

This amendment is necessary to restore protections for the flag that the Supreme Court wiped away in 1989, ruling in Texas v. Johnson. In that 5-to-4 ruling, the Court set aside longstanding national and State laws that protected our flag and recognized and honored its place in American society.

Congress quickly acted in response to that ruling through the passage of the Flag Protection Act of 1989. The Supreme Court, however, was also quick to act. In another 5-to-4 decision, in 1990, the Court again found that flag protections were inconsistent with their view of the rights protected by the first amendment.

But the Court is once again out of touch with America. Its view that flag burning should be protected is not shared by many Americans. In fact, the vast majority of Americans think just the opposite. Nationwide, over 70 percent of Americans think it is important for us to pass a law to protect the flag. And in my State, that number is even higher—87 percent think that it is important that we act now to protect the flag.

It is time that we turn this issue back to the people. The Constitution provides an amending process for a reason. The bar to enact a constitutional amendment is high, requiring a two-thirds vote of both the House of Representatives and the Senate. Likewise, the amendment must be ratified by three-fourths of the States. But in the rare instance when those super-majorities can be assembled, the Framers gave us away to change the Constitution and for the people's voice to be heard. That is just what we should and must do.

Since the Supreme Court's rulings, the House of Representatives passed a flag protection amendment five times—most recently last year. The Senate has also taken up the issue, but unfortunately failed to get the necessary 67 votes. By all accounts, this time the Senate is within one vote of adopting the amendment and sending it to the States for ratification.

I have no doubt that should the Senate pass this resolution it would be ratified by the States. While this issue is currently being debated at the national level, States have been quick to show their overwhelming support for such a resolution. Since 1989, all 50 States have enacted resolutions asking Congress to pass a flag protection amendment.

Mr. President, we owe it to Old Glory to protect each and everyone of it stars and stripes.

Two weeks ago, I had the honor of introducing a man who fought to rescue Old Glory from would-be flag-burners. Rick Monday, a former center fielder for the Chicago Cubs and a Marine Corps Reservist, rescued the American flag from being burnt by two protestors during a 1976 baseball game between the Cubs and the Dodgers.

Monday was playing center field for the Cubs that day, when suddenly in the 4th inning two protesters ran onto the outfield grass carrying the American flag. These two individuals then proceeded to spread the flag on the ground, dousing it with lighter fluid and pulling out matches to light it on fire. But before they could act, Monday dashed from his position swiping the flag right out from under their noses to the sound of thunderous cheers from the crowd.

Following Monday's patriotic actions those in attendance that day burst into a chorus of God Bless America. Whether you are a player or a fan, we all have our favorite memories from America's past time, but few of those moments compare to Monday's act of patriotism. It is arguably one of the greatest moments the game has ever seen. In fact, the Baseball Hall of Fame recognized it as one of the 100 Classic Moments in the history of baseball. Monday, a true American Patriot, fought to stop what he knew was wrong in 1976 and is still wrong today.

Some may argue that burning the flag is a form of speech. I do not agree with those people. In the 1989 flag burning case Texas v. Johnson, late Chief Justice William Rehnquist said it well in his dissent when he said that flag burning is more like a grunt or roar designed to antagonize others than it is a form of speech.

Well, Mr. President, it is time that this body acted to protect Old Glory from those who wish to indulge in its desecration. We owe it to our past, present and future generations. And ultimately, we owe it to the brave men and women who sacrifice so much to protect us at home and abroad.

Each and everyone of us should recognize what a privilege it is to live under the Stars and Stripes. And like Monday, we should do everything we can to protect and honor our flag. After all, what it represents is the very reason our troops are putting their lives on the line right now in the war on terror. When you disrespect the flag you are disrespecting our men and women in uniform.

Mr. President, on the eve our Nation's most important national holiday, the Fourth of July, I urge my colleagues to protect our Nation's great flag.

I believe it is our duty as public servants to protect one of our Nation's greatest symbols of freedom—Old Glory.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I rise today, June 27, 2006, between Flag Day and Independence Day, to speak on behalf of the American flag.

The American flag is a symbol, a physical embodiment of the freedom and liberty that we as Americans are blessed to claim. More than a mere banner of red, white, and blue, our flag characterizes the fundamental essence

of what it means to be an American: liberty, justice and equality.

Whether flown at a high school football game, in an Olympic arena, or over this very building that we stand in today, the American flag is an image that commands worldwide respect, while at the time symbolizing the triumph of representative Government over the inequities of tyrannical rule.

To allow for the physical desecration of such a symbol of opportunity and liberty is not quite tantamount to condoning an assault on the very foundation of our individual freedoms, but so close as to have damaging effects. Strength in symbolism can oftentimes rely upon the extent to which an image is protected by the society it represents, which is why this is not an issue pertaining to freedom of expression, but rather an issue of patriotic reverence and national identity.

The American flag has done more than wave as a symbol of freedom; it has served as an inspiration, a guiding light to our men and women in uniform throughout our Nation's history.

On New Year's Eve, 1776, just 7 months before the signing of our Declaration of Independence, George Washington and the Continental Army were laying siege to the British-occupied Boston. In the midst of battle, Washington recognized the need to present a unifying symbol to his own troops, as well as the need to commemorate the birth of our truly unique sense of American pride. Inspired with the fortitude of his continental troops, Washington ordered the hoisting of the Grand Union flag. This was one of the first instances where our flag became more than a symbol of independence, but the physical representation of an ideal stemming from the innate human desire for freedom.

On June 14, 1777, almost a year-and-a-half after George Washington raised the Grand Union flag over Prospect Hill, the Continental Congress passed an act that officially gave America a flag. Though the intricacies of the design have changed several times in our nation's history, the principles that it represents have never faded.

Patrick Henry aptly summed up this uniquely American commitment to personal liberty by stating, ''I know not what course others may take but as for me; give me liberty or give me death.'' President Calvin Coolidge once commented, ''We do honor to the stars and stripes as the emblem of our country and the symbol of all that our patriotism means.'' Henry and Coolidge spoke of a liberty that was fought for, and won by the sacrifice of thousands of our American sons and daughters. As it stands today, the American flag is a monument to their heroic effort, and a testament to the price those serving our country are willing to pay for our freedom.

With the 230th birthday of our Nation fast approaching, we will undoubtedly see even more American flags on display in front yards, on top of skyscrapers, and in the hands of people celebrating the birth of our Nation. While many of these patriotic displays will coincide with the festivities of this national holiday weekend, the unifying message behind every one of these flags is that we as Americans understand the power behind our national symbol.

It is time that we, as the Nation's legislature, restored the ability of the America people to protect the flag as the symbol of our country. This ability has been eroded over the years by judicial decisions that have stripped away the people's right to protect the American flag and all that it stands to represent.

This sentiment has garnered wide support across the Nation, as is evidenced by all 50 states passing resolutions calling upon Congress to enact some constitutional protections for the flag. In each of the past five Congresses, the House has passed a constitutional amendment designed to protect the flag from all forms of desecration, with the latest measure passing almost a year ago by a vote of 286 to 130. Here in the Senate, we came up only 4 votes short of the required two-thirds majority in 2000.

Today, we stand closer than ever to passing this vital constitutional provision. Some of my colleagues have expressed concerns regarding the potential first amendment ramifications of passing this initiative. First of all, this amendment does not ban anything. It simply restores the authority of Congress, the representatives of the American people, to pass a flag desecration statute if it chooses.

Second, even if such a statute were subsequently passed, it would not place a restriction on the content of the speech, only on the means by which the speaker wishes to communicate. Someone seeking to burn the flag would still retain their right to express any political viewpoint they wish to advance. They would, however, not have the ability to desecrate the flag as a substitute for other forms of expressive conduct.

This is why the resolution was reported out of the Judiciary Committee with broad support originating from both sides of the aisle. This bipartisan support is evidence that this issue transcends all political ideology; and to me, this unity could not have come at a more critical moment in history.

Internationally, our enemies have consistently used the desecration and burning of our flag to symbolize plight of international democracy at the hands of Islamist tyranny. Domestically, Americans are daily assaulted with media images of home-grown extremists groups burning the American flag in an attempt to speak out against the actions of their Government. The irony, however, is not lost on the American people when they see these political ideologues desecrate the very symbol that gives them the right to speak in the first place.

This tendency to overshadow our flag's positive symbolism with negative contextual imagery is the reason why the majority of Americans support this amendment. We understand the power of this national symbol, believe in the principles that our flag represents, and we know that past generations have fought and died to ensure that those principles resonate well into the future.

I ask the Senate to stand in unity with the American people and the 50 states and ask them to not let this opportunity pass us by without acting to protect this still vibrant national symbol.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I believe at this time I am scheduled. Does the Senator from Pennsylvania have control of the time?

Mr. SPECTER. Yes.

Mr. WARNER. I will take a few minutes.

Mr. President, I was completing my luncheon and walking through the hallway back to my office when a reporter in a very respectful way spoke with me and asked how I intended to vote on this amendment.

I said I intended to vote as I have done three previous times; basically to support it, the other options.

He said: What is the driving force? Is it your highest priority? And he asked a series of questions in a very polite way which really said: Stop and think what it is I am about to do and why I am about to do it.

I gave him a reply which follows along these lines: I listened to the distinguished Senator from Pennsylvania yesterday referring with a deep sense of emotional pride about how his family had proudly worn the uniform of our country, and most particularly his father who was in the great Army that went over in 1917–1918 to save Europe, in World War I, and how he was severely wounded in the Battle of the Argonne.

I checked my own father's record. I, of course, have it proudly on the wall in my Senate office. He served in World War I. He was engaged in several major battles. He was a doctor in the trenches and cared for the wounded. He was in the Battle of the Argonne. How do we know perhaps my father rendered medical assistance to Senator SPECTER's father. But those things are instilled in sons and daughters by their parents.

When it came time for me to proudly raise my right arm and volunteer in World War II, I did so because of my father and how proud he was, as was my mother, who, incidentally, was with the American Red Cross in World War I tending to the wounded in the hospitals in the United States.

In my father's library in which I grew up as a small boy, there were remnants and artifacts that he brought back from France from the 1917–1918 experiences. I remember a small American flag, his helmet, his old belt, and

several other artifacts, and how he and my brother and I treasured them as young persons.

My military service is of no great consequence. I did have the opportunity for a short period in the final year of the war to go through the training command, but I remember very well I was then just in the training part of it—I think, out of boot camp or perhaps in boot camp—seeing that flag raised on Iwo Jima. We didn't know at that time in February-March of 1945 how long that war was going to last. We had no idea. We just experienced the Battle of the Bulge in which the final thrust of the German forces trapped so many of our soldiers with unexpected casualties in the 40,000s in that battle and now Iwo Jima, some 17,000 I think killed, wounded, and missing in that battle for about 5 weeks.

I remember the picture of that flag going up. Now we see it on the monuments out here which the Marines revere so deeply.

That was one of the reasons I later joined the Marine Corps and served for another period on active duty, this time in Korea as a young officer with the Marines. There was no particular valorous service, just like many others. You raised your arm and did what you were told to do and thanked God you got home in one piece. That is what we were all glad to do.

So I am very humble about what little active service I had. But I have had the privilege of being associated with the men and women of the Armed Forces for over a half century, now in this Chamber serving with others, again, 28 years on the Senate Armed Services Committee doing everything we can for the men and women of the Armed Forces.

So I told this reporter that I felt I had a duty to those who had worn the uniform of our country so proudly in these many years that I was privileged to be associated and learn from them and profit from them and my experience in the military.

It has been a great, wonderful opportunity for me to have this service in the Senate and have as a part of it the responsibilities. So I thought I would recount some statistics.

In World War I, the conflict in which our fathers served, I say to Senator SPECTER, 116,000 killed, 204,000 wounded; World War II, 405,000 killed, 671,000 wounded; Korea, 54,000 killed, 103,000 wounded; Vietnam, 58,000 killed, 153,000 wounded; Desert Storm, that is the first engagement with Saddam Hussein's forces, 382 killed, 467 wounded; Afghanistan, 291 killed, 750 wounded; the second battle with Saddam Hussein, Iraqi Freedom, 2,521 killed, over 18,000 wounded.

Most, if not all, of those brave men, and I expect some women—I fully anticipate women were included—came back to their beloved country from those foreign lands and at some point before they were finally put into Mother Earth an American flag was put on that casket. There is not a one of us in this Chamber who has not had the privilege to go to those services. There is not a one of us whose throat hasn't swelled or whose eyes haven't welled up when that takes place.

So, Mr. President, that flag symbolizes the everlasting—I repeat everlasting—gratitude of the citizens of this great Nation for that giving of a life in the cause of freedom. I could do no less than proudly stand here and vote ''aye'' for this amendment, as I shall do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise today as well to voice my strong support for a constitutional amendment that would allow Congress to prohibit the desecration of the American flag.

Some of the opponents have spoken today about how important it is that we not use this opportunity to amend the Constitution. The Senator from Illinois referred to the constitutional language, the constitutional sacred language, and question how we could alter what Thomas Jefferson and our Founding Fathers wrote.

I simply point out that in the last 20 years, our colleagues on the other side have on over 100 occasions introduced constitutional amendments. In fact, there was one by the Senator from Illinois a few years back that would abolish the electoral college.

So the question isn't whether we amend the Constitution for this purpose. It seems to me at least the question that has been raised about the Constitution comes down to one's preference for which amendments are in order and which are not.

I have to say that I think an amendment to protect the American flag is in order, not just because it shares a majority and a strong bipartisan support in the Senate but because many of the people who were just alluded to by the Senator from Virginia who have fought and died on behalf of that flag want to see this flag honored.

Look at the veterans organizations in this country—the American Legion, the Veterans of Foreign Wars. Veterans organizations are very much in favor of this amendment. In fact, it has been one of their top priorities. The American Legion for some time now has been trying to get an amendment to the Constitution that would allow Congress to enact laws that would protect the American flag.

As a member of the Veterans Affairs Committee, I heard from many veterans on this issue who understandably feel strongly about this flag and rightly view desecration of the flag as an afront.

Many of our veterans have stood in harm's way around the world to protect everything our flag represents. That is why it is a unifying symbol that deserves to be protected from desecration.

The proposed amendment is simple. It says:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

It does not amend the first amendment. It simply authorizes Congress to pass a law to protect the flag from desecration.

This amendment, as I said earlier, has overwhelming bipartisan support. Members on both sides of the aisle feel strongly that this flag should be protected.

Our flag is intertwined with some of the most memorable scene's from our Nation's history. It was raised at Mt. Suribachi during the battle for Iwo Jima, and draped over the side of the stricken Pentagon on September 11. It is what Olympic gold medalists are honored with. It brings comfort to the wife of a fallen soldier. Young schoolchildren pledge their allegiance to our flag. Above all, it symbolizes the freedoms we hold dear, and I believe it should be protected from falling victim when those freedoms are exploited.

Since the birth of our Nation, American soldiers have fought for the ideals our flag represents and look to it for direction and promise on bloody battlefields. The effort we are making here is not something of small consequence. It is an opportunity to debate an issue of critical importance to the American people and to allow the voice of the people to be heard on this critical issue.

I am not a lawyer and most Americans are not lawyers, yet the vast majority of Americans know instinctively that the American flag is something that needs to be protected from desecration. However, right now five unelected lawyers on the Court have decided that desecration of the flag deserves the protection of the first amendment. Five unelected Justices on the Supreme Court decided that Federal and State laws prohibiting flag desecration were unconstitutional. Many of these statutes had stood for generations before these Justices determined that these statutes were unconstitutional.

In fact, four Justices on the Supreme Court completely disagreed with the majority opinion in the flag-burning cases. In fact, Justice Stevens, perhaps one of the most liberal Justices on the Court, wrote a dissenting opinion saying that desecrating the flag is offensive conduct, not speech that deserves protection.

Our Constitution does not belong to the courts. It belongs to the people. And when the courts get it wrong, it is appropriate the people have an opportunity to correct it. In this case, I believe the opinion of the four Justices ought to be the majority opinion, as do the vast majority of the American people. If two-thirds of the Senate, two-thirds of the House of Representatives,

and three-fourths of the State legislatures also believe it should be the majority opinion, then that is a constitutional basis for making it a majority opinion.

The notion that flag desecration is a nonexistent problem is also not factual. As Senator HATCH has noted earlier, there have been several incidents of flag desecration just in the last year, and these are the occasions that were published in the media. They are the ones that we know about.

The House of Representatives has passed this amendment with the required two-thirds majority in each of the past five Congresses, but it has always been bottled up here in the Senate. The Senate last voted on this amendment in the year 2000 when it drew 63 votes. That is a lot of votes, but it is still 4 votes short of the 67 that are needed to pass. This time around, it appears that we are very close to passing this amendment.

Mr. President, I hope my colleagues who are listening to this debate will ultimately come down in favor of supporting what is a very simple, straightforward approach which simply says that Congress shall have the power to prohibit the physical desecration of the flag of the United States. It puts the power in the hands of the Congress—the elected representatives of the people of this country—and the people who ultimately will have the opportunity in the 38 States if this thing is approved here today, with the 67 votes that are necessary to vote on its passage.

So I stand proudly today in support of those veteran organizations who have spoken loudly on this issue—those who have sacrificed and who believe that the American flag is not just ink and cloth, but is a symbol of our freedom, a symbol of our democracy, and it is something that the majority of Americans and those who have served this country and fought to protect it deserve to have protected.

Mr. President, I yield the remainder of my time.

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Democrats have 35 minutes remaining.

Mr. DURBIN. And the other side?

The PRESIDING OFFICER. The other side has 9 minutes.

Mr. DURBIN. I yield 15 minutes to the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my distinguished friend from Illinois.

We are here today, once again, to debate the wisdom of amending the United States Constitution, to outlaw the desecration of the American flag. As I have stated repeatedly and sincerely over the years, there are few acts more deeply offensive to any of us than the willful destruction of that American flag which stands there beside the President's desk.

The flag is a symbol of our Republic. It is a unique symbol of national unity and a powerful source of America's pride. I love the flag. We all love the flag and all that it represents. We revere the flag because it is a symbol of the liberties that we enjoy as American citizens. These are liberties that are protected by the Constitution of the United States and the Bill of Rights. The Constitution is the instrument that provides for what that flag represents.

Now, let me say that again. This Constitution that I hold in my hand is the instrument—there it is—that provides for what that flag represents. It is the Constitution that has been and continues to be the source—the source—of our freedom. We celebrate our freedom every time we pledge allegiance to the flag, every day that this Chamber comes to order and conducts a session. So we pledge allegiance to that flag and to the Republic—not to the democracy but to the Republic—for which it stands; one Nation, one Nation under God—yes, under God—indivisible, with liberty and justice for all. Think of that. Listen to that. One Nation under God, indivisible, with liberty and justice for all.

Seven years ago, in contemplation of a similar moment when the Senate was confronted with a constitutional amendment banning flag desecration, I spent long hours contemplating both the legal bases and the need for such an amendment. I said at that time, and I say again today, that I know of few subjects that have come before the Senate which have caused me greater anguish and consternation. I knew 7 years ago, and I know today, that many West Virginians, many of my colleagues, many of the people I represent support this amendment. But based on my continued examination of the matter, I believe that I must remain—and I shall remain—opposed to that amendment.

I oppose it not because I do not love the flag because I do love the flag. I oppose it not because I fail to respect the sacrifices made by our veterans, our law enforcement officials, and our first responders who, for the benefit of all Americans, have given their lives and who have offered their lives in defense of our country and our flag because I do. Instead, I oppose it because while I agree that desecration of the flag is abhorrent, repugnant, I believe that amending the Constitution to prohibit flag desecration flies in the face—the very face—of first amendment rights like freedom of speech. Men and women have died to protect that freedom of speech, that freedom to express ourselves.

Flag desecration remains a rare and isolated event in this large country of ours. The vast majority, the overwhelming majority of Americans respect the flag and they fly it with pride. They do not abuse it.

The Senate Judiciary Committee has not held one hearing on this proposal. Let me say that again. The Senate Judiciary Committee has not held one hearing on this proposal. It is especially troubling to me that the Senate would seek to amend the Constitution—yes, this Constitution that I hold in my hand—and the first amendment—without holding even a single hearing on the need for this amendment.

Now, I know that some who favor this amendment believe that the burning of the flag is sufficient to justify the adoption of this extraordinary—I say extraordinary—legislative remedy. And I, too, cringe, I shrink from, and I condemn any desecration of the flag. But I do not agree that it is necessary to amend the basic document, the basic organic document, the Constitution, to prohibit it.

Furthermore, this constitutional amendment provides no actual punishment of those who desecrate the flag. Plus, if protection of the flag is a pressing concern—and I acknowledge that to many people it is—why do the backers of the constitutional amendment not support pending legislation, of which I am a cosponsor, which could be enacted to prohibit desecration of the flag more quickly? As we all know, a constitutional amendment requires ratification by three-fourths—three-fourths—of all 50 States, which could take up to 7 years, and it is likely that additional legislation to enforce the enactment would have to be enacted after that.

I also would not support this constitutional amendment because it continues to be my heartfelt belief—and I wish I were mistaken—that the primary effect of the amendment will be to create more, rather than fewer, incidents of flag desecration, flag destruction. Zealous defenders of the first amendment who are offended, rightly or wrongly, by the passage of this amendment will surely cast themselves in a new role; namely, as provocateurs who, newly inspired, will deliberately seek to test the boundaries established by this proposed amendment if it is adopted.

This is more than a matter of symbolism; this is a question of respect, respect for the founding document of the Republic—oh, how precious it is, this founding document, the Constitution of the United States, the supreme law—the supreme law of the land. Any disrespect for the Constitution is a repudiation of the basic principles and laws of our country. I do not relish giving a tiny minority of troublemakers the ammunition to denigrate—yes, denigrate not only the flag but also the Constitution of the United States.

As I have stated repeatedly, this does not mean that I believe destruction of the flag is trivial or that encouraging reverence for the flag is not an important goal of our government. I simply do not believe that sporadic instances of flag burning should result in our advocating the course of amending the Constitution, amending the basic organic document on which this Republic was built and on which it stands, as a remedy. As I have recounted in prior speeches on this subject, the Constitutional Convention in 1787 debated in

much depth whether there should be any—whether there should be any—provision for amending the Constitution. Recognizing, however, that occasional revisions might be necessary—and thank God they recognized that occasional revisions might be necessary—the Convention finally agreed upon a compromise that deliberately made it difficult to amend the Constitution by requiring successive supermajorities. To that end, article V of the Constitution sets up a cumbersome troublesome, two-step process to amend the Constitution.

The first step is approval either by two-thirds of Congress, or—and this has never been done—by a convention called for by two-thirds of the States. The second step is ratification by three-fourths of the States.

So given the hurdles that were deliberately and knowingly and intentionally established by article V, it is no surprise that so few amendments to the Constitution have been approved. There are 27 amendments in all that have been approved, and the first 10 of the 27 were ratified en bloc in 1791. Those 10 constitute our Bill of Rights.

Think of it: In the 216 years that have subsequently ensued, there have been just 17 additional amendments. If we disregard the 18th and the 21st amendments, marking the beginning and end of Prohibition, then we are left with only 15 amendments in 216 years. Get that. Only 15 amendments in 216 years. As I have advised my colleagues before, and as they well know, these 15 amendments can generally be divided into two roughly equal categories. One category consists of those amendments that deal with the structure—the structure and the organization of the three branches of Government—the legislative, the executive, and the judiciary.

These include the 11th amendment, preventing the Federal courts from hearing suits against States by citizens of other States; the 12th amendment, regarding the election of the President and Vice President; the 17th amendment, establishing the direct election of Senators; the 20th amendment, regulating Presidential terms and related matters; the 22nd amendment, limiting the President to two terms; the 25th amendment, regarding Presidential succession; and the 27th amendment, deferring congressional pay raises until after an intervening election.

There is little need to justify the inclusion of these provisions in the Constitution; however we may feel about them personally, their subject matter—namely the structure of the Federal Government—fits perfecly within that of Articles I through IV.

The second category of constitutional amendments consists of those that narrow the powers of government and expand or protect fundamental personal rights. These include the 13th amendment, banning slavery; the 14th amendment, which extended citizenship to all persons ''born or naturalized in the United States, and subject to the jurisdiction thereof'' and guaranteed all citizens certain basic protections; and the 15th, 19th, 23rd, 24th and 26th amendments, each of which extended the vote to new groups of citizens.

Clearly, the flag desecration amendment goes in a new direction. For constitutional purposes, as I have said before in these debates, it is neither fish nor fowl. It does not address a structural concern; it does not deal with Federal relations between the national and State governments; it extends, rather than narrows, the powers of government and it is antithetical to the whole thrust of the Constitution; and it does not protect a basic civil right. Indeed, many opponents of the amendment argue that it restricts personal liberty, namely the right of freedom of expression.

The 13th amendment forbidding slavery may be viewed as the only other amendment regulating the conduct of individuals. The 13th amendment was the product of a bitter, fiercely contested civil war, and it was necessary to end one of the most loathsome and shameful institutions in our Nation's history. This was an exceptional amendment necessitated by exceptional circumstances.

I have introduced a resolution in support of a constitutional amendment protecting voluntary prayer in school. This is also an exceptional amendment required by exceptional circumstances. Although the Supreme Court has never expressly prohibited children from voluntarily praying in school, children are discouraged from praying in school. School administrators are loathe to address the issue for fear they will be assailed, wrongly, for having broken the law. Confusion regarding the legal posture of voluntary prayer in school has created an impermissible, exceptional circumstance which, I believe, must be addressed in a way that permits school children to pray voluntarily as they deem appropriate. Consequently, I have proposed this year, as I have numerous times over the past 40 years, a constitutional amendment that simply clarifies that the first amendment neither requires nor prohibits voluntary prayer in school. This amendment would address the exceptional circumstances that afflict thousands of school children, nationwide, who mistakenly believe that prayer should not be a part of their daily lives at school.

In the final analysis, it is the Constitution that is the foundation and guarantor of the people's liberties, protecting their rights to freedom of speech and to worship as they please. The flag represents all of the cherished liberties which we as Americans enjoy—liberties explicitly protected by the text of the U.S. Constitution and the Bill of Rights. The flag is a symbol of all that we hold near and dear, and of our Nation's history. It is also a symbol of our Constitutional values. The flag lives only because the Constitution lives. Yet, as I have said in past debates on this issue, the Constitution, unlike the flag, is not a symbol; it is the thing itself. I think it might be well if, in addition to focusing on efforts to protect the flag against injury, injury which, though reprehensible, does not damage Constitutional principles, we make a greater commitment to learning the historical context of our flag as well as the actual text and meaning of the United States Constitution.

I do not believe that Americans can participate meaningfully in their government if they do not know the legal foundation and principles upon which it is based. I believe that greater familiarity with the provisions of the Constitution would give all Americans not only an enhanced appreciation of the flag as being a symbol of the liberties that are enshrined in the Constitution and the Bill of Rights, but also a literal understanding of our Government's checks and balances, their purposes, and of the duties of each of our three branches of Government to protect our personal freedoms.

Finally, Old Glory lives because the Constitution lives, without which there would be no American Republic, there would be no American liberty, and there would be no American flag. We love that flag. But we must love the guarantees of the Constitution more. For the Constitution is not just a symbol; it is, as I say, the thing itself.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Illinois.

Mr. DURBIN. How much time is remaining on this side?

The PRESIDING OFFICER. The majority has 9 minutes; there remains 15½ minutes on the Democratic side.

Mr. DURBIN. I yield 5 minutes, at this time, to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Will the Chair let me know when there is 30 seconds left, please?

The PRESIDING OFFICER. I will do that.

Mr. DURBIN. If the Senator will withhold for a moment?

Mr. KENNEDY. Yes.

AMENDMENT NO. 4543

Mr. DURBIN. I have an amendment at the desk. I call up amendment 4543.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mrs. CLINTON, Mr. BENNETT, and Mr. BINGAMAN, proposes an amendment numbered 4543.

Mr. DURBIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide a complete substitute)

On page 2, line 2, strike ''(two'' and all that follows and insert the following:

SECTION 1. FLAG PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Flag Protection Act of 2006''.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world;

(B) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(C) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(D) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the Constitution.

(2) PURPOSE.—The purpose of this section is to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

(c) PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.—

(1) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

"§ 700. Incitement; damage or destruction of property involving the flag of the United States

''(a) DEFINITION OF FLAG OF THE UNITED STATES.—In this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and that would be taken to be a flag by the reasonable observer.

''(b) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and under circumstances in which the person knows that it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than $100,000, imprisoned not more than 1 year, or both.

''(c) FLAG BURNING.—Any person who shall intentionally threaten or intimidate any person or group of persons by burning, or causing to be burned, a flag of the United States shall be fined not more than $100,000, imprisoned for not more than 1 year, or both.

''(d) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

''(e) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

''(f) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory, or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following:

''700. Incitement; damage or destruction of property involving the flag of the United States.''.

(d) SEVERABILITY.—If any provision of this section, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remainder of the section, and the application of this section to any other person or circumstance, shall not be affected by such holding.

SEC. 2. RESPECT FOR THE FUNERALS OF FALLEN HEROES.

(a) SHORT TITLE.—This section may be cited as the ''Respect for the Funerals of Fallen Heroes Act of 2006''.

(b) IN GENERAL.—Section 1387 of title 18, United States Code, is amended to read as follows:

"§ 1387. Prohibition on demonstrations at funerals of members or former members of the Armed Forces

''(a) IN GENERAL.—It shall be unlawful for any person to engage in a demonstration during the period beginning 60 minutes before and ending 60 minutes after the funeral of a member or former member of the Armed Forces, any part of which demonstration—

''(1)(A) takes place within the boundaries of the location of such funeral and such location is not a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery; or

''(B) takes place on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery and the demonstration has not been approved by the cemetery superintendent or the director of the property on which the cemetery is located;

''(2)(A) takes place within 150 feet of the point of the intersection between—

''(i) the boundary of the location of such funeral; and

''(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

''(B) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral of a member or former member of the Armed Forces; or

''(3) is within 300 feet of the boundary of the location of such funeral and impedes the access to or egress from such location.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(c) DEFINITIONS.—In this section:

''(1) The term 'Armed Forces' has the meaning given the term in section 101 of title 10.

''(2) The term 'funeral of a member or former member of the Armed Forces' means any ceremony, procession, or memorial service held in connection with the burial or cremation of a member or former member of the Armed Forces.

''(3) The term 'demonstration' includes—

''(A) any picketing or similar conduct;

''(B) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony;

''(C) the display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony; and

''(D) the distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony.

''(4) The term 'boundary of the location', with respect to a funeral of a member or former member of the Armed Forces, means—

''(A) in the case of a funeral of a member or former member of the Armed Forces that is held at a cemetery, the property line of the cemetery;

''(B) in the case of a funeral of a member or former member of the Armed Forces that is held at a mortuary, the property line of the mortuary;

''(C) in the case of a funeral of a member or former member of the Armed Forces that is held at a house of worship, the property line of the house of worship; and

''(D) in the case of a funeral of a member or former member of the Armed Forces that is held at any other kind of location, the reasonable property line of that location.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of such title is amended by striking the item relating to section 1387 and inserting the following new item:

''1387. Prohibition on demonstrations at funerals of members or former members of the Armed Forces.''.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Bill of Rights is our Nation's greatest accomplishment. It has been our great fortress against the passions and politics of every era. It has been our great beacon to the rest of the world, demonstrating that we value our liberty more deeply than power or riches. And it is fitting that such a document, which describes the rights inherent to a free people, has not been amended—not once—in its entire 217 years.

The Founders knew that the first amendment of the Bill of Rights would allow all manner of speech, including some speech that was contemptible. They were no strangers to fiery rhetoric. Most of them began their public lives not only by making speeches but by engaging in other expressive conduct, such as hanging King George's tax collectors in effigy and dumping tea into Boston Harbor. The breadth of the first amendment is not an accident; it is an essential part of the Founders' design.

For the 217 years that followed the adoption of the Bill of Rights, we have managed to preserve every word. Every generation of leaders—until today—considered the Bill of Rights to be sacred and recognized that they could not claim to be protecting our freedoms by curtailing them. And the past 217 years have proved that we can survive civil wars and world wars, fascism, communism, economic collapse and all manner of civil strife—all without diluting the Bill of Rights.

So why are we addressing flag burning? I completely agree that flag burning is a contemptible and malicious act, calculated to outrage rather than persuade. But flag burning occurs infrequently and can usually be punished

under existing laws. We are being asked to undermine the foundation of our democracy in order to squash a gnat.

We might be forgiven for focusing on this small problem if we were not inundated with great ones.

If the Senate wants to improve our Nation, why don't we turn today to legislation that would reduce the vast numbers of children who go to bed hungry each night?

If the Senate wants to prevent despicable behavior, why don't we hold comprehensive hearings on the billions of tax dollars that have been stolen and squandered by companies hired to rebuild Iraq?

If the Senate wants to keep faith with our veterans, why don't we leave the Constitution alone and work to improve our VA hospitals?

The inescapable answer is that our Republican leaders' priorities are being driven by election year politics. But this is even more than a case of misplaced priorities. It is playing politics with our most fundamental freedom. Doing so opens up a Pandora's box, and if our cherished Bill of Rights is further diluted by future generations, that loss of liberty will trace its heritage to this Senate.

Let me end with the words of our national anthem, the ''Star Spangled Banner''. As every schoolchild knows, the first stanza ends with these words:

O say does that star spangled banner yet wave
O'er the land of the free and the home of the brave?

This amendment may protect our star spangled banner, but that flag will wave over a land that is a little less free and a little less brave. I urge this Senate to find the courage to leave the Bill of Rights intact.

I yield the remainder of my time.

Mr. DURBIN. How much time do we have?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. DURBIN. I ask unanimous consent that we extend the time for debate 5 minutes on each side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I would like to recognize the Senator from New York for 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I am proud to stand here today and speak out for protecting the American flag and the Constitution, of which our flag is a revered and honored symbol. Whenever I see the flag of our country, I am reminded of how fortunate I am to have been born an American, born into a country that, at her best, nurtures our strengths and gives each of us the freedom to express our ideas, display our talents, and become the best we can be, to live up to our God-given potential.

That is what the flag means to me. It represents the best of us—our ideals, our sense of duty and sacrifice: the American spirit. Those values transcend party, ethnicity, age, race, gender. Indeed, those values transcend even nationality. Around the world, our flag is a symbol of hope and freedom.

I understand the outrage that is expressed today by my colleagues, and I agree wholeheartedly that maliciously burning or destroying an American flag is a deeply offensive and despicable act. It disrespects our Nation. It belittles the sacrifices of our brave veterans. It even sends a message to the soldiers who fight today protecting our freedom that their service is in some way to be disrespected and discounted.

I have met with many veterans over the last many years, and I have heard the sense of betrayal that comes from those who risked their lives under that flag to protect our freedoms. That is why I support Federal legislation like the Durbin-Bennett amendment. When we think of all the flag symbolizes, I urge that we consider the very freedom and liberty the flag embodies. It is, in effect, a visual symbol of our Constitution and particularly our Bill of Rights. Our Founding Fathers were keenly aware that if the Constitution was to remain the cornerstone of our Government and laws, then changing it should be difficult. That is the system they set up.

The infrequency of amendments in our long history is telling. Constitutional amendments have historically met two sets of objectives. The first deals with the structure of our Government and the relationship between the executive, legislative, and judiciary branches—our system of checks and balances. The second protects fundamental rights, including the 13th amendment that bans slavery and the 15th, 19th, 23rd, 24th, and 26th amendments, all of which expanded the right to vote.

The amendment we debate today meets neither of these compelling objectives. The Constitution to which we all have sworn an oath is about protecting our rights. I believe we do that by honoring the Constitution, which has never been amended to deny or limit the Bill of Rights. I don't think we should start doing that today.

Fortunately, we have an opportunity to protect our flag in a bipartisan and constitutional way. Senator DURBIN's amendment, the Flag Protection Act of 2006, which I am cosponsoring, would among other things prohibit people from destroying a flag with the intent of inciting imminent violence, threatening someone by burning a flag, damaging a flag owned by the United States and damaging a flag that belongs to another while on Federal land.

I believe, as do many legal scholars, this legislation will stand up to constitutional scrutiny. It is different from previous bills that have been voted on in this Chamber before.

It adds a new provision that follows Supreme Court precedent, from the case Virginia v. Black decided in 2003. In that case, the Supreme Court held that the Government may prohibit people from burning crosses with the intent to intimidate. That should be a pretty straightforward proposition, but it was called into question. So the case made its way to the Supreme Court. The Court concluded that laws may, in fact, ban cross burnings meant to intimidate ''because burning a cross is a particularly virulent form of intimidation.''

Burning a flag, to me, is also despicable, and I believe that there is no denying that when we talk about our flag, Americans' emotions run deep. We know when we look at a flag that is deliberately, maliciously destroyed, that is an intimidating experience in many instances.

I agree that this burning, this desecration that can happen to our flag, is something that people have a right to ask this body to try to prohibit and prevent.

I hope we can pass a law that criminalizes flag burning and desecration that is constitutional and can survive Supreme Court scrutiny.

I appreciate all the New Yorkers, especially the veterans whom I represent, many of whom have come to see me here and in my State. They expressed feelings both pro and con. I assure them that I will join with my colleagues to stand up for their needs and to stand up for the needs of those young men and women wearing the uniform today.

For those reasons, I am a proud cosponsor of Senator DURBIN's amendment, and I hope that we can come together and pass a constitutional law that protects our flag and reaffirms our commitment to our Nation's Constitution.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 2 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, it is an honor and a privilege to stand with my fellow cosponsors in support of S.J. Res. 12, an amendment designed not merely to protect the physical integrity of the American flag but the very heart of our democratic republic. From 1776 to today, from the Marines who fought their way to plant the flag at the top of Iwo Jima to the firefighters who lifted the flag above the ruins of the World Trade Center, it is clear that ''Old Glory'' represents so much more than a nation. In truth, the American flag represents thousands of years of struggle in human history to achieve political liberty, religious autonomy, and freedom from want. More important, our flag represents the inspiration of the life of our Nation and what humanity has the potential to accomplish.

Throughout our Nation's history, the American flag has enjoyed the protection not only of its people but its laws.

Unfortunately, this safeguard was eroded in 1989 by the Supreme Court decision in Texas vs. Johnson. This decision, which many of my colleagues and I agree was misguided, found within the Constitution a right that had never before existed: the right to physically assault the flag under the First Amendment. Since then, Members of Congress have been faced with reconciling the tension between ''free speech'' and the symbolic importance of the American flag. Many have argued that this tension exists between matters of fact and matters of the heart. But in my view, protecting our flag is a matter of both.

Whether we choose to acknowledge them or not, acts of violence or desecration towards our flag have become a grave reality in our country. Since the Texas decision in 1989, there have been more than 120 reported cases of flag degradation across the United States, and this number reflects only those events that were publicized by the media. Even with that reality in mind, we must remember that the point is not how often the flag has been burned, defaced, trampled, or torn or even those responsible for such heinous acts. Rather, the point has to do with our response—especially our official response—to those events. As citizens, we can no longer allow flag burning to be considered a ''norm'' in our society. Although we can do nothing when terrorists or those with anti-American sentiments defile our flag abroad, we owe it to our brave service men and women, to ourselves, and to our children to do something when it happens on our own soil.

Prior to the Texas decision, 48 out of our 50 States had statutes prohibiting flag desecration on the books. And since 1989, support for protecting our flag has only increased. Today, as the distinguished Majority Leader, Senator FRIST, has said, an overwhelming 80 percent of the American public and all 50 State legislatures agree that the Constitution should allow States and the Federal Government to protect the flag. This is exactly what this resolution was designed to do. The amendment does not prohibit flag desecration itself, but will give Congress and democratically elected State legislatures the opportunity to deliberate and ultimately decide how they will guard the United States flag.

It is important to note that the amendment process is not something that we as citizens or Congressmen should take lightly. However, when we look back in history, it is clear that constitutional amendments have only taken effect when both citizens and legislators have joined together to demand change, after prolonged periods of social unrest. As we look forward to our Nation's birthday next week, it is clear that now is the time to put an end to this political dissension and embrace the freedom and the responsibility we inherited from our forefathers. The amendment process is a fundamental provision of the Constitution, and by making use of it, we not only reaffirm its foundation, but we reveal the virtue embedded in democracy.

Ultimately, we must remember that democracy, from 2500 years ago when originally articulated by philosophers like Aristotle, to more modern discussions about democratic nation-building in the Middle East, has always encompassed much more than a structural or institutional framework for government. Although elements such as free elections, dispersed power, basic human freedoms, equality, and an involved citizenry are important in thinking about democratic governments, the idea itself revolves around a vision. That vision acknowledges human beings are capable of securing their liberty but also establishing a free, prosperous, and ultimately, unified society. It is a vision that has inspired people everywhere, but especially Americans, with hope, optimism, and an unwavering sense of loyalty. Such a vision is best expressed in the waving stars and stripes of Old Glory.

We often warn our children ''If you can't stand for something, you'll fall for anything.'' Today, it is my hope that we will come together and agree that there is nothing we would rather stand up for than the American flag.

Let me speak specifically to a provision—the Durbin amendment—that should be troubling to all of us.

Just this past month, this body voted unanimously to support, and the President has just signed, an act called the Respect for America's Fallen Heroes Act.

The legislation that was authorized and moved out of the Veterans' Affairs Committee speaks to those who choose to demonstrate during periods in the ceremony at a cemetery in the burial of one of our fallen heroes.

This body rightfully protected those families and those mourners in certain demonstrations at the VA's 223 national cemeteries and at Arlington National Cemetery. We differed a little with the House, and the reason we differed with the House is quite clear. There were two constitutional reasons for differing with the House.

The first amendment right to assemble peacefully was one of those, and the second one was a federalism principle that I think the Senator from Illinois walks all over—that recognizes we only have the right to shape those activities on Federal property.

The Durbin amendment fails miserably to adhere to the federalism principles—the very principle that drove my amendment to the House-passed version of the Fallen Heroes Act. Therefore, I am here today to urge my colleagues to oppose the Durbin amendment on two grounds.

First of all, the courts have said we can't legislate as it relates to flag burning; secondly, we ought not be telling States what to do as it relates to private cemeteries or State cemeteries. I think that is very clear.

I said at the time we voted on the Fallen Heroes Act that I would ask that federalism be protected.

I must say in conclusion that there is no commerce nexus in what the Senator from Illinois is attempting to do. This clearly is a federalism argument. It is a State and local responsibility to protect that which the Senator from Illinois is asking us to protect.

We have already acted in defense of our fallen heroes on Federal property, as we should rightfully have done.

Mr. HATCH. Mr. President, I yield 2 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 2 minutes.

Mr. CHAMBLISS. Mr. President, we are in the midst of a debate that, frankly, I think we ought to have, and I am proud to be a cosponsor of this resolution. I share the view of the majority of Georgians that the American flag symbolizes the strong values that our country stands for—freedom, liberty and representative democracy. And most importantly, our American flag represents the generations of men and women who have fought and died defending those values. I have the privilege of representing a proud military state, and nothing makes me more proud when traveling around Georgia than to stand with the folks I represent, face our flag—place my hand over my heart—and recite the Pledge of Allegiance.

The flag represents our way of life. It hangs in our classrooms, over our police stations, fire stations, and courthouses. It flies above this historic Capitol. It was borne by troops in battle to protect our liberties and has covered the caskets of fallen soldiers, airmen, and marines who made the ultimate sacrifice for us. It is an emotional symbol to so many of us.

I have had the opportunity to travel around the world to represent my state and my country—and the one symbol that everybody in and particularly outside of America looks to when they think about America is that great flag that we have lived under for all these many years. And for anybody to think that they ought to be able to stomp on that flag, or trample that flag or burn that flag or destroy that flag in any way other than a professional way is simply wrong.

There are those who say we ought not ''change'' the Constitution. Yet, for 200 years the legislative branch of our governmental had the power under our Constitution to prohibit the desecration of the flag. Only in 1989 and 1990 did a divided Supreme Court, for the first time in our history, ''change'' the Constitution to say that Congress no longer had that power. I believe the amendment process, provided for by the Constitution itself, is the lawful means by which the American people may restore common sense when the Supreme Court abandons it.

Let me take a moment to say that I understand that a substitute has been

filed and that the substitute has in it language to prohibit protests at military funerals. The language is basically the same language as the bill that Senator BAYH and I introduced months ago.

I hope we can work together to get this bill passed as a stand-alone bill. We need to ensure that families can bury their servicemembers in the peace and dignity and respect they have earned.

I ask that a vote be made against the substitute and for the underlying resolution.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I reserve the remainder of my time.

Mr. DURBIN. Mr. President, I yield 3 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I stand here proud of my country, proud of our liberties, proud of our flag. I went to Europe as a young man during World War II—the first time I was out of the country—and put on a uniform to defend the honor and freedoms that this country represents.

Now we talk about flag desecration by the actions of a few who dare burn our flag. It is a repulsive, ugly act. We never want to see it. But do we take away their right to dissent and do we say America is a country that can't stand dissent? No. One's patriotism may be another person's desecration.

Here's a picture—I show this poster not at all to denigrate the President of the United States, but that is the hand of the President of the United States using a magic marker to write on this flag. He never intended to be disrespectful; he loves this country. I differ with him on policy, but is that desecration, I ask you?

I think this second poster is another example that represents desecration. Here he is, Kid Rock, with his head through the flag. Is that a desecration? It was such a desecration that he was invited to perform in a concert at the Republican Convention, and they partied with him. They loved him.

What constitutes desecration? A lapel pin? We worry about what we do for our soldiers and say that we love the flag so much, but we won't allow news photos of flag-draped coffins coming into Dover? Pictures of those flags are banned?

What is going on here? This is politicking at its worst. We should not violate the freedoms guaranteed by our Constitution and the Bill of Rights. It is raw politics. It doesn't demonstrate patriotism. I invite everybody to have the courage to vote against this amendment and show their courage and not to be intimidated by wondering what this one will think or wondering what that one will think.

We are invited here to think about the freedoms that our country offers and our responsibility, and it is not only protecting the flag, it is protecting our liberties. It is making sure that we protect our veterans, that we give them the right kind of equipment, and that we give them the resources they need. That, to me, is the kind of patriotism that ought to be rewarded—not to say if you write in ink or you tear the flag that we are going to amend the Constitution to get at you. A half dozen or a dozen people have done that to offend everybody. That should not let us be stampeded into amending our Constitution.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 2 minutes to the distinguished Senator from South Carolina.

Mr. GRAHAM. Mr. President, whether it would ever be a crime to write on the flag or wear it at a concert, who knows? This whole debate is about restoring the power of elected officials to be able to manage such events. The Supreme Court, in a 5-to-4 decision, took the power away from everyone who is elected to have any say about the flag. This happened in 1989.

We have lived here free, open, safe, and secure of being able to regulate conduct toward disrespecting the flag for most of our life. Only since 1989 and a 5-to-4 decision have we had this problem.

I stand here wanting every elected official to have the constitutional power that we previously possessed before the 5-to-4 decision. And we will decide among ourselves what a good statute might be or may not be. Everybody can go through that process and be answerable to the people.

I do not believe it is a burden to place on our citizens at large not to disrespect the flag. It is a burden we can bear as a people. If you do not like me, there are a million ways you can show your displeasure with my time in the Senate. But the fact is, I am an elected representative. All I am asking citizens as a whole is that we have one thing in common—that we are able to talk with each other and debate issues without destroying the flag.

To me, that is a burden that we can bear. Freedom without responsibility is chaos. So it doesn't bother me one bit to turn to my worst enemy and say: This one thing is out of bounds. Have your say, have your fun, do what you are going to do, speak as loudly as you want to speak, but this is one thing I ask of you: please don't destroy the flag.

To the few citizens who feel a need to do that, it doesn't bother me one bit for them to be told no. That is what is wrong with our country today. Nobody is afraid to tell anybody else no. I am not afraid at all; to the few who want to destroy the flag, I am gladly willing to tell you no. That doesn't make me any less free or you any less free.

Mr. DURBIN. Mr. President, I yield 3 minutes to the ranking member, the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished Senator.

As we close this debate and move on to a vote on this proposal, I commend to all Senators the words of the senior Senator from Hawaii, a war hero and veteran, a patriot, an American of the first order. He was long denied the Congressional Medal of Honor that he earned long ago and paid for dearly. He knows why he fought and sacrificed. No one on this floor has fought harder for this country, for its flag, for our freedoms or for our veterans and their families. He has shown characteristic leadership and courage in his statement today against doing damage to our Constitution through this proposed amendment. I am honored to stand with him in this fight to preserve our Bill of Rights. I commend the other veterans, as well, Senators LAUTENBERG and KERRY. I thank the Senators from West Virginia and Massachusetts for their statements and the Senator from New York.

The action by the Republican leadership on this amendment reminds me of the action they forced in connection with the Terri Schiavo case. Then the President hurried back from a vacation with great fanfare to sign a bill rushed through the Republican-led Congress to intrude into a family and personal tragedy. The politicians overreached and the American people saw through it. Here, too, this election-year exercise will be seen for what it is.

This is the second constitutional amendment that the Senate has considered this month in the Republican runup to the November election. Of course, among the amendments the Republican majority has chosen not to consider is the one promised by the 2000 Republican Party Platform, to require a balanced budget. Even Republican partisans must be embarrassed at the deficits that the Bush-Cheney administration and the Republican Congress have generated as they turned an historic budget surplus into an historic deficit.

This proposed amendment regarding flag desecration is another in a series of amendments Republicans have pressed that would result in restricting the rights of the American people. It is one of more than 65 constitutional amendments introduced so far in this Congress alone, and more than 11,000 since the First Congress convened in 1789. Can you imagine what the Constitution would look like if even a small fraction of these amendments had been adopted? The Constitution that we now revere as fundamental law, that provides us with unity and stability in times of trouble, would be like the old French Constitution—filed under ''p'' for ''periodicals.'' We honor our Senate oath when we ''support and defend'' the Constitution. That is what I will be doing by voting today to uphold the Constitution and by voting against amending it.

I am encouraged by the Senate's bipartisan rejection of action on S.J.

Res.1, the proposal to federalize marriage by way of a constitutional amendment. Forty-eight Senators voted against cloture, and I believe that others who voted in favor of more debate were nonetheless troubled by the proposal. The failure of the Republican leadership to obtain even a simple majority of Senators to support their efforts, on a procedural vote, should indicate to them how unwise it is to abuse the Constitution in a partisan election-year tactic.

Like the marriage amendment, the flag amendment would artificially create division among the American people. The timing of this consideration, 4 months before the mid-term election, raises concerns, again, that the Constitution is being misused for partisan purposes. That is wrong.

We act here in the Senate as stewards of the Constitution, guardians and trustees of a precious legacy. The truly precious part of that legacy does not lie in outward things—in monuments or statues or flags. All that these tangible things can do is remind us of what is truly precious: our liberty.

This proposed amendment would be the first amendment to the Constitution that would narrow the precious freedoms enjoyed by Americans under the Bill of Rights. The infringement would fall on the first amendment, the cornerstone and foundation of all of our rights, of which we must be especially protective. The first amendment has stood up in times of war, during times of bitter protest. It has been one of the rocks on which our national unity and our national stability are built.

The proposed amendment is a wrong-headed response to a crisis that does not exist. It would be an unprecedented limitation on the freedom Americans enjoy under the Bill of Rights and would do nothing to bolster respect for the flag. Respect for the flag flows from the freedoms we enjoy and from the sacrifices of those who have protected that freedom. Our cherished flag is the symbol of our Nation and of the Constitution that is the foundational keystone of our Republic, and of our freedom. This is about defending the Constitution, my friends, for which our flag stands. Each generation of Americans owes the next generations the effort and the dedication it takes to pass along the torch of freedom, undiminished. We owe it to them, and to those who have sacrificed so much for us, to cherish and to protect freedom, and the Constitution which is the written promise of that freedom.

Rather than face the solemn responsibility of justifying an amendment to the Constitution, proponents of S.J. Res 12 have urged that we just pass it on to the States and let them decide. They said that Senators should abdicate their responsibility to exercise their best judgment and simply pass the buck. I could hardly believe my ears.

Have we utterly forgotten the words of James Madison and the conservative conception of amendment the Founders built into our Constitution? The Constitution intentionally makes it difficult to pass amendments to our fundamental law. No amendment can pass unless every level of government, from the House to the Senate to the States, overwhelmingly supports it. Our system is undermined if each institution of government does not exercise independent judgment, if we do not fulfill our constitutional responsibility.

This is the fifth time that this body has considered a constitutional amendment to punish flag burners. Some of us have voted on the proposal before; others have not. But either way, we are undertaking the gravest of responsibilities. We are taking in our hands the inalienable rights of Americans, today and the generations that follow long after we have gone. We are handling the most precious heirloom that we have, the finest thing that we can hope to pass on to our children and grandchildren. I would hope that at this of all times we would give the Constitution the respect that it deserves and support and defend it.

This week we returned to use what little time left to the Senate this year to revisit a debate on that has wisely been rejected in this chamber four times in the last 17 years: a proposed amendment that would roll back our first amendment freedoms for the first time in our Nation's history. While we devote precious floor time to debate this matter, the Nation is gripped by the ongoing war in Iraq, the continuing threat of terrorism, soaring energy and health care prices, rising inflation, and a burgeoning deficit.

Indeed, this debate is another illustration of the Republican leadership's disregard for the needs of the American people and the institutional responsibilities of this body. They continue to mistreat our Constitution as if it were a bulletin board on which to hang political posters or bumper stickers. The Constitution is too important to be used for partisan political purposes, and so is the American flag.

The timing of this debate raises the question of why the Republican leadership has made this issue its top priority in the face of an unfinished agenda of legislative matters that do concern Americans day in and day out. The Senate has hardly made progress on a legislative agenda. We have yet to consider any of the 13 appropriations bills for the year. We have yet to enact a budget resolution, which was required by law to be in place on April 15. We have yet to enact a lobbying reform bill, a comprehensive immigration bill, or pension protection legislation. We have yet to consider or pass asbestos litigation reform legislation, patent reform legislation or the reauthorization of the Voting Rights Act. We have yet to pass a long overdue raise in minimum wage, to take action to lower gas prices, health care costs or health insurance costs. Instead, with less than 10 weeks left in this session of Congress, the Republican leadership will work on none of those important matters.

The amendment we consider today would artificially create division among the American people, and the timing of this debate—squarely in the middle of an election year—demonstrates, again, that the Constitution is being misused for partisan purposes. The Constitution deserves our respect, vigilant protection and in the words of our Senate oath our ''support''. We have a duty to defend it. The Constitution is not a blog for venting political opinions, curry favoring with voters or trying to bump up sagging poll numbers.

The flag is an important symbol of all that makes America great. But the cynical use of symbolic politics in an election year will not address the very real needs of veterans and other Americans that are being left unmet by this administration and the Republican Congress.

I know that many veterans support the flag desecration amendment and I respect their views. We must not forget though that there also are many veterans who oppose it. I appeared with a number of distinguished veterans on Flag Day who spoke about their dedication to the principles that make this country great and for which they fought and sacrificed. Those principles include our precious freedoms under the first amendment. These veterans of World War II, Korea, Vietnam, the First Gulf War and Iraq made clear that they fought for what the flag stands for, not just the symbol itself.

Former Senator John Glenn, a combat veteran, wrote: ''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.''

The late John Chafee, a distinguished member of this body and a highly decorated veteran of World War II and Korea, opposed this amendment because, he said: ''We cannot mandate respect and pride in the flag. In fact taking steps to require citizens to respect the flag, sullies its symbolism and significance.''

Flag desecration is a despicable and reprehensible act. We agree with that—all of us agree that it is contemptible. That is not the issue, instead, the issue before us is whether we should amend the Constitution of the United States with all the risks that that entails and whether, for the first time in our history, we should narrow the precious freedoms ensured by the first amendment. Should we amend the first amendment so that the government can prosecute the handful of individuals who show contempt for the flag, those General Powell called miscreants? Such a monumental step is unwarranted and unwise.

We are being tested. This generation of Americans is being tested by the

threat of international terrorism. America wins when it meets that challenge without allowing those who threaten us to compromise us. We suffer losses not only when we suffer attacks as we did toward the end of President Bush's first year in office, but also when we give up those freedoms that define us as Americans. For the Congress to surrender our fundamental rights as Americans as proposed in the constitutional amendment is wrong.

Following the very real attacks on 9/11, Americans embraced the flag like never before, proudly displaying flags and flag symbols as a sign of unity and strength in the wake of those horrible acts against our nation. People around the world grieved for us, cared for us, and joined with us to fight terrorism. Over time, missteps and arrogance by the Bush-Cheney administration have alienated much of the world. Still, Americans of all political persuasions have not needed a law to tell them how precious our freedoms are or how to honor the Stars and Stripes.

Supporters of this constitutional amendment seem to believe that Americans need rules about respecting the flag punishable by law. I strongly disagree and the American people have already proven them wrong. The American people do not need a lesson in cherishing and honoring our flag and the Republic for which it stands. That may be necessary in Saddam Hussein's Iraq or in Stalin's Soviet Union or in Castro's Cuba, but not in America.

In fact, respect cannot be coerced or compelled. It can only be given voluntarily. We respect and love our country, but not because we are told to. Americans do not love our country because we would be punished if we did not. Some may find it more comfortable to silence dissenting voices, but coerced silence creates resentment, disrespect, and disunity. I proudly fly the flag at my farm in Vermont because, as an American, it is what I choose to do.

In every hamlet and city and on every rural route in America, you can see our flag being flown with pride. Americans in overwhelming numbers are honoring our flag, not defacing it.

Of course, there are times when individuals deface the flag or violate the rules for its care. For example, President Bush was captured on film signing a hand-held flag at a campaign rally in the summer of 2004. Appropriate or not, these acts are protected by our Constitution. They do not need to be punished by Congress after we pass a constitutional amendment restricting the first amendment rights of all Americans.

In all of the hearings, all of the debate that we have devoted to this topic over the past 17 years, not one single person has testified that he respects the flag less because a protestor burned it, wrote on it, sewed it in the seat of his pants, or otherwise misused it. Not one.

Not one single person has testified that they love our country less because Americans are free to express themselves in this way. Not one. There is not a single indication that any act of flag burning has lessened the respect that any American has for the flag or for our country. It would be pathetic if our love of country or respect for its fundamental principles was so weak that it could be diminished by such an act. We know that it is not.

The truth is just the opposite. Occasional insults to the flag do nothing to diminish our respect for it. Rather, they remind us of our love for the flag, for our country, and for our freedom to speak, think and worship as we please.

Our flag is a cherished symbol. As are the freedoms for which it stands, including the freedom to express unpopular speech or ideas—even extremely unpopular ideas.

As I have said many times throughout this debate, I wish the Senate would, instead, use its time to discuss and solve the real problems that real Americans are facing right now, instead of trying to stir public passions for political ends.

I respectfully suggest that in the less than 10 weeks left to us in session this year, the Senate's resources would be better spent working to improve veterans' health care services, survivors' benefits and protecting veterans' and Americans' privacy. There are so many issues that we could turn to that would help improve the lives of our veterans and their families. Why not focus on them?

Just today on the front page of the newspaper, we learned that this Government's bureaucratic bungling has resulted in widows of those who have served this Nation and sacrificed for all of us are being denied the survivors' benefits to which they should be entitled. This news follows closely public reports that post-traumatic stress disorders among our veterans are on the rise.

Instead of seeking to turn the flag into a partisan political weapon and the Constitution into a billboard for political slogans, for partisan gain, we could be spending time debating these real issues or much-needed funding for services to our veterans. This President's budget requests have consistently fallen short of the levels needed to provide necessary services and care. President Bush's budgets force our veterans to subsidize their government health care and simply does not account for the increase in demand for VA services due to the Iraq war.

We could also be taking real action to prevent the kind of data losses that just affected millions of our veterans. We just witnessed the largest theft of private information from the Government ever, the loss of information on more than 26.5 million American veterans, including more than 2 million who are in active service, nearly 80 percent of our active-duty force and a large percentage of our National Guard and the Reserve.

Last year, Senator SPECTER and I introduced the Personal Data Privacy and Security Act, which requires Federal agencies and private data brokers to give prompt notice when sensitive personal information has been breached or stolen. The Judiciary Committee overwhelmingly approved this bill last fall, but almost a year later, the Senate has still not acted on this legislation. Had this bill been enacted, it would have required the VA to promptly notify the millions of veterans now at risk of identity theft about the theft of their personal data. Our bill also addresses the Government's use of personal data by putting privacy and security front and center in evaluating whether data brokers can be trusted with Government contracts that involve sensitive information about the American people.

The Nation's veterans—who have been willing to make the ultimate sacrifice for their country—deserve to have the best tools available to protect themselves and their families from identity theft. The Senate should be acting to consider and pass comprehensive data privacy and security legislation.

Sadly, the list of what we are not accomplishing goes on and on. The way things are going, under Republican leadership, this session will make the ''do nothing'' Congress against which President Harry Truman ran seem like a legislative juggernaut.

The days we have spent on this amendment could be spent more productively on any of the matters I have mentioned. There are less than 10 weeks remaining in the Senate's scheduled work year. It seems that even with all that remains undone, at this point in this election year, floor time is available only for matters that advance the Republicans narrow political agenda.

Republicans have the Senate majority; they control the schedule, they set the priorities. In my view, it reflects a strange set of priorities to think our national interest is best served at this time by debating a constitutional amendment to roll back the Bill of Rights for the first time in our history.

I treat proposals to amend the Constitution with utmost seriousness, for it is a serious responsibility. I began this debate by noting my home State of Vermont's tradition of independence and commitment to the Bill of Rights. Vermont did not and would not become a State until 1791, the year the Bill of Rights was ratified. At one time, we declared ourselves an independent republic.

I plan to proudly uphold that tradition today by voting against this amendment, and I hope, although likely in vain, that the Senate will move on to more pressing matters that directly affect the lives and livelihoods of the American people.

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

JUNE 8, 2006.—Now that the Republican leaders in the Senate have finished wasting

the nation's time over a constitutional ban on gay marriage, we're bracing for Act Two of the culture-war circus that the White House is staging to get out the right-wing vote this fall.

Senator Bill Frist, the majority leader, plans to continue to set aside work on pressing issues facing the country to vote on yet another unworthy constitutional amendment—a prohibition on burning the American flag.

If the gay marriage amendment was a pathetic attempt to change the subject in an election year, the flag-burning proposal is simply ridiculous. At least there actually is a national debate about marriage, and many thousands of gay couples want to wed. Flag burning is an issue that exists only for the purpose of pandering to a tiny slice of voters. Supporters of the amendment cannot point to a single instance of anti-American flag burning in the last 30 years. The video images that the American Legion finds so offensive to veterans and other Americans are either of Vietnam-era vintage or from other countries.

Nevertheless, flag burning remains one of those ''wedge issues'' that Republicans use to denigrate the patriotism of Democratic candidates or to get the party's base out to vote.

The other big difference between the two amendments is that the ban on gay marriage was never going to get the two-thirds vote in Congress required to send it to the states for ratification. Yesterday, the Senate rejected it by 49 to 48, with the help of seven Republicans.

The flag-burning amendment, on the other hand, actually could pass. A realistic nose count based on members' public statements and how they voted when the measure last came up, in 2000, suggests the Senate may be just a single vote short of punching a hole in free speech.

Senator Harry Reid, the minority leader, should be rallying Democrats to join the small handful of principled Republicans so far willing to oppose the amendment. But as things stand, he is among the Democrats who plan to vote for this constitutional vandalism. Opponents of the amendment, like Senator Patrick Leahy, Democrat of Vermont, are standing on firm ground in trying to protect the Bill of Rights from an election-year stunt.

It is the patriotic thing to do.

CONGRESS NEARS CHOICE: PROTECT FREEDOM OR STOKE ANGER?

In early June an allegedly drunken man in West Haven, Conn., yelled racial epithets and tore up an American flag while arguing with police and passersby. Earlier in the spring, instances of vandalism involving flags were reported in New Hampshire and New York.

Those three episodes of 2006—as compiled by the Citizens Flag Alliance, a group pushing for a constitutional amendment to protect the flag—constitute the raging menace of flag desecration.

In fact, they show what a non-issue flag desecration is. Instances are rare and easily addressed by local laws. They hardly require the extraordinary act of amending the Constitution.

But in a Congress unwilling to address important matters—its own ruinous spending and flagrant corruption to name just two—symbolism is the politically convenient substitute for substance. The Senate will soon take up an amendment to stop flag burning, and the vote is expected to be razor close. The House of Representatives has passed it, meaning that it could soon be sent to state legislatures, where it would be ratified if three-quarters approve.

While it's tempting to dismiss this as trivial election-year posturing, the precedent is troubling. It would for the first time alter the cornerstone of American freedom, the Constitution's First Amendment.

That is not a small matter. The First Amendment is the reason Americans are free to say what they think. It is also the reason people here can worship as they wish, associate with whomever they please, and get news and information from a free and independent press. It gives citizens a right to have grievances redressed. To limit those rights—especially for so trivial a reason—is to say they are no longer sacrosanct.

They should be. They are what makes America unique.

If Congress banned something as pathetic as flag desecration to score political points, surely it would consider limiting other unpopular speech.

The amendment's wording virtually guarantees that outcome. Would it, for instance, cover depictions of flags as well as actual cloth banners? Would sitting on a flag patch sewn onto the back of a pair of jeans count?

And what about the issue of flying a flag upside down? This has already become the preferred form of protest for people pushing for everything from an immediate withdrawal from Iraq to better psychiatric care for veterans. These protesters often say that they respect the values the flag represents, but that they believe those values are being subverted by people in power. Does this country really want to criminalize such a nuanced form of political dissent?

These issues would be left to legislation drafted by future Congresses and interpreted by courts. All of that, in turn, would weaken individual rights that are at the Constitution's heart.

And for what gain? Proponents of an amendment say the flag is such an important symbol of American democracy that it deserves a special status. But the Connecticut flag burner was charged with seven offenses ranging from public consumption of alcohol to criminal mischief. Surely, that is sufficient.

In fact, what makes the flag so special is this: It stands for a nation that deems individual liberties so important, it tolerates unpopular minority opinion.

The main threat to the flag comes not from the occasional burning of Old Glory. It comes from those who would sacrifice the principles the flag represents.

[washingtonpost.com, June 21, 2006]

FLAG BURNING REDUX

With Congressional elections coming, the Republican leadership has found a pivotal issue. Terrorism? Hardly. Entitlement reform? Don't be silly. We're talking about the grave threat to America known as flag burning. Yes, that election-year favorite is back: the proposed amendment to the Constitution of the United States allowing Congress to criminally punish the ''physical desecration'' of the American national banner. If you haven't noticed a rash of flag-burning incidents sweeping the nation that's because, well, there isn't one. But that doesn't stop Republicans from trotting it out as a more-patriotic-than-thou card.

They are, as always, close to having the votes to send it to the states for ratification. The House of Representatives has passed the measure and the vote will be tight in the Senate, where the Judiciary Committee approved the amendment 11 to 7. We hope the amendment will fall short of the needed two-thirds majority on the Senate floor; it's depressing enough that a majority of senators will support it.

The amendment would soil the First Amendment's command that Congress shall ''make no law . . . abridging the freedom of speech.'' Flag burning is an odious form of expression. But there are lots of odious forms of expression the First Amendment protects: Holocaust denial and swastikas, racist rants and giant Confederate flags, hammers and sickles. The amendment's power is in its self-confident sweep: Speech, including expressive acts, will not be censored. Government cannot punish ideas. Members of Congress who would protect the flag thus do it far greater damage than a few miscreants with matches.

The PRESIDING OFFICER. The assistant Democratic leader is recognized.

Mr. DURBIN. Mr. President, I have spoken to the Senator from Utah, and I would like to ask how much time I have remaining.

The PRESIDING OFFICER. Four minutes.

Mr. DURBIN. I understand the Senator from Utah will then close.

The PRESIDING OFFICER. He has 6 minutes.

Mr. DURBIN. Thank you, Mr. President.

Mr. President, first, I ask unanimous consent that Senators CARPER and BOXER be added as cosponsors to my pending amendment, and I ask unanimous consent that three commentaries in opposition to the flag amendment be printed in the RECORD.

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

[From the Chicago Sun Times, June 21, 2006]

ILL-STARRED FLAG AMENDMENT WOULD DO NATION NO GOOD

Nearly 30 years after Cubs outfielder Rick Monday snatched an American flag from two idiots at Dodger Stadium who had doused it in lighter fluid and were trying to light it with a match, we still applaud him for his exemplary act of patriotism—for acting on our behalf. As devoted as we are to free speech, we would have been hard-pressed to bottle our anger over the desecration of the Stars and Stripes before tens of thousands of spectators.

Our appreciation of Monday was not diminished by his appearance last week at a rally for a 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.

You would think, from the emotional momentum this issue has gained in recent times, there is a pressing need for an anti-flag-burning amendment. Most Americans are in favor of it. The House has backed the amendment, and the Senate may well follow suit next week, when it is scheduled to decide on the constitutional ban. Reportedly, it is within a vote or two of the two-thirds majority it needs. In 2000, it fell four votes short.

But, in fact, this is a classic example of a solution in search of a problem. Flag burnings, which most of us associate with Vietnam-era protests, have all but disappeared from the American landscape. No protests of the war in Iraq (which have been relatively few) have featured flag desecrations. The closest anyone has come to publicly mistreating the flag, arguably, was a case of two athletes wrapping themselves in it at the Olympics.

You might also think this is an issue in need of legal clarification. But, no, the Supreme Court ruled in 1989 that as distasteful or offensive as this kind of protest is, it is protected by the First Amendment. A year later, the high court overturned the federal Flag Protection Act. The fact that yet another effort is being mounted tells you not that the principles have changed, but the political climate has. Sorry, but that's not a good enough reason to alter the Constitution.

This represents the consensus of the Sun-Times News Group of 100 newspapers in the metro Chicago area.

EMERGENCY COMMITTEE TO DEFEND THE FIRST AMENDMENT

The following statement was released today by Professors Norman Dorsen and Charles Fried, Co-chairs of the Emergency Committee to Defend the First Amendment. The Committee is composed of prominent Americans—conservative, moderate and liberal—including former officials of the Reagan Administration, former Republican members of Congress, senior professors of constitutional law, several former presidents of the American Bar Association, and leaders of other national organizations.

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.

The proposed constitutional amendment limits how people may protest and sets a precedent for banning other forms of dissent. If the flag, why not the Great Seal of the United States or the Constitution? Why not the Bible or (to be ecumenical) religious icons of all faiths? The founders of this country would have been shocked at the notion that the government could restrict ways by which the people can protest conditions in the country or the government's own policies.

As the Boston Tea Party illustrates, the founders were familiar with symbolic protest. Moreover, the American revolutionaries were also not exactly kind to their country's flag, the Union Jack. George Washington ordered thirteen red and white stripes sewn onto it and called it the ''Thirteen Rebellious Stripes.'' Pennsylvania's first flag after declaring independence was a British flag with a coiled serpent ready to strike at the English ensign. These protests ''desecrated'' the country's then-existing flag.

Totalitarian countries fear dissenters sufficiently to suppress their protests. A free nation relies on having the better argument. It is possible to burn a particular flag, but no one can destroy the symbol and meaning of the flag. No matter how many flags are burned, the American flag will still exist, untarnished and waving bravely in the breeze.

The Emergency Committee urges the Senate to demonstrate the sort of statesmanship of which it is capable by rejecting the proposed constitutional amendment.

EMERGENCY COMMITTEE TO DEFEND THE FIRST AMENDMENT:

Terry Anderson; Writer, former Journalist; Former Lebanese Hostage.

Derek Bok; President, Harvard University (1971–1991); Dean, Harvard Law School (1968–1971).

Clint Bolick; Litigation Director, Institute for Justice.

Benjamin Civiletti; Partner, Venable, Baetjer & Howard; U.S. Attorney General (1979–1981).

John J. Curtin, Jr.; Partner, Bingham Dana & Gould; President, American Bar Association (1990–1991).

Norman Dorsen; Stokes Professor of Law, New York University Law School; Counselor to the President of New York University; President, American Civil Liberties Union (1976–1991).

Bruce Fein; Lawyer and Journalist; Former Department of Justice Attorney.

Charles Fried; The Beneficial Professor of Law, Harvard Law School; Solicitor-General of the United States (1985–1989).

Shirley M. Hufstedler; Of Counsel, Morrison and Forster; Circuit Judge, U.S. Court of Appeals, 9th Circuit (1968–1979).

Martin Lipton, Partner, Wachtell, Lipton, Rosen & Katz.

Robert MacCrate; Partner, Sullivan & Cromwell; President, American Bar Association (1987–1988).

Charles McC. Mathias, Jr.; Partner, Jones, Day, Reavis & Pogue; U.S. Senator (R–MD, 1969–1987).

J. Michael McWilliams; Partner, Tydings & Rosenberg; President, American Bar Association (1992–1993).

Robert M. O'Neil; Director of the Thomas Jefferson Center; President, University of Virginia (1985–1990).

Roswell B. Perkins; Partner, Debevoise & Plimpton; Former President, American Law Institute.

Roger Pilon; Director, Center for Constitutional Studies, The Cato Institute.

E. Barrett Prettyman, Jr.; Partner, Hogan & Hartson; Trustee, National Council on Crime and Delinquency.

Roberta Cooper Ramo; Partner, Modrall, Sperling, Roehl, Harris & Sisk; President, American Bar Association (1995–1996).

James H. Warner; Lawyer; White House Domestic Policy Staff (1985–1989); Former Vietnam POW.

THE AMERICAN LEGION,
AMERICAN LEGION POST #315,
San Francisco, CA, July 14, 2005.

Re Oppose S.J. Res. 12, the Flag ''Desecration'' Constitutional Amendment.

DEAR SENATOR: As the Commander of American Legion Post #315 in San Francisco, CA, I write to urge you to oppose S.J. Res. 12, the proposed constitutional amendment to prohibit ''desecration'' of the flag. Although the national American Legion leadership supports this amendment, I wish to express my disagreement with that position and my dismay with the apparent willingness of Congress to amend the First Amendment to restrict free speech.

Acts of burning or otherwise defacing the flag are rare, but they can be a powerful form of expression. I should be clear that it saddens me to think of those who would damage the flag, but I believe it my duty to defend their right to do so. The flag stands for freedom, yet this constitutional amendment would diminish fundamental freedoms by undermining the right to free expression guaranteed by the Bill of Rights.

American Legion posts across the country recently marked the passing of Flag Day by organizing flag burning ceremonies to dispose of worn and damaged flags. Proponents of the flag amendment say they seek to ban an act, not a form of expression. Surely they do not mean to ban respectful flag disposal ceremonies like these. Rather, they seek to prohibit acts of flag desecration that are intended to convey a certain political message. When the founders drafted the First Amendment, they intended to protect peaceful expression, however unpopular and offensive. In fact, it is precisely such unpopular speech that requires the protection afforded by the Constitution.

There is significant diversity of opinion among veterans in general and American Legion members in particular on this issue. In fact, just last year a past National Commander of the Legion, Keith Kreul, gave Senate testimony in opposition to the flag amendment. I suggest, as Mr. Kreul did, that this amendment is not an appropriate way to honor the service of this nation's veterans. There are many pressing concerns facing our veterans and active duty troops, including shortfalls in funding for veterans healthcare and daily dangers facing troops serving in Iraq. The flag amendment is an unfortunate distraction from these issues.

If passed, the flag amendment would constitute the first-ever restriction on the Bill of Rights. I urge you to oppose this measure. In doing so, you will defend the true spirit of the Constitution, and the freedoms for which the flag stands.

Sincerely,

SHARON LEE KUFELDT,
Commander, American Legion Post #315,
U.S. Air Force Veteran.

Mr. DURBIN. Mr. President, you have heard the debate for 2 days now. On one side of the aisle, those supporting this amendment have summarized their feelings in three words: Respect the flag. On the other side of the debate are those who say: Respect the Constitution. They understand that what we are being asked to do is historic. Senator BYRD has reminded us. This would be the first time in the history of the United States of America that we would amend the Bill of Rights.

It is a historic moment. And it takes some audacity and bravado for any sitting Member of the U.S. Senate to believe they have a better idea than James Madison, Thomas Jefferson, and our Founding Fathers had over 200 years ago. It takes a special circumstance for us to even consider changing that beloved first amendment, which has guided us for more than two centuries.

The incidents of flag burning are rare. They are disgusting. But there are ways we can deal with this without defiling this Constitution.

Senator HATCH's amendment says do not desecrate the flag. I believe we should not desecrate the Constitution. There is a way. The pending amendment points to the way: a Federal criminal statute carefully drawn to meet the Supreme Court test that would really deal with preserving and protecting the flag as we know it, as an important symbol of America, without invading our Bill of Rights. And the second part of my amendment which I am offering is one that you know about because you hear about it all the time.

There is this demented group—I will not even give the full name of this church from Topeka, KS, because I do not want to give them any publicity. But this demented group is appearing now at military funerals, the funerals of veterans and soldiers, demonstrating. Here they are issuing a press release that says: ''Thank God for IEDs (Improvised Explosive Devices),'' announcing they are coming to my home State of Illinois to picket the funeral of Army SPC Brian Romines, who was 20 years old, at the Anna Heights Baptist Church in Anna, IL. It is disgusting: this family, racked with grief,

trying to get through the most difficult day of their lives, having to walk through the lines of demonstrators this demented person would bring to the funeral.

Well, the Senator from Idaho has said on the floor that I have gone too far with my amendment, I have gone too far in limiting these demonstrations at military funerals. I think he is wrong. These demonstrations are wrong not just in national cemeteries, they are wrong in all cemeteries. They are wrong at all churches. They are wrong at all funerals. And the Senate will have a chance, with my amendment, to vote and say that we will limit this kind of disgusting activity that disrespects the men and women who have fought and died for America.

That is the amendment before us, an amendment to protect our flag and to protect the memory of those who have fought and died for our country. I am proud to offer this bipartisan amendment. It is an amendment which, at the end of the day, we can point to with pride because we have done something important.

But I urge my colleagues, think long and hard about being the first to amend the Bill of Rights in the history of the United States of America. We have given our oath to uphold and defend that Constitution. Today we will be put to the test. Will we uphold and defend that Constitution from a change that is totally unnecessary?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Utah.

Mr. HATCH. Mr. President, what does the Bill of Rights have to do with this? That argument is not a valid argument. Look at what the amendment says:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

There is no interference with the Bill of Rights. Yet the Senator—the Senators—who want to so-called protect the Bill of Rights have come up with a statute that does exactly the opposite, according to their way of looking at it.

Frankly, there are only five Justices who said that defecating on the flag, urinating on the flag, burning it with contempt, and stomping on it is not a violation of the first amendment.

But this amendment does not have anything to do with that. All this amendment says is that we are going to give the power back to the people and to the people's representatives in Congress, and they will make the determination as to how we protect the flag, if they decide to. In other words, we are going to restore the Constitution to what it was before these unelected five Justices on the Supreme Court changed it. And four others disagreed with them.

By the way, the distinguished Senator from Massachusetts said this is election-year politics. I wonder how he explains the 6 years in a row that the House of Representatives, in bipartisan votes, has passed this amendment by the requisite two-thirds vote? I wonder how he is going to explain that 48 States had antiflag desecration statutes before the Supreme Court wiped all of that out and all of the people's work and all of the people's will out. What is he going to say about the 50 States, including his, that have petitioned us for this amendment? Fifty State legislatures have asked for this amendment.

There are 60 cosponsors in the Senate. There are at least six others who have always voted to protect the flag. I question whether all six of those will vote for this. But the fact is, they should because they have always voted for it. So there are at least 66 people who should be voting for it.

There is no narrowing of the Bill of Rights by this amendment. That argument would have to take place after this amendment passes by the two-thirds vote, if it could, and then is ratified by 38 States. Then there would be a debate where they could raise all the issues they want about the first amendment, faulty though they are.

The fact is that I was asked this afternoon by a large body of media: Is this the most important thing the Senate could be doing at this time? I can tell you, you're darn right it is. The fact is, we had five unelected Justices who overturned 100 years of Supreme Court precedent, backing up 48 States that have had antiflag desecration amendments. We have had 50 States ask for a change here so we can go back to protecting our flag.

What we would be doing is sending a message to the Court: You cannot usurp the power of the Congress of the United States. That is what is involved. I hear time after time complaints about the courts usurping the powers of the Congress and other branches usurping the powers of the Congress. Here is a chance to bring that power back to the Congress where it belongs and then have that debate. It would still take 60 votes because of the opposition of some. It would still take 60 votes to pass a statute if we could pass this amendment.

The fact is, if you want to respect the Constitution, let's restore it to what the Constitution was before five unelected jurists changed that Constitution. The fact is, this amendment is one of the most important things we can do to send a message to the U.S. Supreme Court that: You cannot usurp the power of the legislative branch of this Government.

It does nothing about the Bill of Rights. That would have to be argued later if we pass this amendment and have it ratified. Then we could argue about the Bill of Rights later. And I will bet you money, the only reason Senators are claiming the Bill of Rights is to try to justify their vote. But now, if they believe the Bill of Rights is being interfered with, then why would they come up with a statute to do the very same thing they are saying this amendment does? Why have they always come up with a statute that basically, if you use their logic, invades the first amendment to the Constitution? Why would they do that? There is only one reason. It is a political reason to cover their backsides.

Mr. President, I thank the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, in a few moments we will be voting on the two amendments, which really follows the good debate we have had since yesterday when we began debate on this flag protection amendment. As I promised early in the year, I brought this joint resolution to the floor this week in part in anticipation of the Fourth of July recess—a time when all of us go back and think about the flag and the enduring ideals of freedom and opportunity that it represents.

It has been 6 years since we have had that debate on this floor. It is something that comes to the House each and every Congress, and they vote on that. So I felt it would be appropriate. Indeed, in listening to the debate—the Constitution issues and the importance of the flag—I have been very pleased, and I hope that debate reflects passage of the amendment in a few moments.

It is my hope, when we return to our home States next week or later this weekend to celebrate the anniversary of America's independence, we will be able to tell our fellow citizens that we did the right thing here in Congress and voted to give Congress the power to protect the Stars and Stripes.

Americans have so much to be proud of. We enjoy a greater measure of liberty and justice and equality than any other country in human history. Millions upon millions of people have come to these shores seeking a better life, and they have found it here. We are a nation of hopeful, resourceful people who continually strive to live up to our ideals and provide greater and better opportunities for our children. There is one symbol that above all others encapsulates that hope, that freedom, our history and our values, and that is the American flag.

From the time we are schoolchildren, we honor our flag and all it stands for. With our hand over our heart, each morning here in this body, the U.S. Senate, we honor it. In times of crisis, raising those Stars and Stripes has symbolized our unity, our perseverance as a nation, as a people. Whether it is the marine struggling to plant the flag on Iwo Jima or firefighters lifting the flag above the ruins of the World Trade Center, it is that flag which inspires us to great acts of heroism, of courage, of strength.

Unfortunately, however, there are no laws on the books to stop anyone from destroying this cherished symbol. Although the vast majority of Americans—over 80 percent—and all 50 of our State legislatures believe the flag

should be protected, the Federal Government is currently powerless to enforce flag protection laws. That is because in 1989, as we talked about, the Supreme Court, in a 5-to-4 decision, overturned 200 years of precedent and struck down all laws prohibiting flag desecration. As our colleague from Utah just said, it was a one-vote margin, 5 to 4, with five Judges stripping the right of the American people—through their voice, through this body—to protect that flag. It is my hope and really my purpose in bringing that amendment to the floor to reverse this decision, this activist decision, and return to the American people the ability to protect the flag, if they so wish.

So in a few minutes in the Senate, we are going to have a vote to return to the people, through this body, the opportunity to protect the flag. And it is one single, simple sentence:

The Congress shall have power to prohibit the physical desecration of the flag of the United States.

That is what we will be voting on. Key words: ''The Congress shall have the power.'' All 50 States have passed resolutions calling on the Congress to pass a flag amendment. The House passed a constitutional amendment to protect against desecration of the American flag in this Congress and in the last Congress, in the last Congress, in the last Congress, in the last Congress, and in the last Congress, and now it is time for us to do the same. We have failed to muster those two-thirds votes in the past.

Today, we have a new opportunity to change that and to honor the wishes of the American people. We are a Nation founded on principles. Our flag is what binds us to those principles, to one another; it is that physical symbol of our values, liberty, justice, freedom, and independence. It commands our loyalty. To countless people around the world, the red, white, and blue represents the highest of human ideals—freedom.

I know we have heard again and again through the media the whole issue about flag burning being protected as an exercise of free speech. But is defacing a Government building free speech? Do we let our monuments be vandalized? Clearly, the answer is no. I believe that our American flag deserves the same respect. America is the freest country in the world and we have the right to express dissent and persuade fellow citizens of our views. But destroying the very emblem of that freedom is just plain wrong. Countless brave men and women have died defending the flag. It is but a small, humble act for us to defend it.

I will close with the words of our esteemed colleague, Senator HATCH, who has done such a wonderful job in managing this particular bill and a tireless advocate for the amendment. Here are his words:

Whatever our differences of party, race, religion, or socioeconomic status, the flag reminds us that we are very much one people, united in a shared destiny, bonded in a common faith in our Nation and the profound belief in personal liberty that our Nation protects.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Durbin amendment.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 36, nays 64, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—36

Akaka	Dorgan	McConnell
Bennett	Durbin	Menendez
Biden	Harkin	Mikulski
Bingaman	Inouye	Murray
Boxer	Jeffords	Obama
Byrd	Kennedy	Pryor
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Chafee	Lautenberg	Salazar
Clinton	Leahy	Sarbanes
Conrad	Levin	Schumer
Dodd	Lieberman	Wyden

NAYS—64

Alexander	Domenici	Murkowski
Allard	Ensign	Nelson (FL)
Allen	Enzi	Nelson (NE)
Baucus	Feingold	Roberts
Bayh	Feinstein	Rockefeller
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Snowe
Chambliss	Hatch	Specter
Coburn	Hutchison	Stabenow
Cochran	Inhofe	Stevens
Coleman	Isakson	Sununu
Collins	Johnson	Talent
Cornyn	Kyl	Thomas
Craig	Landrieu	Thune
Crapo	Lincoln	Vitter
Dayton	Lott	Voinovich
DeMint	Lugar	Warner
DeWine	Martinez	
Dole	McCain	

The amendment (No. 4543) was rejected.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution, as amended, pass?

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The yeas and nays resulted—yeas 66, nays 34, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—66

Alexander	Domenici	Murkowski
Allard	Ensign	Nelson (FL)
Allen	Enzi	Nelson (NE)
Baucus	Feinstein	Reid
Bayh	Frist	Roberts
Bond	Graham	Rockefeller
Brownback	Grassley	Salazar
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Smith
Coburn	Inhofe	Snowe
Cochran	Isakson	Specter
Coleman	Johnson	Stabenow
Collins	Kyl	Stevens
Cornyn	Landrieu	Sununu
Craig	Lincoln	Talent
Crapo	Lott	Thomas
Dayton	Lugar	Thune
DeMint	Martinez	Vitter
DeWine	McCain	Voinovich
Dole	Menendez	Warner

NAYS—34

Akaka	Dorgan	Lieberman
Bennett	Durbin	McConnell
Biden	Feingold	Mikulski
Bingaman	Harkin	Murray
Boxer	Inouye	Obama
Byrd	Jeffords	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Lautenberg	Wyden
Conrad	Leahy	
Dodd	Levin	

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 34. A quorum being present, two-thirds of the Senators voting not having voted in the affirmative, the joint resolution is rejected.

The Senator from California.

Mrs. BOXER. Mr. President, I would like to make a statement explaining my vote. I wonder if that is in order at this time.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

Mrs. BOXER. Mr. President, I had tried to get time earlier in the day. Unfortunately, I was tied up in a markup. I want to express myself briefly on the constitutional amendment.

I opposed it, even though clearly it was far more popular in the country to support it. I did so because of my love of our country, our Constitution, and our freedoms. The love of country runs deep in my veins, as I know it does in those of every Senator.

My family came here in the early years of the 20th century to be safe from the Holocaust in Europe, the nightmare that took the lives of our relatives and so many innocent people. To my family and to me, America was not only a land of strength and courage but a land of compassion and acceptance. My father, who was a CPA, always said to me: Kiss the ground when you pay your taxes to America because you are helping to build our military, our schools, our roads, and our infrastructure.

My mother said that being an American meant being free to live your dreams, and only in this country, she would say, in America, where she was brought as a baby by her family, would that be possible.

I was taught not to be afraid of disagreement, not to fear words and not

to shrink from an argument in this, the greatest country on Earth. In a great country like the United States of America, you don't fear dissent. In a great country you allow dissent, even if it is ugly, even if it makes you sick to your stomach, even if it disgusts you. We are so strong as a Nation that we know if someone takes one of our beautiful symbols and destroys it or burns it or spits on it or steps on it, that person will not win respect but will lose it. That person will not win friends but in fact will turn people away. That person will gain nothing for his cause but, in fact, will be ridiculed and marginalized.

Now if a flag is burned or if a copy of the Bill of Rights or a copy of the Constitution is burned and that act is meant to incite others and it places people in danger, we should have laws to punish those who would endanger other lives. That is why I was proud to support the Bennett-Clinton-Durbin amendment, to do just that. I can certainly understand how seeing our flag burn would inflame passions and incite outrage. It does so in me.

The flag to me is a symbol of something I hold near and dear to my heart—our democracy, our country, our history. And I am outraged when I think about someone treating the flag in a disrespectful manner. But I am also outraged when I see or hear about a group of people protesting at the funeral of a fallen soldier, saying things like ''thank God for dead soldiers'' or ''God is America's terrorist.'' That is what is going on today at soldiers' funerals.

Such despicable speech and disrupting the most sacred funerals of our heroes makes no sense to me, and I can't begin to imagine the emotions of the families of the soldiers who must endure these senseless protests at a time of such loss. My instinct is to haul these protesters away. My colleague, Senator DURBIN, proposed an amendment that would prohibit these awful protests at all funerals for our fallen heroes, regardless of where the funerals take place, whether at a national or private cemetery, a funeral home or a house of worship. I was proud to support that amendment, and I was stunned to see how many of my colleagues turned away from it.

I agree with the approach of Senator DURBIN to the protests—proposing a statutory solution to address a problem rather than unnecessarily amending our Constitution. There are many things in life that we find offensive, repugnant to beliefs that we hold dear, but we cannot amend the Constitution every time there is something we consider outrageous, offensive, or repugnant.

We have only amended our Constitution 16 times after the Bill of Rights was passed in 1791—16 times over 214 years. But the Republican leadership has decided the best use of our precious little working time is to amend the Constitution—not amend it to guarantee equal rights for women, which still has not been done, not to amend it to allow limits on wealthy individuals buying Federal office—but for an issue which I believe we can address by statute, as I believe Senators BENNETT and CLINTON and DURBIN did.

Some have suggested that this constitutional amendment is necessary to honor our veterans. I think Senator SPECTER spoke eloquently on the point. I say, if we want to honor our veterans we should take care of our brave men and women in uniform who serve our Nation.

For example, just last week my good friend from Maine, Senator SNOWE, and I were able to get an amendment agreed to by the Senate which would make all prisoners of war who die in captivity eligible for the Purple Heart. Also last week Senator LIEBERMAN and I were able to get an amendment agreed to by the Senate improving the mental health screening and monitoring for members of our Armed Forces.

I think we honor our veterans and Armed Forces when we make sure that we are looking out for them, keeping our promises to them. Right now we are not.

We should provide them with all the equipment they need while they are deployed and all the health care they need when they come home.

Let's make sure our men and women have adequate body armor. Let's find ways to expand health care coverage for the members of the Guard and Reserves. Let's make sure the Veterans Administration is adequately funded to meet the needs of our veterans at a time when we are seeing horrific post-traumatic stress: suicides are up, divorces are up. These are the ways we honor our veterans.

We love the flag—yes. We love our veterans—yes. But I think we can do both without having to amend the Constitution.

I believe the flag is a beautiful symbol of the freedom and liberty on which this proud Nation has been built. The flag is a reminder of the democracy we all hold so dear in our hearts. When I see the flag displayed in an inappropriate way—I think Senator LAUTENBERG showed it—on underwear or on pajamas, I don't think that is respectful. But that is what we see every day. I don't like it, but, you know what, this Constitution is more than an outlet for our justifiable frustrations. This Constitution is more than just an outlet for our justifiable frustrations.

It is concise. It has worked. It is the enduring ideal of our Nation, and we should not unnecessarily amend it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, seeing a number of my colleagues on the floor, and I have talked to them, I ask unanimous consent that the following Senators be able to speak in morning business as follows, in this order: Senator SALAZAR for 5 minutes, Senators WYDEN and SMITH for a total of 10 minutes, and Senator DEWINE for 45 minutes.

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

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I rise to speak about the flag desecration amendment and talk about the nature of the debate we have seen in the Senate over the last 2 days. First, let me be clear. I support the amendment that came before the Senate today, and I just cast my vote for it. The American flag is a unique symbol of our heritage, our principles, and everything the citizens of this great country have done to sacrifice for it. I do not believe laws narrowly prohibiting the desecration of our flag in any way undercut the principles embedded in the first amendment.

However, it is important to emphasize certain points as we debate these issues. First, as is often the case when we consider whether to amend the Constitution, this is not a simple question. It is not a question that is cut and dried.

I understand the strong feelings of those who oppose this amendment. I understand their argument that the freedoms the American flag stands for, including the freedom of speech and expression, are as important as the flag itself. We must not separate the flag from the cherished principles that it represents.

In keeping with that concept, I believe it is wrong for proponents of the flag desecration amendment to question the patriotism of those who oppose it. Simply because Senator DURBIN, Senator MCCONNELL, Senator FEINGOLD, Senator BENNETT, and others oppose this amendment does not mean they believe the flag should be desecrated, nor does it mean that they view the flag as any less important a symbol. As anyone who has worked with these Senators knows, nothing could be further from the truth.

Finally, my support for this amendment is based on the premise that the flag is unique and deserves special protection. But for the same reason I believe the flag should be protected, I also firmly believe it should not be politicized for partisan gain. The American citizens who pledge allegiance to this flag, who believe in what it represents, and who live and work under it every day deserve better.

I also believe that we should be working as a Congress and as a Senate just as hard to strengthen our national and homeland security, improve our energy security, relieve the health care crisis that faces America's businesses and America's families, educate our children, and strengthen the American family.

I yield the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

OREGON STATE UNIVERSITY NCAA DIVISION I BASEBALL CHAMPIONS

Mr. WYDEN. Mr. President, in the midst of all the serious business that is before the Senate, I and my good friend from Oregon, Senator SMITH, wanted to take a few minutes tonight and talk to the Senate about the great pride and joy that Oregonians are feeling tonight as a result of our terrific Oregon State Beavers who have won the college world series.

Showing incredible determination, they would not give up spirit. After losing their first games in both the tournament and in the championship series, the players at Oregon State and the coaching staff came back. They came back to be the first team since 1998 to lose their first game and go on to win the college title.

Senator SMITH and I are especially proud because in this day of professional sports seeming to be part of every college environment, most of these players are from Oregon. They come from almost every nook and cranny of our State. They come from the Pacific Northwest, and they represent the best values of our State—particularly hard work and a sense that if you just stay at it and you are persistent, you can get the job done.

We want to salute all the players, and particularly three we are going to be losing—three star pitchers: Jonah Nickerson, Dallas Buck, and Kevin Gunderson. They are going on to play professional next season. But we are going to be back in that world series next year.

I get a chance, along with my colleague, to enjoy so much that makes our State special. We try to team up on a bipartisan basis on some issues. But we are particularly thrilled as Oregonians' two U.S. Senators to make sure that the country sees that when you work hard, you play by the rules, and you don't give up, nearly always good things happen.

Tonight, Oregonians are wearing the orange and black of the Beavers.

I want to yield the rest of my time to my friend and colleague because, as Oregonians' two U.S. Senators, we are savoring this moment along with more than 3 million people who represent our State. I yield the remainder of my time to my colleague.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Thank you, Mr. President.

I rise proudly with my colleague, Senator WYDEN. We are proud Oregonians every day but especially this day as we celebrate the great accomplishments of the Beavers of our State.

I suppose we are honorary members, neither of us having attended Oregon State, to be now members of ''Beaver Nation,'' as it is known locally.

These great players, these great young men, overcame all the odds to win the college world series and become the NCAA Division I Baseball Champions. In doing so, the Beavers not only brought home to OSU its first NCAA championship in any sport since 1916, they also became the first northern climate team to win the college world series.

We are very proud of them. They did it with a team full of young men from the greater Pacific Northwest, many of them from Oregon.

Under the leadership of their coach, Pat Casey, OSU made ''Beaver believers'' of many people—virtually all of Oregon. I think all of Oregon was tuned in yesterday to see their thrilling 3-to-2 victory.

While at the college world series in Omaha, they played eight games, and in six of those games they knew if they lost they went home. Well, they kept winning against all odds, and they come home to Corvallis, OR, champions of this great sport.

I suppose one of the things I look forward to is every year it seems as if an Oregon team gets to participate in what has become a White House tradition. That is when they meet with the President of the United States. I look forward especially this year to being able to not just congratulate the Oregon State University Beavers for this remarkable accomplishment, I look forward to escorting them with my colleague, Senator WYDEN, to the White House to meet America's No. 1 baseball fan, President Bush, for this great traditional ceremony of honoring the NCAA champs.

I stand before you, Mr. President, a ''Beaver Believer'' and thankful for the good job they did in bringing such distinction to our State.

Mr. WYDEN. Mr. President, Senator SMITH said it very well.

I wanted to wrap up by noting a comment from pitcher Dallas Buck, who was the winning pitcher in the championship game.

When asked about why he stayed at Oregon State instead of going pro out of high school, I quote: ''Best decision I ever made.'' And we happen to think that is the best decision a lot of young people are making in our State, to go to Oregon State University. It is a wonderful university, both for sports and academics.

We are going to salute them, as Senator SMITH has indicated, when we get a chance to join them at the White House with the President. That is what makes this so special for us.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

TRIBUTE TO DENISE WEISENBORN

Mr. DEWINE. Mr. President, today I commemorate a woman who dedicated her life to helping others: Denise Weisenborn. Living in Parma, OH, Denise was a lawyer and advocate of employment and independence for people with disabilities. Denise, who had muscular dystrophy, used a wheelchair all of her life, but never let that stop her from accomplishing her goals. Denise was 51 years old at the time of her death on May 2, 2006. She is survived by her mother Mary Lucille and her sister Diane.

Denise spent her entire life overcoming obstacles and then exceeding all expectations. Even though she was unable to attend school, Denise had tutors help her at home during her younger years. As a student at Maple Heights High School, Denise was able to take part in classes while she was home. In 1972, Denise graduated as class valedictorian.

She carried on this legacy of academic success by majoring in foreign languages at Cleveland State University, graduating summa cum laude in 1976. Denise then attended Cleveland Marshall College of Law, where she served as an interpreter and finished in the top 20 percent of her class in 1980. She passed the bar exam later that year. These accomplishments were just the beginning of the amazing things Denise Weisenborn would accomplish throughout her life.

Denise worked in Columbus as an education lawyer for Ohio Legal Rights Services, where she helped families of children with disabilities get the educational services they needed. She presented a federal case, Roncker v. Walter, in the U.S. Court of Appeals Sixth Circuit. Eventually, the severity of her disability made a 40-hour work week very difficult, and she moved back to Cleveland to be closer to her supportive family.

She continued to give her talents to help people with disabilities by serving on the Ohio Developmental Disabilities Council, the Governor's Council on People with Disabilities and the Ohio Rehabilitation Services Commission.

She also was an area representative for Assistive Technology of Ohio in the Cleveland area, where she developed medical equipment loan programs for medical goods and adaptive equipment, as well as compiling a directory of service providers.

Firmly believing that people with disabilities should be able to live independently, Denise moved from her parents' home to a federally-subsidized apartment building in Parma for people with physical disabilities and urged officials to build additional homes of this kind. Denise also called for home-based employment opportunities for people with disabilities.

She was a champion of a program called ''Choices,'' funded through the Ohio Developmental Disabilities Council, where volunteers provided encouragement and community support to people with disabilities who lived in nursing homes but wanted to live independently in the community.

Many people were skeptical that this program would work, but Denise believed in the project. As a result of her leadership, hundreds of Ohioans with disabilities are now living independently in community settings. Denise's advocacy has helped so many people in both their personal and professional lives.

Denise was a person of great faith, dedicating a substantial portion of her time to helping others in their own spiritual journeys. She demonstrated this commitment through her work with Rainbow Girls and the InterVarsity Christian Fellowship at college. She served as a counsel and Bible study leader for the Billy Graham Crusade in Cleveland and organized and led Bible studies for church youth. Denise once said, ''Of all my experiences, the one which has had the most profound influence on my life, and for which I will be eternally joyous, is the time I gave my life and opened my heart to my Savior, Jesus Christ. Much of my time each day is spent in talking to my Friend and studying His Word.''

Denise was a gifted lawyer. She volunteered her talents to non-profit agencies that helped people with disabilities. She served on the board of commissioners of a large state agency that helped people with disabilities. And she lobbied the state and federal government for the betterment of people like herself.

For all these efforts, this attorney with 26 years of experience earned about $5,000 per year. It is a sad irony that although Denise was learned in the law, it was the law—and not her disability—that kept her from earning a living. For Denise, however, having a low income was an act of survival. Denise's health care was covered by Medicaid. Denise had muscular dystrophy. It affected her speech; her voice was soft and quiet, making it difficult to hear her in a crowded room. She relied heavily on assistive technology for independence. She used a power wheelchair for mobility and operated her computer by pointing a laser at an on screen keyboard. She required 24-hour personal attendant care and too frequently her life was interrupted by extended and expensive stays in the hospital when her health declined.

Given the severity of her disability, there were no other options for her. The law in Ohio prevented her from earning more money without losing her health care. She was given a Hobson's choice—she had to choose between making a living and living at all.

This is why Denise Weisenborn spent the last years of her life fighting for a Medicaid Buy-In program in Ohio. These programs, allowable in States under federal law since 1999, give people with disabilities the right to earn more money, and pay premiums to the State to help cover their health care costs. Medicaid Buy-In removes the powerful, institutional disincentive for people with disabilities to work.

If Ohio had a Buy-In program, Denise Weisenborn could have been even more independent by earning a living, helping Ohio cover her health care costs, and paying taxes.

Simply put, she could have been a lawyer. It is the independence for which she fought and wanted so deeply, and it is shame that Ohio did not give her that chance before she passed away.

It is something that I think those of us who reside in Ohio should think about and consider. It would be a fitting tribute to her life for us to take the appropriate action in Ohio to change the status quo. and to give people like Denise the opportunity to move forward and to work and not have to give up the health care, not have to give up the support that enables them to live, not have to make the choice Denise had to make.

Denise Weisenborn led a full and personally enriching life. She fought for people with disabilities and their right to find and sustain employment and to live independently. She dedicated her life to service, and Ohioans with disabilities are much better for her efforts. They are much better for the fact that she lived.

Mr. President, I continue to keep the family and friends of Denise Weisenborn in my thoughts and prayers.

HONORING OUR ARMED FORCES

LANCE CORPORAL DAVID MENDEZ RUIZ

Mr. DEWINE. Mr. President, this evening, I come to the floor to pay tribute to a brave Ohioan, Marine LCpl David Mendez Ruiz, who was killed on November 12, 2005—the day after Veterans Day—by a homemade bomb while conducting combat operations in Iraq. He was only 20 years old.

Ronald Reagan once said:

> [S]ome people live an entire lifetime and wonder if they have ever made a difference in the world. The Marines don't have that problem.

The family and friends of David Mendez Ruiz will indeed never doubt the great difference this young man made in the world—both as a marine, as a friend, brother, and son.

David was the youngest of eight children, born to Maximiliano and Miriam Mendez. The family moved to the United States from Guatemala when David was 6 years old.

At David's funeral, the service began with the Guatemalan national anthem, followed by ''The Star-Spangled Banner.'' David had a profound respect for his roots and a great love and appreciation for the United States—the country for which he would eventually give his life. David's parents instilled in him at an early age a deep reverence and love for God and for his country.

David was baptized at and was a member of Cleveland's House of Praise and Prayer, where he was like a son to Eli and Amy Ramos, the church's youth pastors. Before leaving for his second tour of duty in Iraq, David gave Eli a sound system for his car as a gift to repay him for all the times he had spent with him through the years. He wanted Eli to remember him each time he listened to Christian music on his stereo. As Eli has said:

> That's the way it is. Each time I get into my car, and I put that music on really loud, I remember David. David was a youth full of life, and that is why we all fell in love with him.

Indeed, David was full of life and so dedicated to his faith. He regularly attended Sunday church services in Iraq, even though he was thousands of miles away from his home church.

Family and friends remember David as a friendly, honorable, compassionate, and courageous man. They describe his huge smile that hid his eyes and brightened a room upon his entry. David was known for having a heart that couldn't say no to someone in need and a love of God and a love of country that motivated him to join the Marines in the first place. David loved being a marine.

He had spent almost 8 months in Iraq, returned home, and broke his back during a snowboarding accident. After recuperating, David left to return to Iraq on the Fourth of July. At David's funeral, close friend Brandon Joffre, who went to high school with David at the Greater Cleveland Christian Academy in Middleburg Heights, told mourners that David had always dreamed of joining the service. This is what he said:

> He always wanted to be in the military, real hard core, definitely born to be a marine. That's the thing. He was killed, but he was killed doing something he loved.
>
> He wanted to be there. I expected to grow up and [have] our kids hang out [together], and I'd see him get married and all that. It's hard. Every time I see a picture of him with that smile, I want to cry.

Gillian Newman, a friend of David's Since elementary school, told those gathered at the funeral that she loved watching movies with David. They would have great fun trying to remember the lines from the movies, even months later. Most of all, she says that she loved his kind spirit. ''We could challenge him to a game of pool 150 times, and he could beat us every time and never say, 'I told you [so] .' ''

David's friend Brandon also shared that sentiment:

> David lived a very honorable life and accomplished a lot in such a short period of time. Words do not describe how proud I am of David. God had a plan for David's life, and David served him well. He was always happy, always had a smile on his face. He made friends everywhere he went.

Fellow Marine Marcial Rodriguez, wrote the following words about David:

> When I heard the news last November that U.S. Marine David Mendez Ruiz, a Hispanic immigrant from Cleveland, died in Iraq, my thoughts were a little strong. I felt pride, but at the same time, anger—pride because David was fulfilling a dream like many young people, to serve by fighting in the U.S. Marines. Even though some people criticized him, he kept serving his country.
>
> He lost his life without surrendering to anything, fighting for his country, for a just cause, with honor. I feel anger because many Hispanic young people like us struggle to give Hispanics a good name so that Americans don't think we only cause problems—so that Americans can see that we too, the Hispanic people, contribute our grain of sand, like David's sister Sandra said. . . . That's how David wanted to live his life—with pride, in peace.

Mr. President, and Members of the Senate, David demonstrated his commitment to service in so many ways, but his long record of awards speaks for itself. He received the Combat Action Ribbon, the National Defense Service Medal, the War on Terrorism Expeditionary Medal, the War on Terrorism Service Medal, and two Sea Service Deployment Ribbons. David also received the Purple Heart Medal.

David Mendez Ruiz was a young man who exemplified courage under pressure and who always strived to make life a little better for those around him. The Greater Cleveland Christian Academy has set up a scholarship in his memory, so that his legacy can live on through the education of other students. There is no better way to carry on the memory of this brave young American who lost his life while fighting to ensure that we can continue to enjoy freedom and opportunity.

Mr. President, David Mendez Ruiz is a true hero and proved his unwavering allegiance to the United States in the most selfless way—by giving his life in service to our country. My wife, Fran and I continue to keep David's large and wonderful family and his many friends in our thoughts and in our prayers.

Mr. President, I see my colleague on the Senate floor. I have about 10 more minutes.

STAFF SERGEANT KENDALL IVY II

Mr. President, this evening I would like to speak in honor of Marine SSgt Kendall Ivy II, a 28-year-old Ohioan who lost his life on May 11, 2005. He was killed by a roadside bomb while serving our country in Iraq.

Mr. DEWINE. Mr. President, I rise today to honor Marine SSG Kendall Ivy, II, a 28-year-old Ohioan who lost his life on May 11, 2005. He was killed by a roadside bomb while serving our country in Iraq.

A native of Galion, OH, Kendall was a well-known football and baseball athlete at Galion High School, where he graduated in 1995. He joined the military right after high school, applying these athletic skills of teamwork to the Marine Corps. After the military, Kendall was planning to continue his education and become a history teacher and coach.

Most important to Kendall was his family, consisting of his wife, Lee Ann, sons, Caleb and Harrison, daughter, Reagan, and parents, Raymond and Venita ''Kay'' Ivy. Additionally, Kendall is survived by three brothers, a sister, and their spouses: Kenneth and Charlotte Ivy, Kathy and Doug Shifley, Kevin and Michelle Ivy, and Keith and Becky Ivy. Lee Ann was 5 months pregnant with their son Gabriel at the time of Kendall's death.

Kendall and Lee Ann first saw each other in middle school. Lee Ann said that after she met him, she spent the greatest 14 years of her life. Kendall and Lee Ann got married young. Kendall once told her, ''What if we wait and then die in our late twenties? We would miss out on so much married life.'' Indeed, Kendall Ivy was a true family man. He learned of Caleb's birth when he was pulled out of formation on the flight deck of an aircraft carrier. Kendall loved his two boys, but the birth of his daughter changed his life, Lee Ann said. He was very much a family man and was looking forward to coming home and spending time with all of them.

Venita says that her son was ''destined to be a Marine.'' From the age of 3, he wanted to wear the gold eagle, globe, and anchor insignia of the Corps. He made that happen, becoming a staff sergeant while planning a career in the Marines. He served in the United States Marine Corps for 10 years. Venita said her son told her he ''wanted to serve this country, that we need to be over there in Iraq so they can be free like we are.''

Kevin Ivy also remembers his younger brother's dream of becoming a marine, saying:

> He lived life to the fullest. He was kindhearted. He loved his country. He loved his president. He believed in what he was doing. Each and everyone of these fine young men and women is in a dangerous situation. But my brother understood that, and he was willing to lay down his life for the cause of freeing these people.

Kendall Ivy was loved dearly not only by his family, but also by those who had the privilege to serve with him. Marine CPT Dave Handy wrote the following statement on an Internet tribute site to Kendall:

> I was then Staff Sergeant Ivy's platoon commander for a short time and remember him leaving the Marine Corps to seek new adventures. I was ecstatic to hear that such a fine leader of Marines had rejoined the Corps and then brought to tears to hear of his death. I remember him as a ruthless enforcer of standards, a superb example for young Marines, and a patient mentor for all around him. All officers should have been so lucky as to serve with enlisted leaders of Staff Sergeant Ivy's superior caliber. My thoughts and prayers are with his family and I look forward to seeing him again on the streets of heaven. Semper Fidelis.

On the same tribute site, Aric Wells of Nashville, TN, said:

> To my friend. To his wife and children. I am deeply sorry. To all who did not have the privilege of knowing Staff Sergeant Ivy, let me tell you that we have lost a great man. A man with morals and convictions that did not waver. A man who would give the shirt off his back to help you out. Staff Sergeant Ivy would go to bat for you when others would turn their backs. He was a damn good man and always a Marine. I will always remember him.

Indeed, Kendall Ivy was deeply loved by all those who knew him. At Camp Ripper, Iraq, a new gym was opened on August 1, 2005, named the ''Staff Sergeant Kendall H. Ivy II Memorial Gym.'' His presence is felt daily by those like SGT Johnny A. Noguera, the gym manager. Sergeant Noguera said:

> Everyone wants to make this place as nice as possible, especially for the Marines who knew Staff Sergeant Ivy. When I was growing up in South America, one of my father's friends had a son who was a Marine. He was so proud of him and he seemed to have this aura around him. That's how Staff Sergeant Ivy was and that's what I wanted to be. I know that many people miss him and they look at this gym as a direct reflection of their love for him. This is why I stress to the guys who work here to keep this place in order so we can properly pay homage to the man who it's named after.

The Marines who attended Kendall's funeral remembered going to the gym with him, then not being able to persuade him to leave. At the end of the workout, Kendall would then ask if his arms looked any bigger. Lee Anna says that her husband ''was worse than a woman about his hair and weight.''

To end, I would like to quote Sergeant Downing, who wrote a few words about Kendall on the Internet tribute site. He writes:

> I served with Staff Sergeant Ivy in Weapons Company, 1st Battalion, 6th Marines. Someone once said, 'the best compliment you can give is to say he was a good Marine.' Well, Staff Sergeant Ivy was a damn good Marine!

Kendall Ivy epitomized not only the meaning of a good Marine, but also of the ideal son, husband, and father. My wife Fran and I continue to keep the family and friends of SSG Kendall Ivy in our thoughts and prayers.

I yield the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Illinois.

IRAQ

Mr. DURBIN. Mr. President, let me start by acknowledging my gratitude and respect for the Senator from Ohio for coming to the floor of the Senate at this late hour and telling these touching stories about these men and women who have served our Nation so well and have given their lives in service to our values and this great cause of making America safe. As of today, 2,524 of those stories could be told. That is the number of American service men and women who have died in Iraq as of today.

It is a day of special significance in my State of Illinois. We have reached the number of 100, 100 brave men and women from the land of Lincoln who have given their lives in service to our country, 100 Illinois families who have lost a loved one, a child, a parent, a spouse, a brother, a sister.

Abraham Lincoln, in the midst of the Civil War, consumed with grief over all of the death, said of those who died that they gave ''the last full measure of devotion.'' It is a reminder to all of us that when we discuss policy in the Senate, it does not always have a direct impact on the lives of those we represent. But when we vote on foreign policy, on the issue of war, we are making decisions that cost lives. We should never forget that. That is why this is more than just another job or another profession. This is, indeed, an awesome responsibility.

Last week we completed the debate on where we will go in Iraq. It was not

conclusive. Two amendments were offered and neither were adopted. Basically, the Senate took no position, at least the majority of the Senate took no position as the debate came to a close. But it was interesting, the tone and tenor of that debate. How many times on the floor of the Senate did we hear from the other side of the aisle the phrase ''cut and run''? It was part of a recurring mantra. I don't know how genuine it was—I assume it was—or if it was generated by a focus group as just the right combination of words to criticize those who would suggest we need a different approach and a different plan in Iraq. But after all of the chest thumping and the ''bring them on'' rhetoric, the sad reality is that our debate ended and the war continues.

But then something very interesting happened. After we had considered an amendment offered by Senator CARL LEVIN and Senator JACK REED which suggested that we should start withdrawing troops this year, moving toward a timetable, a day when our troops would come home, after that amendment was defeated on basically a partisan rollcall—there might have been one Republican joining us, but basically it was a partisan rollcall—after that amendment had been criticized as a cut-and-run, retreat amendment, something interesting occurred: The top U.S. commander in Iraq, General Casey, announced shortly after the Levin-Reed amendment was defeated that, in fact, we would redeploy as many as five to six U.S. combat brigades by the end of this next year and that he plans to begin drawing down forces in just a few weeks.

General Casey is offering a plan that in many ways looks very similar to the Democratic proposals. Yet when we proposed initiating redeployment this year, the Republican majority accused us of cutting and running from our responsibilities in Iraq. General Casey's plan does not call for total withdrawal, neither did the Democratic alternatives. Senators LEVIN and REED wanted to begin redeployment this year and continue without a specific time line for completion but clearly putting the burden on the Iraqis to defend themselves.

I also supported the Kerry-Feingold amendment calling for redeployment of the bulk of U.S. forces by July of next year, 12 months away. Some said 12 months is too soon; 12 months is not enough time.

What has happened in the last 12 months in Iraq? In the last 12 months we have lost 762 soldiers. We have seen more than 2,000 come home with serious injuries. We have spent nearly $90 billion. It isn't just 12 months on the calendar. It is 12 months of living and dying and being injured and asking the American people to continue to sacrifice for that war effort. So 12 months is an important and significant period of time.

The amendment by Senators KERRY and FEINGOLD called for the continued presence of forces, if needed, beyond July of 2007, for training, counterterrorism, and to protect U.S. personnel, along with a substantial U.S. military presence still in the region. They also suggested we consult with the Iraqi Government about the future of our troops.

It is interesting that these amendments and General Casey's plan share several themes. First, we need a timeline for redeploying U.S. forces.

Second, redeployment does not mean total withdrawal.

Third, the shared objective of all plans is accelerating and expanding the handover of leadership to the Iraqis themselves.

So many people criticized the Democrats at the end of last week that we didn't take a position. It turns out the position we took in both amendments was consistent by and large with the proposal of General Casey.

I believe this is less about setting deadlines than about establishing timelines. We need to move toward a trajectory, a course of successfully handing over the security of Iraq to the people of Iraq. We have given them so much.

This is the fourth year of this war. By the end of this calendar year, it will have lasted longer than the Korean war and, a few months beyond that, longer than World War II. We have given a lot: Over $300 billion; over 2,500 American lives; 18,000 seriously injured soldiers; 2,000 returning with head injuries that they will have to cope with for the rest of their lives. This is the reality of war, and this is the contribution given by the American people to the nation of Iraq to give them a chance to depose a dictator, to allow free elections, to allow them to debate and create a new government.

But in the end, we can't do it all, and we shouldn't do it all. There has to be a will within the Iraqi people to stand up and defend themselves. They have to understand that if their nation is worth having, it is worth fighting for. They have to resolve their internal difficulties, and they have to stand together to fight off any potential enemies who would invade them in the future. That is the reality of real governance and real responsibility. That is why many of us believe that this debate ended last week without a conclusion. The message was not sent to the Iraqi people to accept the responsibility for their fate. But General Casey's proposal at least moves in that direction. I am glad those of us who voted last week for both the Kerry-Feingold amendment and the Levin-Reed amendment are in concert with General Casey in the belief that this must come to an end and soon.

Then over the weekend something extraordinary happened. New Iraqi Prime Minister al-Maliki proposed a plan to try and unite Iraq's ethnic and sectarian factions. He knows the violence has taken a terrible toll. Last week the Los Angeles Times released a study that said more than 50,000 innocent Iraqis have died a violent death in the last 3 years. The article suggested that maybe there were many more.

The statistics came from the Baghdad morgue, the Iraqi Health Ministry, and other sources. But for a variety of reasons, the death toll is probably undercounted. Iraqis have died in uniform, killed by insurgents. Others have died waiting in line at a market. Still more have died along roadsides and in terrible, desperate places in the dark of night where they have been taken in by militias and murdered. The majority of bodies at the morgue are those of civilians, and the vast majority have been shot gangland-execution style. Many have been savagely tortured.

In many cases, the cities of Iraq have been the battleground in struggles between the U.S. and Iraqi Government forces against the insurgents and foreign terrorists and among Iraqis themselves. Civilians have been caught in the crossfire, innocent people whose lives are in danger and extinguished in the crossfire of this insurgency.

Recently a group of my constituents came to visit me. They knew of people living in Ramadi, and they know there is an effort under way to try to calm that area and to remove the insurgency. The people who came to see me in Springfield, IL are very concerned about the plight of innocent people who were stuck in the middle of this crossfire. Ramadi is the largest predominantly Sunni city in Iraq. It is the capital of Anbar Province, one corner of the Sunni Triangle. Over 900 American service men and women have been killed in that province. A corporal with the First Armored Division was killed there on Monday.

Anbar has seen far too many deaths. U.S. and Iraqi forces are moving neighborhood by neighborhood trying to take control of the city. Many civilians have fled but an unknown number remain.

Newspaper accounts describe ''a post-apocalyptic world: row after row of buildings shot up, boarded up, caved in, tumbled down.'' Our generals have repeatedly stated that there will not be another frontal Fallujah-style assault of Ramadi. Our forces have encircled the city and are trying to retake it one neighborhood at a time. The goal is for Iraqi forces to remain in the city, to allow it to return to some kind of normal economic life, and to keep the insurgents from simply retaking the neighborhoods.

Those are worthy goals, and it is critical to their success that the civilians of Ramadi feel that they can stay and be safe in their city. Ultimately, it is the Iraqi people and their leaders, their armed forces and police, who will have to end this cycle of violence.

Prime Minister al-Maliki is trying to find a way out. In looking at the terrible waves of death in Iraq, though, it is the deaths of over 2,500 American service men and women that touch my heart.

As the Prime Minister searches for a way to end the insurgency, we have to make it clear that his plans for reconciliation cannot rest on the foundation of amnesty for those who killed our brave soldiers.

In his plan, the Prime Minister stated there might be amnesty for insurgents ''not proved to be involved in crimes, terrorist activities, and war crimes against humanity.''

Now, the President has to make it clear to the Iraqi Government that they cannot erase the killing of Americans as they try to sketch out this reconciliation plan.

I asked on a weekend show—when I was on one of the Sunday morning shows—what would you think of a plan that said if you killed an American soldier, you could be given amnesty? It would trouble me greatly, when I think of those soldiers of ours who have died for the people of Iraq. It would trouble me as much, if not more, if I had a son or daughter in uniform over there, realizing that they basically announced that it is excusable to shoot and kill an American soldier. We cannot allow that to happen.

The Iraqi Government faces a difficult road ahead. We have to continue to help them. We need to also step up the effort to make the Iraqis responsible for their own future. Some have said we must stay and finish the job, but the simple fact is it is not our job to finish. It is for the Iraqis to finish the job.

The Senate overwhelmingly called for 2006 to be a year of transition in Iraq. That transition must be to Iraqi leadership and responsibility. That is how we can truly announce that our mission is accomplished.

HIGHER EDUCATION ACT EXTENSION

Mr. DURBIN. Mr. President, most Members of Congress come to this life experience with previous life experiences. Many times, they are motivated by something that they have lived through or witnessed. I have seen it time and time again, whether we are talking about a commitment to help certain people, such as the disabled, or to cure a certain disease, whether it is mental illness or cancer or heart disease; you find that many of our colleagues in the Senate and the House really rise to the occasion and show great devotion and commitment to these issues because they have seen them, they understand them.

Well, we all come here with many life experiences. The one that I had as a young man was repeated many times over. After growing up in East St. Louis, IL, and going for a year to a good university, St. Louis University, I decided I had to go out of my home, go away to school. That is what college was all about. I went home to my mom who was a widow at the time, and told her of my plan.

She said: How could you afford it?

I said: Don't worry, I have it all under control.

Well, Mr. President, I was making it up. I had no idea how I was going to pay for it. I went to school here in Washington, at Georgetown University, and worked hard during the school year and the summer and saved up money to help pay expenses, and I also took out student loans.

Were it not for the National Defense Education Act, I could never have finished college and law school. I didn't have any wealth, my family didn't either, so I had to borrow the money. It was early in the 1960s and this program had just gotten started. There were kids all over America like myself who used those student loans to make it through college and professional school. I remember my wife and I were married when I was still in law school, and when I graduated they accumulated all of the student loans that I had borrowed in my entire college career and sent me this ominous letter to tell me that a year after graduation I had to start paying it back, one-tenth of all those loans plus 3 percent every year, without fail. I opened that envelope with great trepidation and saw that total amount and didn't know how I could possibly do it. I told my new wife, holding our new baby, that we faced a student loan debt that needed to be paid off over 10 years, and that debt was $6,500.

Every time I tell that story to college students now, they break out laughing at hearing $6,500. Now many of them have to borrow that for a semester. Many years ago, it seemed like a daunting task. Luckily, we met the challenge and paid off the loan. I have been watching student loans ever since because I understand for many students today they are still the ticket to an education.

Last Friday, the Higher Education Act was extended for the fourth time since last year.

I hope that by extending it 3 more months we will be able to work on meaningful legislation that will make it easier for students and parents to pay for a college education.

Earlier this year, Members on the Republican side of the aisle passed a so-called deficit reduction bill that cut $12 billion from student aid—the largest single cut in financial aid programs in the history of the country.

Although most of the $12 billion came from reducing the maximum yield private lenders could earn on loans, it also came from raising the interest rates on many of the loans parents take out for their kids' education.

Right now, students are scrambling to consolidate their loans in order to lock in a low interest rate. Do you know why? July 1 is the deadline. Beginning then, students who are still in school will no longer be able to consolidate their loans at lower interest rates because of changes made in the deficit reduction bill. The low interest rates, incidentally, will be gone.

We had an opportunity, with that change, to make a real investment in our children's future. Knowing that interest rates on student loans were about to jump from 5.3 percent to 6.8 percent for students, and from 6.1 percent to 8.5 percent for most parent borrowers, we could have made a real impact and taken the savings from the Deficit Reduction Act on student loans—$12 billion—and helped the students and their parents. Would that not have been a wise investment in our future? If we are not going to help students finish their college education to become the leaders of tomorrow, are we really preparing for our future?

Sadly, the Republican majority took the $12 billion in savings from the college student loan program—money taken out of the program—and instead of giving it back to the students to help them get through school, they put the money in a fund to help pay for tax cuts for the wealthiest people in America. That is the most upside down logic in the world—to turn our backs on our young people who are struggling to pay off student loans for education and to say instead that the multimillionaires will receive a more generous tax break. That is what the leadership in Congress believes to be the highest priority. Not many families in America agree.

The smart, hard-working students deserve a chance to get some help. But the Republican majority let them down.

In April, I introduced a bill called the Reverse the Raid on Student Aid Act of 2006, to change that. The bill would increase the Pell grant and turn it into a mandatory spending program, with automatic annual increases; cut student and parent loan interest rates by 50 percent; and allow students to consolidate their loans while they are still in school. It would take the money given to the wealthiest in tax cuts and give it back to the students, to make college more affordable and to make the debts they face after graduation more manageable.

The maximum Pell grant award has been frozen at $4,050 for 4 years. The President, once again this year, proposed keeping the award at the same level, $4,050, even though the total cost for tuition, fees, room and board at 4-year public universities has increased by 44 percent since President George W. Bush came to office. As the cost of college education has increased 44 percent, he has frozen the grants—Pell grants—for those kids from struggling families who are trying to get a college education, which means they either postpone their education, give up on their education, or borrow more money in student loans. Is that any gift to America? Is that looking forward?

Twenty years ago, the maximum Pell grant for low-income and working families covered about half—55 percent—of the average cost of attending a 4-year public college. Today, it is down to 33 percent. That is more and more debt on students and their families.

My bill would cut the scheduled interest rate increase. The average student debt of $17,500 has increased by more than 50 percent over the last 10 years. When students decide to take out a student loan, they are making a decision that can affect their lives for years and years beyond graduation. In some cases, a loan payment may be as high, or higher, than the amount they pay for rent or to buy a car.

Large debt burdens can keep graduates from entering fields they really want to enter and force them to go for the biggest paycheck.

A public interest research group recently said that more than a third of borrowers who graduate from private, 4-year colleges would face an ''unmanageable'' debt on a starting teacher's salary, meaning they would need to set aside more than 8 percent of their pay to cover the student loans, diminishing the likelihood that they would become a teacher. Other significant life choices, such as buying a home or a car or starting a family or even a marriage may be delayed because of high student loan payments that are made worse by the policies of this administration and this Republican Congress.

My Reverse the Raid on Student Aid bill reflects the type of serious investment I believe we have to make to ensure the future success of our young generation.

Students who are qualified to go to college, students who want to go to college, students who can make valuable economic intellectual and cultural contributions to America by pursuing higher education should not be kept away from school because they don't have the money. These students have our future.

If we want to move ahead in a global economy, we are not going to do it by importing talent from overseas. We have home-grown talent in America. This is a land of opportunity so long as we create the opportunity in schools across America, including our colleges and universities.

The policies on student loans pushed by this Bush-Cheney administration go in the wrong direction. An investment in our kids' education—and this is an old cliche, but it is true—is an investment in our future. The best thing we can do is make sure higher education is accessible, and whenever the higher education reauthorization bill is considered by the full Senate, I hope we will have an opportunity to debate what happened to student financial aid.

Lots of Members of Congress are going to hear from these students and parents when they realize after July 1 what has been done to them. We cannot continue to place the burden of paying for tax cuts on the backs of students and their families. It is not fair to them, nor is it the right thing to do for the future of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

ASBESTOS REFORM

Mr. SPECTER. Mr. President, I have 5 minutes allotted to me. I spoke yesterday extensively on the pending legislation, and I will use my 5 minutes on another subject.

The subject relates to an article in the Hill newspaper today, which is captioned, ''Holtz-Eakin Delivers Blow on Asbestos.''

Dr. Holtz-Eakin had been Director of the Congressional Budget Office and had testified at an earlier hearing on asbestos reform that the cost of the program would be between $120 billion and $150 billion, which was within range of the $140 billion allocated to the trust fund. But Dr. Holtz-Eakin later went to work for a foundation that was funded with $5 million by AIG Insurance Company and other insurers, where they had a vested interest in trying to defeat the bill.

I have today written to the Hill and want to make these comments for all of my colleagues to hear. They can be most succinctly handled by my reading the letter that I am sending. It goes to the editor of the Hill:

Dear Editor:

Your June 27 article ''Holtz-Eakin Delivers Blow on Asbestos'' would have been more accurately captioned, ''Holtz-Eakin Tries to Change his Testimony after Being Hired and Paid by the Bill's Opponents.''

The fact is, as the notes of testimony disclose, Dr. Holtz-Eakin did not change his testimony when he said:

''The first statement, when I was Director of CBO, remains true today.''

In an earlier statement, which he submitted when he was Director of CBO, he said:

''CBO expects the value of valid claims likely to be submitted to the fund over the next 50 years can be between $120 billion and $150 billion.''

That conclusion puts the cost within the reasonable parameters of the $140 billion trust fund.

Dr. Holtz-Eakin made an unsuccessful effort to say that the trust fund would not be terminated, as provided for in the legislation, if the trust fund ran out of money. Dr. Holtz-Eakin conceded:

''The administrator will have the option to terminate the fund. . . .''

Then Dr. Holtz-Eakin speculated:

''It is my judgment and my judgment alone that in the future Congress would continue this program. . . .'' That would obviously require a changed congressional decision since the bill stipulates the fund would be terminated if it ran out of money. It is only Dr. Holtz-Eakin's speculation that the program would be continued and then spend more money.

The Hill article correctly noted that Dr. Holtz-Eakin's effort to change his testimony arose because he:

''became the head of a think tank funded by a foundation set up by one of the biggest opponents of asbestos reform bill, American International Group, an insurance giant better known by its acronym AIG.''

The Hill article then noted that Dr. Holtz-Eakin was invited to the Judiciary Committee hearing by the opponents of the bill and that the ''Coalition for Asbestos Reform,'' an organization funded by major insurance companies opposed to the bill, issued a press release on the day of his testimony claiming he was validating the Coalition's criticism. Obviously, it was pre-arranged between Dr. Holtz-Eakin and the Coalition since the Coalition had information in advance and was prepared to make the announcement in a press release the day of his testimony.

Anyone, including the Coalition, can raise any objections they wish, but they ought to disclose the basis for Dr. Holtz-Eakin's effort to defeat the legislation because he, as The Hill pointed out, ''became the head of a think tank funded by the insurance company opponents of the bill.''

Dr. Holtz-Eakin's bias and conflict of interest renders his later testimony meaningless. It all shows how desperate the ''Coalition for Asbestos Reform'' is and how the Coalition is grasping at straws and buying testimony to try to defeat this important reform legislation.

And then I signed the letter.

I ask unanimous consent that the Hill article and the relevant points from the transcript be printed in the RECORD.

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

[From the Hill, June 27, 2006]

HOLTZ-EAKIN DELIVERS BLOW ON ASBESTOS

(By Alexander Bolton)

Douglas Holtz-Eakin delivered a significant blow against the effort to revive asbestos-reform legislation when he testified earlier this month that a cost assessment of the measure he had provided in November as director of the Congressional Budget Office (CBO) was unrealistic.

Some say that the testimony was a surprising reversal, but others note that since leaving the CBO Holtz-Eakin has taken a position created by a $5 million grant from a source adamantly opposed to the controversial legislation.

Holtz-Eakin is highly regarded on Capitol Hill, attracting praise from both sides of the aisle. But the funding of his organization has raised some conflict-of-interest concerns about his views on the pending asbestos-reform bill.

Senate Judiciary Committee Chairman Arlen Specter (R–Pa.) is pushing to bring the bill to the floor for a vote, but Senate Majority Leader Bill Frist (R–Tenn.) has said he will not do so unless it clearly has enough support to pass. A previous effort by Frist to pass the legislation fell a few votes short this year.

As CBO director, Holtz-Eakin testified to the Senate Judiciary Committee that a trust fund that would be set up by the bill to pay asbestos-related medical claims would have little effect on the federal budget.

But when he appeared again before the committee seven months later, Holtz-Eakin compared the trust fund to three of the largest mandatory government programs, Social Security, Medicare and Medicaid, and declared that now is ''a particularly bad time'' to start such a new program.

Critics of the Specter legislation have criticized it as a costly program that could significantly add to the deficit years down the road.

At the beginning of this year, Holtz-Eakin became the head of a think tank funded by a foundation set up by one of the biggest opponents of the asbestos-reform bill, American International Group, an insurance giant better known by its acronym AIG.

AIG is one of several entities that have poured tens if not hundreds of thousands of dollars into an effort to defeat the asbestos reform bill, according to internal industry documents.

AIG also created the charity organization that endowed a think tank, the Maurice R.

Greenberg Center for Geoeconomic Studies, named after AIG's longtime chairman, that Holtz-Eakin now heads.

Holtz-Eakin has become a pivotal player in the behind-the-scenes battle to bring asbestos reform back to the Senate floor because of his residual authority as Congress's former chief accountant. Holtz-Eakin's damaging testimony on the asbestos bill was widely reported.

And the Coalition for Asbestos Reform, an alliance of corporations that oppose Specter's asbestos-reform bill that is lobbying senators on the issue, has pounced on Holtz-Eakin's words as support for their position.

''The testimony of former Congressional Budget Office Director Douglas Holtz-Eakin validates the criticism that the Coalition for Asbestos Reform has made for many months about a federal trust-fund approach to the asbestos litigation situation,'' the coalition announced in a press release the day of the testimony.

Specter said at the hearing that there was ''a 180–degree difference'' between what Holtz-Eakin estimated the program would cost as CBO director and his subsequent comment that its cost was highly uncertain. The first time Holtz-Eakin testified it was at Specter's invitation as CBO chief. The second time he was invited by an opponent of the bill, though it is unclear which member sought his testimony.

The coalition, which is funded in part by AIG, identified Holtz-Eakin as an important figure in a planning document it drafted in December. The document quoted Holtz-Eakin's testimony the previous month on the trust fund and suggested portions that could be used to undermine the bill by questioning the accuracy of CBO's cost estimates and bolstering the credence of much-higher-cost projections.

The planning document also identified AIG as one of the nine biggest funders of the Coalition for Asbestos Reform, along with other major insurance firms: Allstate, Hartford Insurance, Liberty Mutual and Nationwide Insurance.

AIG's founder has also provided the bulk of the funding for the geoeconomic-studies center that Holtz-Eakin now heads. The center was endowed with a $5 million grant from the Starr Foundation in 2000, according to the publicly available 990 form that the foundation submitted to the Internal Revenue Service.

The foundation, in turn, was established by AIG's founder, Cornelius Vander Starr. It earned nearly $50 million by selling 470,000 shares of AIG in 2000, according to the tax form.

Ken Frydman, foundation spokesman, said the group had no role in hiring Holtz-Eakin to head the Greenberg Center.

Specter asked Holtz-Eakin at this month's hearing if the difference between his earlier and later testimonies was ''attributable to [his] position working for the Greenberg Center.'' But Specter did not discuss the sums of money involved, and news accounts of the hearing did not report Specter's concern.

''I receive no funds from AIG, and my views today are my own,'' Holtz-Eakin replied. The former CBO chief said that he is merely director of the Greenberg Center and that he is ''funded by the Council on Foreign Relations.'' ''And my funding is from the Paul Volcker Chair in International Economics,'' he added.

The council, too, has received substantial funding from the Starr Foundation. The council has received $27 million in grants from the foundation since 1960, said Anya Schmemann, the Council on Foreign Relations' spokeswoman.

Holtz-Eakin defended his conflicting testimony in a recent interview. He said that as CBO director his job was to put a price tag on legislation, not to give his opinion of bills. He also said that his recent assessment questioning the certainty of the CBO's cost estimates was a personal opinion, something he was not allowed to give as CBO director.

''CBO doesn't take positions; it prices bills,'' he said. ''My personal opinion is that you can't take this bill at face value. I think a future Congress will change it.''

Holtz-Eakin said he was required as head of the CBO to take the asbestos-reform bill at face value and assume that the program would sunset when it ran out of money, thereby sparing taxpayers its cost. But as a private citizen, Holtz-Eakin said he is now free to express his opinion that that scenario is unlikely because Congress would rather pay to keep it afloat then let it close.

''These are my views,'' he said. ''I didn't know that Maurice Greenberg had an opinion on the bill.''

The Chairman. We now go to the five-minute rounds by members.

Let me begin with you, Dr. Holtz-Eakin. I am a little surprised by the difference in your testimony today from the materials submitted by you when you were Director of the Congressional Budget Office.

The statement which you submitted as head of CBO said, ''CBO expects the value of valid claims likely to be submitted to the fund over the next 50 years can be between $120 billion and $150 billion.''

In the written statement which you submitted for today's hearing, you say, ''Both the scale of the mandatory spending and the size of the revenues are highly uncertain.''

There is a 180-degree difference between what you and now attributable to your position working for the Greenberg Center, and in effect, AIG?

Dr. Holtz-Eakin. Let me do those in reverse order. First, I am the director of that center. I am funded by the Council on Foreign Relations. My funding is from the Paul Volcker Chair in International Economics. I receive no funds from AIG, and my views today are my own.

The Chairman. Well, let us take up your own views, if you are not influenced by these other factors. How do you account for the statement that you make here that there is mandatory spending, and how do you account for the fact that you say ''a future Congress and administration are guaranteed to turn to the taxpayer. How can you say that?

Dr. Holtz-Eakin. Let me explain. The first statement, when I was Director of CBO, remains true today. It is the case that this will be mandatory spending in the Federal budget. It will not be subject to appropriation. It will fit every common-sense definition of mandatory spending.

The Chairman. It is mandatory until it runs out, Dr. Holtz-Eakin.

Dr. Holtz-Eakin. It will be the case that the legislation provides for a sunset—that is what I said, . . . and that remains true today—automatic, or at the discretion of the administrator, depending on the eyes of the——

The Chairman. Well, is there mandatory spending after the fund runs out?

Dr. Holtz-Eakin. There is a program in place that requires money to be spent.

The Chairman. Wait a minute. Does it require——

Dr. Holtz-Eakin. My judgment——

The Chairman. Wait a minute. Does it require the money to be spent or does it require Congress to act? Now, you say in your oral testimony here, ''there will be political pressure to spend'' and you challenge the Congress on any fiscal restraint.

How can you say what a Congress in the future will do? Congress will not be obligated to spend the money once the $140 billion is gone, will it?

Dr. Holtz-Eakin. The administrator will have the option to terminate the fund, is my reading of it. We can debate whether you think that is correct reading. It is my judgment, and my judgment alone, that in the future Congress would continue this program and an administrator would have an enormous technical difficulty in sunsetting it at the appropriate time. It would be very hard to * * *

100TH ANNIVERSARY OF MINDEN, NEVADA

Mr. REID. Mr. President, I rise today to commemorate a historic and important event in Nevada. On July 2, 2006, the town of Minden will celebrate its 100th anniversary.

Located in the scenic Carson Valley, Minden is known for its beauty. The Carson Valley Mountain Range provides an imposing, but beautiful, background for the small community of 7,500. Minden is widely known for its small town charm because the town was mapped and planned before a single brick was laid. Visitors and residents of Minden can see the planning even today in the neatly laid streets and buildings. Minden retains its turn-of-the-century feel, and most of the original architecture is still evident in the town.

Like other communities in the Carson Valley, Minden was founded as a result of the railroad. In 1905, the Virginia and Truckee Railroad explored possible locations to expand their rail line. Heinrick Frederick Dangberg, offered to donate land from the H.F. Dangberg Land and Livestock Company for the expansion. The railroad accepted his offer, and Dangberg submitted a plan for the new town to the Douglas County Commissioners in 1906. In choosing a name for the new town, Dangberg honored his birthplace near Minden, Germany.

The Virginia and Truckee Railroad carried gold and silver from the famed Comstock Load in Virginia City, NV. But by the time of their proposed expansion in 1905, the railroad began to look for new sources of revenue. They found a lucrative revenue source in transporting livestock, and the new branch of the railroad that ran through Minden became the main shipping route for livestock going from San Francisco to Chicago.

With the railroad and other businesses in the town, Minden and the neighboring community of Gardnerville became the center of commerce for the Carson Valley. In 1915, there was a growing sentiment to move the courthouse from Genoa to a more populated area. More than 150 people from the Carson Valley traveled to the state capital to see the Nevada Senate vote to move the county seat to Minden. With the completion of a new courthouse in 1916, Minden replaced Genoa as the county seat of Douglas County.

In 1925, one of the most famous Minden residents, David Derek

Stacton, was born. Over the course of his life, Stacton won wide acclaim as an author and a poet. He was honored as a Guggenheim fellow in 1960 and 1966. Although he passed away at the early age of 41, Stacton left us many critically acclaimed histories on subjects from Napoleon to Nefertiti.

By 1950, the Virginia and Truckee Railroad was struggling, and the operation was closed down. For a town that grew out of the end of the railroad line, this loss was a big change for the community. The people of Minden met this challenge, and other industries soon came to Minden, many of them high-tech firms from California. Among those companies was Bently Industries, the maker of vibration monitoring equipment. Today, a steady wave of high-tech companies continues to relocate to Minden and Douglas County.

This small town—which got its first traffic light in 1985—has managed to move itself into the 21st century, without losing its historic charm. Every June, thousands of Nevadans travel from all over to take part in the Carson Valley Days. Cohosted by Minden and Gardnerville, Carson Valley Days is an annual event with a parade, carnival, live music, truck pull, and arts and crafts. This historic event was started in 1910 by H.F. Dangberg, and it is now in its 96th year.

Mr. President, I am proud to have a town like Minden in my home State, and I congratulate the people of Minden on their 100th anniversary. I encourage all my colleagues in the Senate and all the people of this great country to experience this beautiful and historic part of Nevada.

SALUTING EUNICE KENNEDY SHRIVER

Mr. HARKIN. Mr. President, the first ever USA Special Olympics National Games will open this Saturday in Ames, IA. Looking ahead to this remarkable gathering of athletes, coaches, and family members from all across America, I want to salute the vision and leadership of Eunice Kennedy Shriver, the founder and honorary chair of Special Olympics International.

No individual in the world is more respected and admired for her tireless advocacy on behalf of people with intellectual disabilities. For four decades, Eunice has pursued this advocacy with her trademark passion and tenacity. As executive director of the Joseph P. Kennedy, Jr. Foundation, she has been instrumental in establishing the National Institute for Child Health and Human Development, as well as a network of mental retardation research centers at major medical schools across the United States.

In 1968, she established her most enduring legacy, the Special Olympics. Starting in Eunice's own backyard as a day camp for children with mental retardation, it has grown into a global movement that serves more than 2.2 million adults and children with intellectual disabilities in more than 150 countries.

Mr. STEVENS. Mr. President, will the Senator from Iowa yield?

Mr. HARKIN. I would be happy to yield to the distinguished senior Senator from Alaska.

Mr. STEVENS. Mr. President, as the Senator from Iowa knows, I am a longtime supporter of the Special Olympics, and a longtime friend and admirer of Eunice Kennedy Shriver and her work. This remarkable American is a fine example of President Reagan's observation that you don't have to be on the public payroll in order to be an outstanding public servant.

Anchorage, AK, was proud to host the 2001 Special Olympics Winter Games, which was the largest sporting event ever held in Alaska. In conjunction with that Special Olympics event, I chaired a Committee on Appropriations field hearing on promoting the health of individuals with intellectual disabilities. This was the first hearing of its kind devoted exclusively to the needs of people with intellectual disabilities.

Mr. HARKIN. Mr. President, I am well aware of that historic hearing. This Saturday in Ames, I will chair a field hearing of the Labor/HHS/Education Appropriations Subcommittee, which will essentially be a followup and update on the Senator's hearing in Anchorage 5 years ago.

And let me just echo the Senator's observation that Eunice Kennedy Shriver, in a voluntary capacity, has been one of America's great public servants. Public officials in Washington have the persuasion of power, but the gentlewoman from Massachusetts has the power of persuasion. She has used that power brilliantly to advance the well being of people with intellectual disabilities all across the world. And I share with the Senator from Alaska and all of our colleagues in the Senate a deep respect and appreciation for Eunice Kennedy Shriver's lifetime of service.

DEFENSE AUTHORIZATION

Mr. LIEBERMAN. Mr. President, I rise to laud the Senate's unanimous approval of a $517.6 billion blueprint for the Nation's Armed Forces that expresses Congress's support for the necessary tools for our military fighting throughout the world.

It is critical that our military invest more resources for training, weapons, and technology to meet the new demands placed on it by the war on terror. We need to keep investing in our defense programs that have worked well in the past. We must also make sure that we provide enough resources for research and development, which will ensure that our servicemen and servicewomen are equipped with the best weapons possible. I wish to express my pride in the many Connecticut defense companies and skilled workers that meet both of these critical demands. Last year, I successfully fought efforts to close Submarine Base New London, because closing the base would have been a threat to our national security and would have put the most skilled defense workers in the world out of work. These irreplaceable workers are key to promoting our national security and developing important innovations that will help protect the lives of our military personnel.

I would like to highlight several provisions of the bill that I believe merit emphasis. Particularly important are additions to submarine design programs and construction at U.S. Submarine Base New London. They provide $75 million in additional funding for submarine design, $65 million for improvements to the Virginia class submarine and $10 million to begin design for the replacement of the nation's Ohio class ballistic missile submarine. This addition will help submarine designers at Electric Boat in my home State of Connecticut. The inclusion of $9.6 million for a small craft maintenance facility is also a critical step in upgrading the submarine base.

I am particularly heartened by the adoption of an amendment I worked on with Senators BOXER, KENNEDY, and CLINTON to ensure that our soldiers receive the mental health care they need and deserve. The amendment creates a detailed and comprehensive screening process to assess the mental health status of individual soldiers before they are deployed to combat zones and ensures that a soldier who is determined to have symptoms of a mental health condition will be referred to an appropriate qualified mental health care professional for further evaluation. It also mandates timely access to mental health services if requested by a member of the armed forces before, during, or after deployment to a combat zone—within 72 hours after making the request or as soon as possible and requires consent from a qualified mental health care professional before a soldier deemed to have a duty-limiting mental health condition is sent to a combat zone.

We introduced this amendment to protect the health and safety of servicemembers and their units—similar to the ones The Hartford Courant has written about. The military mental health amendment has two purposes. First, it is meant to keep these courageous young men and women out of the way of any further harm. Second, we must make certain that our units have the strongest and healthiest soldiers and this amendment moves us in the right direction.

I also cosponsored an amendment that enables the Air Force to enter into a multiyear contract beginning in fiscal year 2007 for 60 F–22 aircraft over 3 years. Moving to multiyear contract will save American taxpayers more than $250 million.

To ensure military families do not have to face the burdens of rising pharmaceutical copays for TRICARE next

year, I cosponsored an amendment with Senators LAUTENBERG and STABENOW that prohibits increasing retail pharmacy copays for TRICARE beneficiaries through fiscal year 2007. The President's budget submission proposed raising generic and brand name copays from $3 and $9 to $5 and $15, respectively. That type of increase is simply not an acceptable solution. Our amendment ensures that we keep prescriptions affordable for those individuals who selflessly serve in our Nation's military.

Finally, I cosponsored an amendment introduced by Senator CANTWELL that will help elucidate the link between troop exposure to depleted uranium during combat and gulf war syndrome. This amendment requires a joint comprehensive study of troop depleted uranium exposure by the Defense Department, Veterans Affairs, and Health and Human Services. We need to better understand the relationship between depleted uranium exposure and adverse health effects, and I believe this amendment will help us achieve this goal.

I thank both Senators LEVIN and WARNER for incorporating these amendments and funding priorities into the Defense authorization bill for 2007. I encourage the conferees in both the House and Senate to keep these provisions in the final version of the legislation.

IMPROVING HOSPITAL CARE

Mr. KENNEDY. Mr. President, I have said it before and I will say it again—the quality of health care in America is in critical condition. Forty-six million Americans lack health insurance. That is over 10 percent of the people in this country.

It is time to focus on revising our health care system to meet the needs of patients by extending coverage and raising the standard of care. Incremental steps can make a difference. A recent op-ed article in the Boston Globe by Cleve Killingsworth, president and CEO of Blue Cross Blue Shield of Massachusetts, highlights an informative nationwide study by the Institute for Healthcare Improvement of Cambridge, MA, in which 3,000 acute-care hospitals across the country were asked to follow specific practical guidelines proven to save patients' lives. The study, conducted over 18 months, showed that over 122,000 lives had been saved when hospitals implemented just a series of basic safety precautions to improve patient care.

Blue Cross Blue Shield has worked effectively to improve health care in Massachusetts, and I commend Mr. Killingsworth for his impressive leadership and for bringing this important study to our attention.

I believe that my colleagues will be especially interested in these practical steps to improve the quality of hospital care and their life-saving potential, and I ask unanimous consent that Mr. Killingsworth's important article be printed in the RECORD.

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

[From the Boston Globe, June 21, 2006]

LEADING THE WAY ON HEALTHCARE

(By Cleve L. Killingsworth)

Improving the quality healthcare saves lives. That's the lesson behind last week's announcement by the Institute for Healthcare Improvement that more than 120,000 such lives were saved nationally because hospitals followed proven interventions that deliver safer and more effective care.

All 72 Massachusetts acute care hospitals participated in this campaign. Their success together with the state's landmark healthcare reform law that will focus on many of the best practices used by the institute through the Massachusetts Health Care Quality and Cost Council puts the state in a unique position to lead the country in delivering top-quality health services.

Don Berwick, president of the Cambridge-based institute, explained that, over the past 18 months, a national effort by 3,000 hospitals across the country prevented the unnecessary deaths of more than 122,300 patients.

The effort supports interventions that make a real difference for patients. In many cases, that just means getting hospitals and front-line health workers to agree to follow practices that have been shown to eliminate error and save lives.

Some policies and procedures that the institute and the participating hospitals have put in place are relatively simple. For example, they are committed to giving patients who are at risk for heart attacks aspirin and beta-blockers. They are making sure that patients on ventilators have their heads raised between 30 to 45 degrees at all times to prevent them from developing pneumonia. They are implementing rapid-response teams at the first sign that a patient's condition is worsening. And they are making sure that doctors and nurses working with patients who are receiving medicines and fluids from central lines clean the patients' skin with a certain type of antiseptic.

While these procedures are not revolutionary in concept, they require significant collaborative effort and commitment. Taken together, these everyday actions can represent a sea change in patient outcomes for hospitals. Because of the size, diversity, and complexity of the healthcare system with all its insurers, providers, caregivers, and facilities it is difficult to disseminate best practices that improve patient health. And yet the success that the institute has fostered shows that it can be done.

It is fitting that every acute-care facility in the state is participating in this process. Massachusetts has already shown it can lead the nation in achieving better healthcare. Passing the legislation that made universal access to healthcare the standard wasn't easy. It took bringing together political leaders from all sides, business leaders, consumer and patient groups, insurers, hospitals, doctors, and nurses.

And there is more that can and must be done. The state Health Care Quality and Cost Council, established by the landmark legislation, can further improve the delivery of medical care and do so in a way that restrains the growth in spending. The success of the institute's effort shows what can be accomplished when all insurers and hospitals collaboratively choose concrete goals that improve the safety and effectiveness of care.

Massachusetts has the best healthcare system in the country but it can get better. Given the high caliber of the hospitals and medical schools, the commitment of doctors and nurses, and the pioneering spirit of organizations such as the institute and others that are willing to point out where the system is failing and fix it, Massachusetts is in a unique position to fundamentally transform it.

The institute has shown that improving the system will save lives. And so with the wind of reform at our backs, universal health coverage within reach, and progress not only possible but demonstrable, now is the time to commit to making Massachusetts the standard bearer for quality healthcare for all.

RURAL VETERANS CARE ACT

Mr. SALAZAR. Mr. President, I rise today to discuss a critical issue facing thousands of Americans. Many of my colleagues have heard me talk about the importance of rural America. As I have said before, in many ways, the very fabric of rural America is fraying, thread by thread. The America where I grew up—the America of farmers, ranchers, small business owners, and generations of close-knit families—is slowly slipping away. And the Federal Government is simply not doing enough to reverse this troubling trend. This America—rural America—has sadly become the ''Forgotten America.''

As we approach the Fourth of July recess, I want to talk about the challenges facing a community within the Forgotten America: rural veterans. In rural communities across the country, men and women have devoted themselves to the cause of freedom without hesitation and in numbers greatly beyond their proportion to the U.S. population. Yet we consistently overlook the unique challenges these men and women face after they return home to their families and friends in the heartland of America. When it comes to the VA health care system, we fail our Nation's rural veterans by not doing more to ensure they can access the high-quality health care they have earned. We owe them much better.

Over and over, I hear from veterans in my State about obstacles to care. I recently met with a veteran from northeast Colorado who told me he had to travel 500 miles roundtrip just to get a simple blood test at a VA hospital. I think most of my colleagues would agree with me that this is ludicrous.

I wish I could say this represents an isolated incident. Unfortunately, it does not. Because of gaps in the network of VA hospitals and clinics, and because the VA health care system is not equipped to fill these gaps, we hear stories like this all the time.

Every day, veterans from rural communities throughout the country are forced to put off crucial treatment because they live too far from VA facilities and can't get the care they need. As a result, rural veterans die younger and suffer from more debilitating illnesses—all because our system is not equipped to address their needs and provide care accordingly. A 2004 study

of over 750,000 veterans conducted by Dr. Jonathan Perlin, the Under Secretary for Health at the VA, consistently found that veterans living in rural areas are in poorer health than their urban counterparts. Still, despite the fact that 23 percent of the Nation's veterans live in rural areas, the VA does not have a high-level office responsible for coordinating care to this vital constituency.

This is simply unacceptable. We need policies that address the plight of our rural veterans, and we need them now.

With that objective in mind, Senator THUNE and I recently introduced legislation that would significantly enhance our approach to rural veterans' health care. Thanks to the support of the 12 cosponsors of this legislation and to the bipartisan efforts of my colleagues on the Veterans' Affairs Committee who worked to ensure its fair, insightful, and constructive review, we were able to include many of this legislation's provisions as part of S. 2694, a broader legislative package that passed out of committee last week.

In keeping with the objectives of our original Rural Veterans Care Act, this legislation would create an Office of Rural Health within the Veterans Health Administration. The new office would be responsible for taking a number of steps aimed at improving the way we provide care to rural veterans. Specifically, the Office of Rural Health would be charged with conducting, promoting, and disseminating research into issues affecting rural veterans, and developing and refining policies and programs to improve care and services for rural veterans. Because nearly one in every four veterans is from a rural area, the creation of this Office of Rural Health is crucial if we are to live up to our promise to provide all of our Nation's veterans with high-quality services.

Through specifically designated officials in each of the country's 23 Veterans Integrated Service Networks, this office will have a real and effective presence in rural veterans communities. These individuals will serve as regional officers responsible for consulting on and coordinating research and policies in their respective service networks. Their insight into how to provide rural veterans in their areas with the best health care possible will be incredibly useful and will help expand the reach of the new office outside the beltway, and to all corners of the country.

The Office of Rural Health will also be required to conduct a study on the feasibility of expanding the use of fee-basis care, whereby the VA contracts its services out on a limited basis to third party providers. I continue to believe we should carefully explore every available option when it comes to improving access to care for veterans living in rural areas, and I am happy that this legislation will provide a way to do just that.

With almost one-quarter of our Nation's veterans living in rural communities, and with the obstacles they face with respect to accessing high-quality care so pronounced, it is obvious we need to do better. I am pleased that the Veterans' Affairs Committee has taken an important first step toward that goal, and I am committed to working with my colleagues in the Senate, with the VA, and with veterans across the country to build on this momentum. This legislation may not be the whole answer, but it is a start, and the dialogue we have helped to start on this critical issue is long overdue.

I want to thank Senators THUNE, AKAKA, BURR, MURRAY, BAUCUS, BURNS, CONRAD, DORGAN, PRYOR, LINCOLN, MURKOWSKI, THOMAS, and ENZI for cosponsoring the Rural Veterans' Care Act. I also want to thank Chairman CRAIG and his staff for working with me and the rest of the bill's sponsors to include a provision creating a new Office of Rural Health as part of S. 2694.

I know that each and every one of my colleagues deals with veterans issues and feels a deep sense of gratitude toward the brave men and women who have fought for our freedom. I hope we can join together in support of our rural veterans. We owe it to them to make sure our actions match our rhetoric when it comes to expressing our gratitude and fulfilling the promises we have made. Toward that end, I look forward to seeing this legislation passed by Congress and sent to the President for his signature.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF THE FOUNDING OF WENTWORTH, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of the city of Wentworth, SD.

The first settlers came to Wentworth by horse or oxen-drawn wagons, and were mainly from Milwaukee, eastern Atlantic States, Minnesota, and Iowa. The land had few trees, and most of the settlers built and lived in sod houses. On December 15, 1880, the land was surveyed and platted for owner Rinaldo Wentworth and the town was later named for his father, George Wentworth.

In 1880 the first business—a grocery store—opened its door in Wentworth. In 1881, the first train came into Wentworth, in 1904 the first telephone line was installed, and in 1917 electric street lights were turned on. There were several hotels that operated in early Wentworth as well, including the Commercial Hotel, which is now on display at nearby Prairie Village.

Wentworth will be commemorating its anniversary with a celebration from June 30 through July 4. The town plans to hold golf tournaments, parades, softball tournaments, car shows, and fireworks. The 5-day event promises to be a great opportunity to celebrate such a historic milestone.

Even 125 years after its founding, Wentworth continues to be a vibrant and progressive community. I am proud to honor the accomplishments of the people of Wentworth, and congratulate them on this impressive achievement.•

TRIBUTE TO WILLIAM CHRISTOPHER VILLAR

• Mr. MARTINEZ. Mr. President, today I wish to share with you the story of a remarkable young man from Milton, FL. William Christopher Villar, by all surface accounts, was your typical 22-year-old. He was attending community college with the hopes of one day obtaining a degree in business. He was working at a job that he loved, and he had recently gotten engaged to his long time sweetheart, Heather Dieterich. His life was unfolding the way we hope that all of our children's lives will eventually unfold.

Certainly, it was not these things or even the fact that, as a young man, he was actively involved with his church that made him atypical. And it was not the fact that he was a star on the basketball court—making the All-Conference and All-State teams his senior year at Central High School in Santa Rosa County—a high school he entered after being home schooled for a number of years. Quite simply, it was his selflessness and his unyielding love for his family that set him apart.

Chris was the oldest of three boys. As such, he was fiercely protective of his younger brothers. There is a story the family tells about an accident that happened 12 years ago that illustrates this best: Chris and Jacob, his youngest brother, were riding in the back seat of their father's car when the driver of a large recreational vehicle, coming over the peak of the I–10 bridge between Santa Rosa and Escambia counties, failed to slow down for a disabled vehicle. The significantly larger vehicle collided with Villar's car with devastating force. Chris, in an instinctive moment and without thinking of his own safety, grabbed his 2-year-old brother Jacob—perched high in his car seat—and threw his own 10-year-old body over him to save him. That should tell you volumes about the kind of person Chris Villar was.

By and large, the people who knew Chris all said the same things about him: He was a ''good boy'' and he had been ''raised right.'' That is a compliment we hear far too infrequently these days, but it is a testament to his parents. It should make them proud.

I wish I could tell you that the story ends there that this exceptional boy will one day become an exceptional man, an exceptional husband, and an exceptional dad. Unfortunately, on the evening of Thursday, June 15, Christopher Villar's life came to a tragic end when a car driven by a drunk driver crashed through the roof of his family's home. This was an avoidable tragedy. This is a grave reminder of the dangers of driving while under the influence.

Just moments before this tragedy began to unfold, Chris, like so many of us, had been enjoying the NBA playoffs with his family. He was a New York Knicks fan but pulled for the Miami Heat in this series as a way to tease his younger brother, Matt. They were kidding about it, as brothers do, when a loud noise was heard in the front yard. Whether it was the sheer instinct of a protective older brother, the hand of God, or both, Chris pushed Matt away from himself and toward the middle of his room just as the car crashed through the ceiling. In that instant, it was over. If any good can be found in this tragedy, it is that one life was lost instead of two. Once again, Chris hadn't thought of himself.

Mr. President, these words do nothing to ease the pain the friends and family of William Christopher Villar are feeling today. Their void is a void that no words can fill. I share them with you because this remarkable young man deserves to be remembered, not for the tragic accident that took his life but for the positive impact he had on the lives of others.●

125TH ANNIVERSARY OF ASHTON, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to recognize the community of Ashton, SD, on reaching the 125th anniversary of its founding. Ashton is a rural community located in Spink County.

The city of Ashton was founded in the summer of 1881. There are competing stories of how the town was named: one that it was named for the railroad official R.H. Ashton; one that a group of settlers from Boston named it for a town in England; and one that it was named for the groves of Ash trees in the James Valley. The first store was operated out of a tent by Mr. McPherson. The town grew quickly, with two real estate offices, a blacksmith, and two lumberyards soon constructed. The train arrived in Ashton in September of 1881, shortly followed by the telegraph. The post office was established on December 8, 1881. Other early buildings on in Ashton were the Bowman House, CC Morris General Store, Basset and Kelly's Hardware, Anderson's Bakery, and Reed, and Kelsey's Drug Store.

Ashton was named county seat of Spink County by the Territorial Legislature in 1885, though the seat moved to Redfield about 2 years later. The people of Ashton endured a series of disasters in the ensuing years. There were large fires in 1887, 1890, 1908, and 1910. Also, a tornado damaged much of the town in 1897.

Today, Ashton is still a thriving community. There are many active businesses operating in Ashton, such as a seed and spraying store; plumbing, heating and sheet metal services; a post office; and neighborhood bar.

The people of Ashton celebrated this momentous occasion on the weekend of June 16–18. 125 years after its founding, Ashton remains a vital community and a great asset to the wonderful State of South Dakota. I am proud to honor Ashton on this historic milestone.●

MESSAGES FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4416. An act to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 103. Concurrent resolution to correct the enrollment of the bill H.R. 889.

At 2:23 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 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.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4416. An act to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children; to the Committee on Homeland Security and Governmental Affairs.

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–7328. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Prohibition on Use of Community Development Block Grant Assistance for Job-Pirating Activities'' ((RIN2506–AC04)(FR–4556–F–03)) received on June 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7329. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Community Development Block Grant Programs; Revision of CDBG Eligibility and National Objective Regulations'' ((RIN2506–AC12)(FR–4699–F–02)) received on June 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7330. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report on the profitability of the credit card operations of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–7331. A communication from the Secretary of the Treasury, transmitting, pursuant to law, two semiannual reports which were prepared separately by both the Treasury Department's Office of Inspector General and Inspector General for Tax Administration for the period ended March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7332. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual reports that appear on pages 119–143 of the March 2006 ''Treasury Bulletin''; to the Committee on Banking, Housing, and Urban Affairs.

EC–7333. A communication from the Chairman and President (Acting) of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–7334. A communication from the Chairman and President (Acting) of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Chile; to the Committee on Banking, Housing, and Urban Affairs.

EC–7335. A communication from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska, Subparts C and D—2006–2007 Subsistence Taking of Fish and Wildlife Regulations'' (RIN1018–AT98) received on June 15, 2006; to the Committee on Environment and Public Works.

EC–7336. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Lakeview PM10 Maintenance Plan and Redesignation Request'' (FRL No. 8179–5) received on June 15, 2006; to the Committee on Environment and Public Works.

EC–7337. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; La Grande PM10 Maintenance Plan and Redesignation Request'' (FRL No. 8179–4) received on June 15, 2006; to the Committee on Environment and Public Works.

EC–7338. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Medford-Ashland PM10 Attainment Plan, Maintenance Plan and Redesignation Request'' (FRL No. 8175–7) received on June 15, 2006; to the Committee on Environment and Public Works.

EC–7339. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf Air Regulations

Consistency Update for California'' (FRL No. 8052–3) received on June 15, 2006; to the Committee on Environment and Public Works.

EC–7340. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL No. 8182–2) received on June 15, 2006; to the Committee on Environment and Public Works.

EC–7341. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report entitled ''Imposition of Foreign Policy Controls on Implementation of Unilateral Chemical/Biological Controls''; to the Committee on Commerce, Science, and Transportation.

EC–7342. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report entitled ''Imposition of Foreign Policy Controls on Mayrow General Trading and Related Entities''; to the Committee on Commerce, Science, and Transportation.

EC–7343. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2006'' (RIN0648–AT28) received on June 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7344. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Foreign Fishing; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Annual Specifications; Pacific Whiting'' (RIN0648–AU39) received on June 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7345. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (Closure of Quarter II Fishery for Loligo Squid)'' (051806A) received on June 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7346. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Allocation of Trips into Closed Area II Yellowtail Flounder Special Access Program'' (050906B) received on June 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7347. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''General Order Concerning Mayrow General Trading and Related Entities'' (RIN0694–AD76) received on June 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7348. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Child Restraint System Webbing Strength'' (RIN2127–AI66) received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7349. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Civil Penalty Inflation Adjustment Rule and Tables'' (RIN2120–AI52), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7350. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Organization Designation Authorization (ODA) Procedures; CORRECTION'' (RIN2120–AH79), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7351. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–223, –321, –322, and –323 Airplanes'' ((RIN2120–AA64) (Docket No. 2004–NM–142)), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7352. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Model 45 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–102)), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7353. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model BD–100–1A10 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–034)), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2430. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study (Rept. No. 109–270).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Michael L. Dominguez, of Virginia, to be Deputy Under Secretary of Defense for Personnel and Readiness.

Air Force nomination of Maj. Gen. Maurice L. McFann, Jr. to be Lieutenant General.

Army nomination of Col. Frank A. Cipolla to be Brigadier General.

Army nomination of Col. Michael J. Silva to be Brigadier General.

Navy nomination of Rear Adm. Robert B. Murrett to be Vice Admiral.

Navy nomination of Rear Adm. Mark J. Edwards to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the CONGRESSIONAL RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Army nomination of Con G. Pham to be Colonel.

Army nominations beginning with Daryl W. Francis and ending with Dwaine M. Torgersen, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Brian E. Bishop and ending with Alan C. Saunders, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Jose R. Atencio III and ending with Christopher J. Morgan, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Brent E. Bracewell and ending with Allen L. Meyer, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Bruce R. Deschere and ending with Michael B. Rountree, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Michael L. Ellis and ending with Kristine Knutson, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nomination of Debra R. Hernandez to be Major.

Army nomination of Anne M. Emshoff to be Major.

Army nomination of Andrew P. Cap to be Major.

Army nominations beginning with Mark E. Gants and ending with Samuel L. Yingst, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Cathleen A. Burgess and ending with Jeffrey L. Wells, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Hazel P. Haynes and ending with Gia K. Yi, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Ben L. Clark and ending with Jennifer L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Lynn F. Abrams and ending with Robert T. Zabenko, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Marine Corps nominations beginning with Christopher J. Galfano and ending with Russell W. Parker, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Navy nomination of Zina L. Rawlins to be Lieutenant Commander.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. DEWINE, and Ms. MIKULSKI):

S. 3570. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER:

S. 3571. A bill to suspend temporarily the duty on certain footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3572. A bill to suspend temporarily the duty on certain women's footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3573. A bill to suspend temporarily the duty on certain men's footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3574. A bill to suspend temporarily the duty on certain men's footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3575. A bill to suspend temporarily the duty on certain women's footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3576. A bill to suspend temporarily the duty on certain other footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3577. A bill to reduce temporarily the duty on certain men's footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3578. A bill to reduce temporarily the duty on certain footwear not covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3579. A bill to reduce temporarily the duty on certain women's footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3580. A bill to reduce temporarily the duty on certain women's footwear not covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3581. A bill to reduce temporarily the duty on certain other footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, and Mr. SCHUMER):

S. 3582. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 3583. A bill to amend the Internal Revenue Code of 1986 to regulate payroll tax deposit agents; to the Committee on Finance.

By Mr. AKAKA:

S. 3584. A bill to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH:

S. 3585. A bill to amend the Internal Revenue Code of 1986 to improve and expand the availability of health savings accounts, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 3586. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mr. MCCAIN):

S. Res. 521. A resolution commending the people of Albania on the 61st anniversary of the liberation of the Jews from the Nazi death camps, for protecting and saving the lives of all Jews who lived in Albania, or sought asylum there during the Holocaust; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. ALEXANDER, Mr. WARNER, and Mr. ALLEN):

S. Res. 522. A resolution celebrating the 150th anniversary of the Cities of Bristol, Tennessee and Bristol, Virginia; considered and agreed to.

By Mr. WYDEN (for himself and Mr. SMITH):

S. Res. 523. A resolution commending the Oregon State University baseball team for winning the 2006 College World Series; considered and agreed to.

By Mr. JOHNSON (for himself and Mr. ALLEN):

S. Con. Res. 106. A concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically elected officials of Taiwan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 345, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 757, a bill 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.

S. 1353

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1512

At the request of Mr. SARBANES, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1512, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1896

At the request of Mr. SANTORUM, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1896, a bill to permit access to Federal crime information databases by educational agencies for certain purposes.

S. 1911

At the request of Mrs. CLINTON, the names of the Senator from California (Mrs. BOXER) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1911, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 2025

At the request of Mr. BAYH, the name of the Senator from Vermont (Mr. LEAHY) 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. 2140

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors 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. 2157

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2157, a bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2354

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare

program resulting from the negotiation of prescription drug prices.

S. 2364

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2364, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 2487

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2487, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 2551

At the request of Mr. MENENDEZ, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2551, a bill to provide for prompt payment and interest on late payments of health care claims.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2658

At the request of Mr. BOND, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor 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. 2664

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2664, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 2679

At the request of Mr. TALENT, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2679, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 2703

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2917

At the request of Ms. SNOWE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2917, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 2990

At the request of Mr. VITTER, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2990, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 3548

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3548, a bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes.

S. CON. RES. 94

At the request of Mr. COCHRAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that the needs of children and youth affected or displaced by disasters are unique and should be given special consideration in planning, responding, and recovering from such disasters in the United States.

S. RES. 224

At the request of Mr. DEWINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

AMENDMENT NO. 4271

At the request of Mr. BOND, the name of the Senator from Montana (Mr. BURNS) 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. 4390

At the request of Mr. TALENT, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4390 intended to be 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. ENZI (for himself, Mr. KENNEDY, Mr. DEWINE, and Ms. MIKULSKI):

S. 3570. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to join Senator DEWINE, Senator KENNEDY and Senator MIKULSKI in introducing the Older Americans Act Amendments of 2006.

The Older Americans Act Amendments of 2006 is the primary source for the delivery of social and nutrition services for older individuals. Enacted in 1965, the act's programs include supportive services, congregate and home-delivered nutrition services, community service employment, the long-term care ombudsman program, and services to prevent the abuse, neglect and exploitation of older individuals. The act also provides grants to Native Americans and research, training, and demonstration activities.

The 2000 amendments to the act authorized the National Family Caregiver Support Program; allowed State agencies on aging to impose cost-sharing for certain supportive services for older persons; revised the State funding formulas; and required the Department of Labor to establish performance measures for the community service employment program.

Title I of the Older Americans Act set broad social policy objective to improve the lives of all older Americans. It recognized the need for an adequate income in retirement, and the importance of physical and mental health, employment in community services for older individuals and long-term care services.

Title II established the Administration on Aging, AOA, within the Department of Health and Human Services to be the primary Federal advocate for older individuals and to administer the provisions of the Older Americans Act. It also established the National Eldercare Locator Service to provide nationwide information with regard to resources for older individuals; the National Long-term Care Ombudsman Resource Center; the National Center on Elder Abuse; the National Aging Information Center; and the Pension Counseling and Information Program. The 2006 amendments will establish an Office of Elder Abuse Prevention and Services to develop a long-term plan and national response to elder abuse prevention, detection, treatment, and intervention. Further, the 2006 amendments strengthen the leadership of the Department of Health and Human Services through an interagency coordinating committee to guide policy and program development across the Federal Government with respect to aging and demographic changes.

Title III authorized grants to State and area agencies on aging to act as

advocates on behalf of older individuals. Title III services are targeted to those with the greatest economic and social need, particularly low-income minority persons and older persons residing in rural communities. It funds supportive services, congregate and home-delivered meals, transportation, home care, adult day care, information assistance, and legal assistance. The 2006 amendments will expand the Caregiver Support Program to permit the use of volunteers to enhance services and increase program authorization levels. In addition, the bill contains a new demonstration project that promises to lead to changes in our long-term care delivery system, leading to consumer driven choices.

Title IV authorized grants for training, research, and demonstration projects in the field of aging. This title supports a wide range of projects including those related to income, health, housing, retirement and long-term care, as well as career preparation and continuing education. The 2006 amendments will expand gerontology training for minority students; multigenerational activities, and civic engagement activities.

Title V authorized the community service employment program for older Americans known as the Senior Community Service Employment or SCSEP—to promote part-time opportunities in community service for unemployed, low-income persons who are 55 years or older and who have poor employment prospects. It is administered by the Department of Labor. The 2006 amendments establish 4-year grant cycles for the competitive program and permit poor performing grantees to be terminated from the program based on performance measures and establishes a 3 year limit for participating in subsidized employment with a 20-percent waiver for difficult to place individuals.

Title VI authorized funds for Supportive and nutrition services for older Native Americans. The 2006 amendments will increase the funding levels for this program.

Title VII authorized the long-term care ombudsman program and elder abuse, neglect and exploitation prevention programs. The 2006 amendments will enhance the elder abuse prevention activities by awarding grants to States and Indian tribes to enable them to strengthen long-term care and provide assistance for elder justice and elder abuse prevention programs. It will create grants for prevention, detection, assessment, treatment of, intervention in, investigation of, and response to elder abuse; safe havens demonstrations for older individuals; volunteer programs; multidisciplinary activities; elder fatality and serious injury review teams; programs for underserved populations; incentives for longterm care facilities to train and retain employees; and other collaborative and innovative approaches. Further, it will initiate a new incidence and prevalence study and a data collection process.

The proportion of the population aged 60 and over will increase dramatically over the next 30 years as more than 78 million baby boomers approach retirement. It is essential that in the coming years Congress and the Federal Government take a leadership role in assisting the states in addressing the needs of older Americans. The bill we offer today will ensure that our Nation's older Americans are healthy, fed, housed, able to get where they need to go and safe from abuse and scams. The No. 1 resolution of the 2005 White House Conference on Aging called upon Congress to reauthorize the Older Americans Act during the 109th Congress. I am pleased that the Senate and the House are well on the way to accomplisling this goal on behalf of one of our Nation's greatest resources—our older Americans.

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. 3570

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Older Americans Act Amendments of 2006''.

SEC. 2. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) in paragraph (12)(D), to read as follows:

''(D) evidence-based health promotion programs, including programs related to the prevention and mitigation of the effects of chronic disease (including osteoporosis, hypertension, obesity, diabetes, and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, stress management, falls prevention, physical activity, and improved nutrition;'';

(2) by striking paragraph (24) and inserting the following:

''(24) The term 'exploitation' means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary (as such terms are defined in section 751), that uses the resources of an older individual for monetary or personal benefit, profit, or gain, or that results in depriving an older individual of rightful access to, or use of, benefits, resources, belongings, or assets.'';

(3) in paragraph (29)(E)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) older individuals at risk for institutional placement.'';

(4) in paragraph (32)(D), by inserting '', including an assisted living facility,'' after ''home'';

(5) by striking paragraph (34) and inserting the following:

''(5)(A) The term 'neglect' means—

''(i) the failure of a caregiver or fiduciary (as such terms are defined in section 751) to provide the goods or services that are necessary to maintain the health or safety of an older individual; or

''(ii) self-neglect.

''(B) The term 'self-neglect' means an adult's inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including—

''(i) obtaining essential food, clothing, shelter, and medical care;

''(ii) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

''(iii) managing one's own financial affairs.''; and

(6) by adding at the end the following:

''(44) The term 'Aging and Disability Resource Center' means a center established by a State as part of the State's system of long-term care, to provide a coordinated system for providing—

''(A) comprehensive information on available public and private long-term care programs, options, and resources;

''(B) personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

''(C) consumer access to the range of publicly-supported long-term care programs for which consumers may be eligible, by serving as a convenient point of entry for such programs.

''(45) The term 'at risk for institutional placement' means, with respect to an older individual, that such individual is unable to perform at least two activities of daily living without substantial assistance (including verbal reminding, physical cuing, or supervision), including such an older individual that is determined by the State involved to be in need of placement in a long-term care facility.

''(46) The term 'Hispanic-serving institution' has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

''(47) The term 'long-term care' means any services, care, or items (including assistive devices) that are—

''(A) intended to assist individuals in coping with, and to the extent practicable compensating for, functional impairments in carrying out activities of daily living;

''(B) furnished at home, in a community care setting (including a small community care setting as defined in subsection (g)(1), and a large community care setting as defined in subsection (h)(1), of section 1929 of the Social Security Act (42 U.S.C. 1396t)), or in a long-term care facility; and

''(C) not furnished to diagnose, treat, or cure a medical disease or condition.

''(48) The term 'self-directed care' means an approach to providing services (including programs, benefits, supports, and technology) under this Act intended to assist an older individual with activities of daily living, in which—

''(A) such services (including the amount, duration, scope, provider, and location of such services) are planned, budgeted, and purchased under the direction and control of such individual;

''(B) such individual is provided with such information and assistance as is necessary and appropriate to enable such individual to make informed decisions about the individual's service options;

''(C) the needs, capabilities, and preferences of such individual with respect to such services, and such individual's ability to direct and control the individual's receipt of such services, are assessed by the area agency on aging involved or the local provider agency;

''(D) based on the assessment made under subparagraph (C), upon request, the area agency on aging assists such individual and the individual's family, caregiver, or legal representative in developing—

''(i) a plan of services for such individual that specifies which services such individual will be responsible for directing;

''(ii) a determination of the role of family members (and others whose participation is sought by such individual) in providing services under such plan; and

''(iii) a budget for such services; and

''(E) the area agency on aging or State agency involved provides for oversight of such individual's self-directed receipt of services, including steps to ensure the quality of services provided and the appropriate use of funds under this Act.

''(49) The term 'State system of long-term care' means the Federal, State, and local programs and activities administered by a State that provide, support, or facilitate access to long-term care to individuals in such State.''.

SEC. 3. OFFICE OF ELDER ABUSE PREVENTION AND SERVICES.

Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by adding at the end the following:

''(e)(1) In this subsection, the terms defined in section 751 shall have the meanings given those terms in that section.

''(2) The Secretary is authorized to establish or designate within the Administration (as defined in section 102) an Office of Elder Abuse Prevention and Services.

''(3) It shall be the duty of the Assistant Secretary, acting through the head of the Office of Elder Abuse Prevention and Services to—

''(A) develop objectives, priorities, policy, and a long-term plan for—

''(i) carrying out elder justice programs and activities relating to—

''(I) elder abuse prevention, detection, treatment, and intervention, and response;

''(II) training of individuals regarding the matters described in subclause (I); and

''(III) the improvement of the elder justice system in the United States;

''(ii) annually collecting, maintaining, and disseminating data relating to the abuse, neglect, and exploitation of elders (and, in the discretion of the Secretary, vulnerable adults), including collecting, maintaining, and disseminating such data under section 753 after consultation with the Attorney General and working with experts from the Department of Justice described in section 753(b)(1);

''(iii) disseminating information concerning best practices regarding, and providing training on, carrying out activities related to abuse, neglect, and exploitation of elders (and, in the discretion of the Secretary, vulnerable adults);

''(iv) in conjunction with the necessary experts, conducting research related to abuse, neglect, and exploitation of elders (and, in the discretion of the Secretary, vulnerable adults);

''(v) providing technical assistance to States and other eligible entities that provide or fund the provision of the services described in subtitle B of title VII; and

''(vi) carrying out a study to determine the national incidence and prevalence of elder abuse, neglect, and exploitation in all settings;

''(B) implement the overall policy and a strategy to carry out the plan described in subparagraph (A); and

''(C) provide advice to the Secretary on elder justice issues and administer such programs relating to elder abuse, neglect, and exploitation as the Secretary determines to be appropriate.

''(4) The Secretary, acting through the Assistant Secretary, may issue such regulations as may be necessary to carry out this subsection and subtitle B of title VII.''.

SEC. 4. FUNCTIONS OF THE ASSISTANT SECRETARY.

Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(1) in subsection (a)—

(A) in paragraph (12)—

(i) by striking ''carry on'' and inserting the following:

''(B) carry on''; and

(ii) by striking ''(12)'' and inserting the following:

''(12)(A) consult and coordinate activities with the Administrator of the Centers for Medicare & Medicaid Services to implement and build awareness of programs providing new benefits affecting older individuals; and'';

(B) by striking paragraph (20) and inserting the following:

''(20)(A) provide technical assistance and support for outreach and benefits enrollment assistance to support efforts—

''(i) to inform older individuals with greatest economic need, who may be eligible to participate, but who are not participating, in Federal and State programs for which the individuals are eligible, about the programs; and

''(ii) to enroll the individuals in the programs;

''(B) in cooperation with related Federal agency partners administering the Federal programs, make a grant to or enter into a contract with a qualified, experienced entity to establish a National Center on Senior Benefits Outreach and Enrollment, which shall—

''(i) maintain and update web-based decision support and enrollment tools, and integrated, person-centered systems, designed to inform older individuals about the full range of benefits for which the individuals may be eligible under Federal and State programs;

''(ii) utilize cost-effective strategies to find older individuals with greatest economic need and enroll the individuals in the programs;

''(iii) create and support efforts for Aging and Disability Resource Centers, and other public and private State and community-based organizations, including faith-based organizations and coalitions, to serve as benefits enrollment centers for the programs;

''(iv) develop and maintain an information clearinghouse on best practices and the most cost-effective methods for finding and enrolling older individuals with greatest economic need in the programs; and

''(v) provide, in collaboration with related Federal agency partners administering the Federal programs, training and technical assistance on the most effective outreach, screening, enrollment, and follow-up strategies for the Federal and State programs.'';

(C) in paragraph (26)(D)—

(i) by striking ''gaps in'';

(ii) by inserting ''(including services that would permit such individuals to receive long-term care in home and community-based settings)'' after ''individuals''; and

(iii) by striking ''and'' at the end;

(D) in paragraph (27), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(28) make available to States information and technical assistance to support the provision of evidence-based disease prevention and health promotion services.''; and

(2) by striking subsection (b) and inserting the following:

''(b) To promote the development and implementation of comprehensive, coordinated systems at Federal, State, and local levels for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, the Assistant Secretary shall, consistent with the applicable provisions of this title—

''(1) collaborate, coordinate, and consult with other Federal agencies and departments (other than the Administration on Aging) responsible for formulating and implementing programs, benefits, and services related to providing long-term care, and may make grants, contracts, and cooperative agreements with funds received from those other Federal agencies and departments;

''(2) conduct research and demonstration projects to identify innovative, cost-effective strategies for modifying State systems of long-term care to—

''(A) respond to the needs and preferences of older individuals and family caregivers;

''(B) target services to individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings; and

''(C) establish criteria for and promote the implementation (through area agencies on aging, service providers, and such other entities as the Assistant Secretary determines to be appropriate) of evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals;

''(3) facilitate, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, including the provision of such care through self-directed care models that—

''(A) provide for the assessment of the needs and preferences of an individual at risk for institutional placement to help such individual avoid unnecessary institutional placement and depletion of income and assets to qualify for benefits under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(B) respond to the needs and preferences of such individual and provide the option—

''(i) for the individual to direct and control the receipt of supportive services provided; or

''(ii) as appropriate, for a person who was appointed by the individual, or is legally acting on the individual's behalf, in order to represent or advise the individual in financial or service coordination matters (referred to in this paragraph as a 'representative' of the individual), to direct and control the receipt of those services; and

''(C) assist an older individual (or, as appropriate, a representative of the individual) to develop a plan for long-term support, including selecting, budgeting for, and purchasing home and community-based long-term care and supportive services;

''(4) provide for the Administration to play a lead role with respect to issues concerning home and community-based long-term care, including—

''(A) directing (as the Secretary or the President determines to be appropriate) or otherwise participating in departmental and interdepartmental activities concerning long-term care; and

''(B) reviewing and commenting on departmental rules, regulations, and policies related to providing long-term care; and

''(C) making recommendations to the Secretary with respect to home and community-based long-term care, including recommendations based on findings made through projects conducted under paragraph (2);

''(5) promote, in coordination with other appropriate Federal agencies—

''(A) enhanced awareness by the public of the importance of planning in advance for long-term care; and

''(B) the availability of information and resources to assist in such planning;

''(6) establish, either directly or through grants or contracts, a national technical assistance program to assist State agencies, area agencies on aging, and community-based service providers funded under this Act in implementing home and community-based long-term care systems, including evidence-based programs;

''(7) develop, in collaboration with the Administrator of the Centers for Medicare & Medicaid Services, performance standards and measures for use by States to determine the extent to which their systems of long-term care fulfill the objectives described in this subsection; and

''(8) conduct such other activities as the Assistant Secretary determines to be appropriate.

''(c) The Assistant Secretary, after consultation with the Chief Executive Officer of the Corporation for National and Community Service, shall—

''(1) encourage and permit volunteer groups (including organizations carrying out national service programs and including organizations of youth in secondary or postsecondary school) that are active in supportive services and civic engagement to participate and be involved individually or through representative groups in supportive service and civic engagement programs or activities to the maximum extent feasible;

''(2) develop a comprehensive strategy for utilizing older individuals to address critical local needs of national concern; and

''(3) encourage other community capacity-building initiatives involving older individuals.''.

SEC. 5. FEDERAL AGENCY CONSULTATION.

Section 203 of the Older Americans Act of 1965 (42 U.S.C. 3013) is amended—

(1) in subsection (a)(3)(A)—

(A) by striking ''(with particular attention to low-income minority older individuals and older individuals residing in rural areas)'' and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''; and

(B) by striking ''section 507'' and inserting ''section 516'';

(2) in subsection (b), by adding at the end the following:

''(19) Sections 4 and 5 of the Assistive Technology Act of 1998 (29 U.S.C. 3003, 3004).''; and

(3) by adding at the end the following:

''(c)(1) The Secretary, in collaboration with the Secretary of Housing and Urban Development and with the other Federal officials specified in paragraph (2), shall establish an interagency coordinating committee (referred to in this subsection as the 'Committee') focusing on the coordination of agencies with respect to aging issues, particularly issues related to demographic changes and housing needs among older individuals.

''(2) The officials referred to in paragraph (1) are the Secretary of Labor, the Secretary of Housing and Urban Development, the Attorney General, the Secretary of Transportation, the Secretary of the Treasury, the Secretary of Agriculture, the Commissioner of Social Security, the Surgeon General, the Administrator of the Centers for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Assistant Secretary for Children and Families, the Administrator of the National Highway Traffic Safety Administration, and such other Federal officials as the Secretary of Health and Human Services determines to be appropriate.

''(3) The Secretary of Health and Human Services shall serve as the first chairperson of the Committee, for an initial period of 2 years. After that initial period, the Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall alternate as chairpersons of the Committee, each serving as chairperson for a period of 2 years.

''(4) The Committee shall—

''(A) review all Federal programs and services that assist older individuals in finding and affording housing, health care, and other services, including those Federal programs and services that assist older individuals in accessing health care, transportation, supportive services, and assistance with daily activities, at the place or close to the place where the older individuals live;

''(B) monitor, evaluate, and recommend improvements in programs and services administered, funded, or financed by Federal, State, and local agencies to assist older individuals in meeting their housing, health care, and other service needs and make any recommendations about how the agencies can better carry out and provide the programs and services to house and serve older individuals;

''(C) recommend ways to—

''(i) facilitate aging in place of older individuals, by identifying and making available the programs and services necessary to enable older individuals to remain in their homes as the individuals age;

''(ii) reduce duplication by Federal agencies of programs and services to assist older individuals in meeting their housing, health care, and other service needs;

''(iii) ensure collaboration among and within agencies in providing and making available the programs and services so that older individuals are able to easily access needed programs and services;

''(iv) work with States to better provide housing, health care, and other services to older individuals by—

''(I) holding individual meetings with State representatives;

''(II) providing ongoing technical assistance to States about better meeting the needs of older individuals; and

''(III) working with States to designate State liaisons for the Committee;

''(v) identify model programs and services to assist older individuals in meeting their housing, health care, and other service needs, including model—

''(I) programs linking housing, health care, and other services;

''(II) financing products offered by government, quasi-government, and private sector entities; and

''(III) innovations in technology applications that give older individuals access to information on available services or that help in providing services to older individuals;

''(vi) collect and disseminate information about older individuals and the programs and services available to the individuals to ensure that the individuals can access comprehensive information; and

''(vii) work with the Federal Interagency Forum on Aging-Related Statistics, the Bureau of the Census, and member agencies—

''(I) to collect and maintain data relating to the housing, health care, and other service needs of older individuals so that all such data can be accessed in one place on a designated website; and

''(II) to identify and address unmet data needs;

''(D) make recommendations to guide policy and program development across Federal agencies with respect to demographic changes among older individuals; and

''(E) actively seek input from and consult with all appropriate and interested parties, including public health interest and research groups and foundations about the activities described in subparagraphs (A) through (D).

''(5) Each year, the Committee shall prepare and submit to the President, the Committee on Financial Services of the House of Representatives, the Committee on Education and the Workforce of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Special Committee on Aging of the Senate, a report that—

''(A) describes the activities and accomplishments of the Committee in working with Federal, State, and local governments, and private organizations, in coordinating programs and services to meet the requirements of paragraph (4);

''(B) assesses the level of Federal assistance required to meet the needs described in paragraph (4);

''(C) incorporates an analysis from the head of each agency that is a member of the interagency coordinating committee established under paragraph (1) that describes the barriers and impediments, including barriers and impediments in statutory and regulatory law, to the access and use by older individuals of programs and services administered by such agency; and

''(D) makes recommendations for appropriate legislative and administrative actions to meet the needs described in paragraph (4) and for coordinating programs and services designed to meet those needs.

''(6)(A) The Secretary of Health and Human Services, after consultation with the Secretary of Housing and Urban Development, shall appoint an executive director of the Committee.

''(B) On the request of the Committee, any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.''.

SEC. 6. ADMINISTRATION.

Section 205 of the Older Americans Act of 1965 (42 U.S.C. 3016) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (C), by adding ''and'' at the end;

(ii) in subparagraph (D), by striking ''; and'' at the end and inserting a period; and

(iii) by striking subparagraph (E); and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by amending clause (i) to read as follows:

''(i) designing, implementing, and evaluating evidence-based programs to support improved nutrition and regular physical activity for older individuals;'';

(II) by amending clause (iii) to read as follows:

''(iii) conducting outreach and disseminating evidence-based information to nutrition service providers about the benefits of healthful diets and regular physical activity, including information about the most current Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), the Food Guide Pyramid published by the Secretary of Agriculture, and advances in nutrition science;'';

(III) in clause (vii) by striking ''and'' at the end; and

(IV) by striking clause (viii) and inserting the following:

''(viii) disseminating guidance that describes strategies for improving the nutritional quality of meals provided under title III; and

''(ix) providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (viii).''; and

(ii) by amending subparagraph (C)(i) to read as follows:

''(i) have expertise in nutrition and meal planning; and''.

SEC. 7. EVALUATION.

Section 206(g) of the Older Americans Act of 1965 (42 U.S.C. 3017(g)) is amended by striking the first sentence and inserting the following: ''From the total amount appropriated for each fiscal year to carry out title III, the Secretary may use such sums as may be necessary, but not more than ½ of 1 percent of such amount, for purposes of conducting evaluations under this section, either directly or by grant or contract.''.

SEC. 8. REPORTS.

Section 207(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)(2)) is amended—

(1) in subparagraph (B), by striking ''Labor'' and inserting ''the Workforce''; and

(2) in subparagraph (C), by striking ''Labor and Human Resources'' and inserting ''Health, Education, Labor, and Pensions''.

SEC. 9. CONTRACTUAL, COMMERCIAL AND PRIVATE PAY RELATIONSHIPS; APPROPRIATE USE OF ACT FUNDS.

(a) PRIVATE PAY RELATIONSHIPS; APPROPRIATE USE OF ACT FUNDS.—Section 212 of the Older Americans Act (42 U.S.C. 3020c) is amended to read as follows:

''SEC. 212. CONTRACTING AND GRANT AUTHORITY; PRIVATE PAY RELATIONSHIPS; APPROPRIATE USE OF FUNDS.

''(a) IN GENERAL.—Subject to subsection (b), this Act shall not be construed to prevent a recipient of a grant or a contract under this Act from entering into an agreement—

''(1) with a profitmaking organization;

''(2) under which funds provided under such grant or contract are used to pay part or all of a cost (including an administrative cost) incurred by such recipient to carry out a contract or commercial relationship for the benefit of older individuals or their family caregivers, whether such contract or relationship is carried out to implement a provision of this Act or to conduct activities inherently associated with implementing such provision; or

''(3) under which any individual, regardless of age or income (including the family caregiver of such individual), who seeks to receive 1 or more services may voluntarily pay, at their own private expense, to receive such services based on the fair market value of such services.

''(b) ENSURING APPROPRIATE USE OF FUNDS.—An agreement described in subsection (a) may not—

''(1) be made without the prior approval of the State agency (or, in the case of a grantee under title VI, without the prior recommendation of the Director of the Office for American Indian, Alaska Native, and Native Hawaiian Aging and the prior approval of the Assistant Secretary);

''(2) directly or indirectly provide for, or have the effect of, paying, reimbursing, or otherwise compensating an entity under such agreement in an amount that exceeds the fair market value of the goods or services furnished by such entity under such agreement;

''(3) result in the displacement of services otherwise available to an older individual with greatest social need, an older individual with greatest economic need, or an older individual who is at risk for institutional placement; or

''(4) in any other way compromise, undermine, or be inconsistent with the objective of serving the needs of older individuals, as determined by the Assistant Secretary.''.

SEC. 10. NUTRITION EDUCATION.

Section 214 of the Older Americans Act of 1965 (42 U.S.C. 3020e) is amended to read as follows:

''SEC. 214. NUTRITION EDUCATION.

''The Assistant Secretary, in consultation with the Secretary of Agriculture, shall conduct outreach and provide technical assistance to agencies and organizations that serve older individuals to assist such agencies and organizations to carry out integrated health promotion and disease prevention programs that—

''(1) are designed for older individuals; and

''(2) include—

''(A) nutrition education;

''(B) physical activity; and

''(C) other activities to modify behavior and to improve health literacy, including providing information on optimal nutrient intake, through education and counseling in accordance with section 339(2)(J).''.

SEC. 11. PENSION COUNSELING AND INFORMATION PROGRAMS.

Section 215 of the Older Americans Act of 1965 (42 U.S.C. 3020e–1) is amended—

(1) in subsection (e)(1)(J), by striking ''and low income retirees'' and inserting '', low-income retirees, and older individuals with limited English proficiency'';

(2) in subsection (f), by amending paragraph (2) to read as follows:

''(2) The ability of the entity to perform effective outreach to affected populations, particularly populations with limited English proficiency and other populations that are identified as in need of special outreach.''; and

(3) in subsection (h)(2), by inserting ''(including individuals with limited English proficiency)'' after ''individuals''.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

Section 216 of the Older Americans Act of 1965 (42 U.S.C. 3020f) is amended—

(1) in subsection (a) by striking ''2001, 2002, 2003, 2004, and 2005'' and inserting ''2007, 2008, 2009, 2010, and 2011.''; and

(2) in subsections (b) and (c) by striking ''year'' and all that follows through ''years'', and inserting ''years 2007, 2008, 2009, 2010, and 2011''.

SEC. 13. PURPOSE; ADMINISTRATION.

Section 301(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3021(a)(2)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) organizations with experience in providing senior volunteer services, such as Federal volunteer programs administered by the Corporation for National and Community Service and designed to provide training, placement, and stipends for volunteers in community service settings.''.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS.

Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended—

(1) in subsections (a)(1), (b), and (d), by striking ''year 2001'' and all that follows through ''years'' each place it appears, and inserting ''years 2007, 2008, 2009, 2010, and 2011''; and

(2) in subsection (e)—

(A) in paragraph (1) by striking ''$125,000,000'' and all that follows and inserting ''$160,000,000 for fiscal year 2007.''; and

(B) in paragraph (2), by striking ''such sums'' and all that follows and inserting ''$170,000,000 for fiscal year 2008, $180,000,000 for fiscal year 2009, $190,000,000 for fiscal year 2010, and $200,000,000 for fiscal year 2011.''.

SEC. 15. ALLOTMENTS.

Section 304(d)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)(A)) is amended to read as follows:

''(A)(i) such amount as the State agency determines, but not more than 10 percent thereof, shall be available for paying such percentage as the agency determines, but not more than 75 percent, of the cost of administration of area plans; and

''(ii) in addition to that amount, for any fiscal year among fiscal years 2007 through 2011 for which the amount appropriated under subsections (a) through (d) of section 303 is not less than 110 percent of that appropriated amount for fiscal year 2006, an amount equal to 1 percent of the State's allotment shall be used by the area agencies on aging in the State to carry out the assessment described in section 306(b);''.

SEC. 16. ORGANIZATION.

Section 305 of the Older Americans Act of 1965 (42 U.S.C. 3025) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(E)—

(i) by striking ''(with particular attention to low-income minority individuals and older individuals residing in rural areas)'' each place it appears and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''; and

(ii) by striking ''and'' at the end;

(B) in paragraph (2)—

(i) in subparagraph (E), by striking '', with particular attention to low-income minority individuals and older individuals residing in rural areas'' and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''; and

(ii) in subparagraph (G), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) the State agency shall, consistent with this section, promote the development and implementation of a comprehensive, coordinated system in such State for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by—

''(A) collaborating, coordinating, and consulting with other agencies in such State responsible for formulating, implementing, and administering programs, benefits, and services related to providing long-term care;

''(B) participating in any State government activities concerning long-term care, including reviewing and commenting on any State rules, regulations, and policies related to long-term care;

''(C) conducting analyses and making recommendations with respect to strategies for modifying the State's system of long-term care to better—

''(i) respond to the needs and preferences of older individuals and family caregivers;

''(ii) facilitate the provision, by service providers, of long-term care in home and community-based settings;

''(iii) target services to older individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings; and

''(iv) implement (through area agencies on aging, service providers, and such other entities as the State determines to be appropriate) programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

''(D) providing for the availability and distribution (through public education campaigns, Aging and Disability Resource Centers, area agencies on aging, and other appropriate means) of information relating to—

''(i) the need to plan in advance for long-term care; and

''(ii) the range of available public and private long-term care programs, options, and resources.''; and

(2) in subsection (b), by adding at the end the following:

''(6) Nothing in this section shall prevent the Commonwealth of Puerto Rico from designating, with the approval of the Assistant Secretary, a single planning and service area to cover all the older individuals in the Commonwealth.''.

SEC. 17. AREA PLANS.

Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(with particular attention to low-income minority individuals and older individuals residing in rural areas)'' and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)'';

(ii) by striking ''(with particular attention to low-income minority individuals)'' and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''; and

(iii) by inserting ''the number of older individuals at risk for institutional placement residing in such area,'' after ''individuals) residing in such area,'';

(B) in paragraph (2)(A)—

(i) by inserting after ''transportation,'' the following: ''health services (including mental health services),''; and

(ii) by inserting after ''information and assistance'' the following: ''(which may include information and assistance to consumers on availability of services under part B and how to receive benefits under and participate in publicly supported programs for which the consumer may be eligible)'';

(C) in paragraph (4)—

(i) in subparagraph (A)—

(I) by amending clause (i) to read as follows:

''(i) provide assurances that the area agency on aging will—

''(I) set specific objectives, consistent with State policy, for providing services to older individuals with greatest economic need, older individuals with greatest social need, and older individuals at risk for institutional placement;

''(II) include specific objectives for providing services to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas; and

''(III) include in the area plan proposed methods to achieve such objectives;''; and

(II) in clause (ii) by inserting ''(including older individuals with limited English proficiency)'' after ''low income minority individuals'' each place it appears; and

(ii) in subparagraph (B)—

(I) by moving the left margin of each of subparagraph (B), clauses (i) and (ii), and subclauses (I) through (VI) of clause (i), 2 ems to the left; and

(II) in clause (i)—

(aa) in subclause (V) by striking ''with limited English-speaking ability; and'' and inserting ''with limited English proficiency;''; and

(bb) by adding at the end the following:

''(VII) older individuals at risk for institutional placement; and'';

(D) in paragraph (5), by inserting ''and individuals at risk for institutional placement'' after ''severe disabilities'';

(E) in paragraph (6)—

(i) in subparagraph (C)—

(I) in clause (i), by striking ''and'' at the end;

(II) in clause (ii), by adding ''and'' at the end; and

(III) by inserting after clause (ii) the following:

''(iii) make use of trained volunteers in providing direct services delivered to older individuals and individuals with disabilities needing such services and, if possible, work in coordination with entities carrying out volunteer programs (including programs administered by the Corporation for National and Community Services) designed to provide training, placement, and stipends for volunteers in community service settings.'';

(ii) in subparagraph (D)—

(I) by inserting ''family caregivers of such individuals,'' after ''Act,''; and

(II) by inserting ''service providers, representatives of the business community,'' after ''individuals,''; and

(iii) in subparagraph (F), by inserting ''(including mental health screening)'' before ''provided'' each place it appears;

(F) in paragraph (7), to read as follows:

''(7) provide that the area agency on aging shall, consistent with this section, facilitate the area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by—

''(A) collaborating, coordinating, and consulting with other local public and private agencies and organizations responsible for administering programs, benefits, and services related to providing long-term care;

''(B) conducting analyses and making recommendations with respect to strategies for modifying the local system of long-term care to better—

''(i) respond to the needs and preferences of older individuals and family caregivers;

''(ii) facilitate the provision, by service providers, of long-term care in home and community-based settings;

''(iii) target services to older individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings; and

''(iv) implement (through the agency or service providers), evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

''(C) providing for the availability and distribution (through public education campaigns, Aging and Disability Resource Centers, and other appropriate means) of information relating to—

''(i) the need to plan in advance for long-term care; and

''(ii) the range of available public and private long-term care programs, options, and resources.'';

(G) by striking the 2 paragraphs (15);

(H) by redesignating paragraph (16) as paragraph (15); and

(I) by adding at the end the following:

''(16) provide assurances that funds received under this title will be used—

''(A) to provide benefits and services to older individuals giving priority to older individuals identified in paragraph (4)(A)(i); and

''(B) in compliance with the assurances specified in paragraph (13) and the limitations specified in section 212(b); and

''(17) provide, to the extent feasible, for the furnishing of services under this Act, consistent with self-directed care.

''(18) include information detailing how the area agency on aging will coordinate activities, and develop long-range emergency plans, with local and State emergency response agencies, relief organizations, local and State governments, and any other institutions that have responsibility for disaster relief service delivery.'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f); and

(3) by inserting after subsection (a) the following:

''(b)(1) In any fiscal year, an area agency on aging may include in the area plan an assessment of how prepared the area agency on aging and service providers in the planning and service area are for a change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted. In a fiscal year described in section 304(d)(1)(A)(ii), an area agency or aging shall include the assessment in the area plan.

''(2) Such assessment may include—

''(A) the projected change in the number of older individuals in the planning and service area;

''(B) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with greatest economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

''(C) an analysis of how the programs, policies, and services provided by such area agency can be improved, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the planning and service area; and

''(D) an analysis of how the change in the number of individuals age 85 and older in the planning and service area is expected to affect the need for supportive services.

''(3) An area agency on aging, in cooperation with government officials, State agencies, tribal organizations, or local entities, may make recommendations to government officials in the planning and service area and the State, on actions determined by the area agency to build the capacity in the planning and service area to meet the needs of older individuals for—

''(A) health and human services;

''(B) land use;

''(C) housing;

''(D) transportation;

''(E) public safety;

''(F) workforce and economic development;

''(G) recreation;

''(H) education;

''(I) civic engagement;

''(J) emergency preparedness; and

''(K) any other service as determined by such agency.''.

SEC. 18. STATE PLANS.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in paragraph (2)(C), by striking ''section 306(b)'' and inserting ''section 306(c)'';

(2) in paragraph (4), by striking '', with particular attention to low-income minority individuals and older individuals residing in rural areas'' and inserting ''(with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)'';

(3) by striking paragraph (15);

(4) by redesignating paragraph (14) as paragraph (15);

(5) by inserting after paragraph (13) the following:

''(14) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

''(A) identify the number of low-income minority older individuals in the State, including the number of low-income minority older individuals with limited English proficiency; and

''(B) describe the methods used to satisfy the service needs of the low-income minority older individuals described in subparagraph (A), including the plan to meet the needs of low-income minority older individuals with limited English proficiency.'';

(6) in clauses (ii) and (iii) of paragraph (16)(A) by striking ''(with particular attention to low-income minority individuals and older individuals residing in rural areas)'' each place it appears and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''; and

(7) by adding at the end the following:

''(27) The plan shall provide assurances that area agencies on aging will provide, to the extent feasible, for the furnishing of services under this Act, consistent with self-directed care.

''(28)(A) The plan shall include, at the election of the State, an assessment of how prepared the State is, under the State's statewide service delivery model, for a change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted.

''(B) Such assessment may include—

''(i) the projected change in the number of older individuals in the State;

''(ii) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with great economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

''(iii) an analysis of how the programs, policies, and services provided by the State can be improved, including coordinating with area agencies on aging, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the State; and

''(iv) an analysis of how the change in the number of individuals age 85 and older in the State is expected to affect the need for supportive services.

''(29) The plan shall include information detailing how the State will coordinate activities, and develop long-range emergency preparedness plans, with area agencies on aging, local emergency response agencies, relief organizations, local governments, and any other institutions that have responsibility for disaster relief service delivery.

''(30) The plan shall include information describing the involvement of the head of the State agency in the development, revision, and implementation of emergency preparedness plans, including the State Public Health Emergency Preparedness and Response Plan.

''(31) The plan shall provide that the State shall implement an Aging and Disability Resource Center—

''(A) to serve as a visible and trusted source of information on the full range of options for long-term care, including both institutional and home and community-based care, that are available in the State;

''(B) to provide personalized and consumer-friendly assistance to empower individuals to make informed decisions about their long-term care options;

''(C) to provide coordinated and streamlined access to all publicly funded long-term care options so that consumers can obtain the care they need through a single intake, assessment, and eligibility determination process;

''(D) to help individuals to plan ahead for their long-term care needs; and

''(E) to assist, in coordination with the entity carrying out the health insurance information, counseling, and assistance program (receiving funding under section 4360 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–4)) in the State, beneficiaries, and prospective beneficiaries, under the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) in understanding and accessing prescription drug and preventative health benefits under the provisions of, and amendments made by, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.''.

SEC. 19. PAYMENTS.

Section 309(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3029(b)(2)) is amended by striking ''the non-Federal share required prior to fiscal year 1981'' and inserting ''10 percent of the cost of the services specified in section 304(d)(1)(D)''.

SEC. 20. NUTRITION SERVICES INCENTIVE PROGRAM.

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (b), by adding at the end the following:

''(3) Each State agency and grantee under title VI shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts.'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', including bonus commodities,'' after ''agricultural commodities'';

(B) in paragraph (2), by inserting '', including bonus commodities,'' after ''food commodities''; and

(C) in paragraph (3), by inserting '', including bonus commodities,'' after ''Dairy products'';

(3) in subsection (d)(4), by inserting ''and grantee under title VI'' after ''State agency''; and

(4) in subsection (e), by striking ''2001'' and inserting ''2007''.

SEC. 21. CONSUMER CONTRIBUTIONS.

Section 315 of the Older Americans Act of 1965 (42 U.S.C. 3030c–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''provided that'' and inserting ''if''; and

(ii) by adding at the end the following: ''Such contributions shall be encouraged for individuals whose self-declared income is at or above 200 percent of the poverty line, at contribution levels based on the actual cost of services.''; and

(B) in paragraph (4)(E), by inserting ''and to supplement (not supplant) funds received under this Act'' after ''given'';

(2) in subsection (c)(2), by striking ''(with particular attention to low-income minority individuals and older individuals residing in rural areas)'' and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''; and

(3) in subsection (d), by striking ''with particular attention to low-income and minority older individuals and older individuals residing in rural areas'' and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''.

SEC. 22. SUPPORTIVE SERVICES AND SENIOR CENTERS.

Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (8), by inserting ''(including mental health screening)'' after ''screening'';

(2) in paragraph (11) by striking ''services'' and inserting ''provision of devices and services (including provision of assistive technology devices and assistive technology services)'';

(3) in paragraph (14)(B) by inserting ''(including mental health)'' after ''health'';

(4) in paragraph (22) by striking the period at the end and inserting a semicolon;

(5) by redesignating paragraph (23) as paragraph (24); and

(6) by inserting after paragraph (22) the following:

''(23) services designed to support States, area agencies on aging, and local service providers in carrying out and coordinating activities for older individuals with respect to mental health services, including outreach for, education concerning, and screening for such services, and referral to such services for treatment; and''.

SEC. 23. NUTRITION SERVICES.

After the part heading of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.), insert the following:

''SEC. 330. PURPOSE.

''It is the purpose of this part to promote socialization and the health and well-being of older individuals by assisting such individuals to gain access to nutrition services to delay the onset of adverse health conditions.''.

SEC. 24. CONGREGATE NUTRITION PROGRAM.

Section 331 of the Older Americans Act of 1965 (42 U.S.C. 3030e) is amended—

(1) by striking ''projects—'' and inserting ''projects that—'';

(2) in paragraph (1) by striking ''which'' the first place it appears;

(3) in paragraph (2), by striking ''which''; and

(4) by striking paragraph (3) and inserting the following:

''(3) provide nutrition education, nutrition counseling, and other nutrition services, as appropriate, based on the needs of meal participants.''.

SEC. 25. HOME DELIVERED NUTRITION SERVICES.

Section 336 of the Older Americans Act of 1965 (42 U.S.C. 3030f) is amended to read as follows:

''SEC. 336. PROGRAM AUTHORIZED.

''The Assistant Secretary shall establish and carry out a program to make grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects for older individuals that provide—

''(1) on 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by rule) and a lesser frequency is approved by the State agency) at least 1 home delivered meal per day, which may consist of hot, cold, frozen, dried, canned, fresh, or supplemental foods and any additional meals that the recipient of a grant or contract under this subpart elects to provide; and

''(2) nutrition education, nutrition counseling, and other nutrition services as appropriate, based on the needs of meal recipients.''.

SEC. 26. CRITERIA.

Section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g) is amended to read as follows:

"SEC. 337. CRITERIA.

''The Assistant Secretary, in consultation with recognized experts in the fields of nutrition science, dietetics, meal planning and food service management, and aging, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for projects described in section 336.''.

SEC. 27. NUTRITION.

Section 339 of the Older Americans Act of 1965 (42 U.S.C. 3030g–21) is amended—

(1) in paragraph (1), to read as follows:

''(1) solicit the advice and expertise of a dietitian or other individual with education and training in nutrition science or, if such an individual is not available, an individual with comparable expertise in the planning of nutritional services, and''; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), to read as follows:

''(i) comply with the most recent Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture, and''; and

(B) in subparagraph (D), by inserting ''joint'' after ''encourages''; and

(C) in subparagraph (G), to read as follows:

''(G) ensures that meal providers solicit the advice and expertise of—

''(i) a dietitian or other individual described in paragraph (1),

''(ii) meal participants, and

''(iii) other individuals knowledgeable with regard to the needs of older individuals,''; and

(D) in subparagraph (I), by striking ''and'' at the end; and

(E) in subparagraph (J), to read as follows:

''(J) provides for nutrition screening and nutrition education, and nutrition assessment and counseling if appropriate; and

''(K) encourages individuals who distribute nutrition services under subpart 2 to provide, to homebound older individuals, available medical information approved by health care professionals, such as informational brochures and information on how to get vaccines, including vaccines for influenza, pneumonia, and shingles, in the individuals' communities.''.

SEC. 28. STUDY OF NUTRITION PROJECTS.

(a) STUDY.—

(1) IN GENERAL.—The Assistant Secretary for Aging shall use funds allocated in section 206(g) of the Older Americans Act of 1965 (42 U.S.C. 3017(g)) to enter into a contract with the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, for the purpose of establishing an independent panel of experts that will conduct an evidence-based study of the nutrition projects authorized under such Act.

(2) STUDY.—Such study shall, to the extent data are available, include—

(A) an evaluation of the effect of the nutrition projects authorized by such Act on—

(i) improvement of the health status, including nutritional status, of participants in the projects;

(ii) prevention of hunger and food insecurity of the participants; and

(iii) continuation of the ability of the participants to live independently;

(B) a cost-benefit analysis of nutrition projects authorized by such Act, including the potential to affect costs of the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(C) an analysis of how nutrition projects authorized by such Act may be modified to improve the outcomes described in subparagraph (A), including by improving the nutritional quality of the meals provided through the projects and undertaking other potential strategies to improve the nutritional status of the participants.

(b) REPORTS.—

(1) REPORT TO THE ASSISTANT SECRETARY.—The panel described in subsection (a) shall submit to the Assistant Secretary a report containing the results of the evidence-based study described in subsection (a), including any recommendations resulting from the analysis described in subsection (a)(2)(C).

(2) REPORT TO CONGRESS.—The Assistant Secretary shall submit a report containing the results described in paragraph (1) to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(c) TIMING.—The Food and Nutrition Board shall establish the independent panel of experts described in subsection (a) not later than 90 days after the date of the enactment of this Act. The panel shall submit the report described in subsection (b)(1) to the Assistant Secretary not later than 24 months after the date of the enactment of this Act.

SEC. 29. IMPROVING INDOOR AIR QUALITY IN BUILDINGS WHERE OLDER INDIVIDUALS CONGREGATE.

Section 361 of the Older Americans Act of 1965 (42 U.S.C. 3030m) is amended by adding at the end the following:

''(c) The Assistant Secretary shall work in consultation with qualified experts to provide information on methods of improving indoor air quality in buildings where older individuals congregate.''.

SEC. 30. CAREGIVER SUPPORT PROGRAM DEFINITIONS.

Section 372 of the Older Americans Act of 1965 (42 U.S.C. 3030s) is amended—

(1) in paragraph (1), by inserting ''or an adult child with mental retardation or a related developmental disability'' after ''age'';

(2) in paragraph (2), by inserting before the period the following: ''or an individual with Alzheimer's disease or a related disorder with neurological and organic brain dysfunction who is 50 years of age or older'';

(3) in paragraph (3)—

(A) by striking ''child'' the first place it appears and inserting ''child (including an adult child with mental retardation or a related developmental disability)'';

(B) by striking ''a child by blood or marriage'' and inserting ''such a child by blood, marriage, or adoption''; and

(C) by striking ''60'' and inserting ''55'';

(4) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(5) by inserting after paragraph (1) the following:

''(2) DEVELOPMENTAL DISABILITY.—The term 'developmental disability' has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).''.

SEC. 31. CAREGIVER SUPPORT PROGRAM.

Section 373 of the National Family Support Caregiver Act (42 U.S.C. 3030s–1) is amended—

(1) in subsection (b)(3), by striking ''caregivers to assist'' and all that follows through the end and inserting the following: ''assist the caregivers in the areas of health, nutrition, and financial literacy, and in making decisions and solving problems relating to their caregiving roles;'';

(2) in subsection (c)(2)—

(A) by striking ''(as defined'' and all that follows and inserting a period; and

(B) by adding at the end the following: ''In providing services for family caregivers under this subpart, the State shall give priority for services to family caregivers who provide care for older individuals.''; and

(3) in subsection (d), to read as follows:

''(d) USE OF VOLUNTEERS.—In carrying out this subpart, each area agency on aging shall make use of trained volunteers to expand the provision of the available services described in subsection (b) and shall, if possible, work in coordination with entities carrying out volunteer programs (including programs administered by the Corporation for National and Community Service) designed to provide training, placement, and stipends for volunteers in community service settings.''; and

(4) in subsection (e)(3), by adding at the end the following: ''The reports shall describe any mechanisms used in the State to provide to persons who are family caregivers, or grandparents or older individuals who are relative caregivers, information about and access to various services so that the persons can better carry out their care responsibilities.''; and

(5) in subsection (f)(1), by striking ''2001 through 2005'' and inserting ''2007, 2008, 2009, 2010, and 2011''.

SEC. 32. ACTIVITIES AND PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 376(a) of the National Family Support Caregiver Act (42 U.S.C. 3030s–12(a)) is amended—

(1) by striking the title heading and inserting the following:

"SEC. 376. ACTIVITIES AND PROGRAMS OF NATIONAL SIGNIFICANCE.";

(2) by striking ''(a) IN GENERAL.—'';

(3) by striking ''shall'' and inserting ''may'';

(4) by striking ''program'' and inserting ''activities that include'';

(5) by striking ''research.'' and inserting ''research, and programs that include—

''(1) multigenerational programs, including programs that provide supports for grandparents and other older individuals who are relative caregivers (as defined in section 372) raising children (such as kinship navigator programs), and programs that sustain and replicate innovative multigenerational family support programs involving volunteers who are older individuals;

''(2) programs providing support and information to families who have a child with a disability or chronic illness, and to other families in need of family support programs;

''(3) programs addressing unique issues faced by rural caregivers;

''(4) programs focusing on the needs of older individuals with Alzheimer's disease and related dementia and their caregivers; and

''(5) programs supporting caregivers in the roles the caregivers carry out in health promotion and disease prevention.''; and

(6) by striking subsection (b).

SEC. 33. GRANT PROGRAMS.

Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032) is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) by redesignating paragraph (9) as paragraph (11); and

(C) by inserting after paragraph (8) the following:

''(9) planning activities to prepare communities for the aging of the population, which activities may include—

''(A) efforts to assess the aging population;

''(B) activities to coordinate the activities of State and local agencies in order to meet the needs of older individuals; and

''(C) training and technical assistance to support States, area agencies on aging, and tribal organizations receiving grants under part A of title VI, in engaging in community planning activities; and

''(10) the development, implementation, and assessment of technology-based service

models and best practices, to support the use of health monitoring and assessment technologies, communication devices, assistive technologies, and other technologies that may remotely connect family and professional caregivers to frail older individuals residing in home and community-based settings or rural areas.''.

SEC. 34. CAREER PREPARATION FOR THE FIELD OF AGING.

Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032a(a)) is amended to read as follows:

''(a) GRANTS.—The Assistant Secretary shall make grants to institutions of higher education, including historically Black colleges or universities, Hispanic-serving institutions, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training that prepare students for careers in the field of aging.''.

SEC. 35. HEALTH CARE SERVICE DEMONSTRATION PROJECTS IN RURAL AREAS.

Section 414 of the Older Americans Act of 1965 (42 U.S.C. 3032c) is amended—

(1) in subsection (a), by inserting ''mental health care,'' after ''adult day health care,''; and

(2) in subsection (b)(1)(B)(i), by inserting ''mental health,'' after ''public health,''.

SEC. 36. TECHNICAL ASSISTANCE AND INNOVATION TO IMPROVE TRANSPORTATION FOR OLDER INDIVIDUALS.

Section 416 of the Older Americans Act of 1965 (42 U.S.C. 3032e) is amended to read as follows:

''SEC. 416. TECHNICAL ASSISTANCE AND INNOVATION TO IMPROVE TRANSPORTATION FOR OLDER INDIVIDUALS.

''(a) IN GENERAL.—The Secretary may award grants or contracts to nonprofit organizations to improve transportation services for older individuals.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—A nonprofit organization receiving a grant or contract under subsection (a) shall use the funds received through such grant or contract to carry out a demonstration project, or to provide technical assistance to assist local transit providers, area agencies on aging, senior centers, and local senior support groups, to encourage and facilitate coordination of Federal, State, and local transportation services and resources for older individuals. The organization may use the funds to develop and carry out an innovative transportation demonstration project to create transportation services for older individuals.

''(2) SPECIFIC ACTIVITIES.—In carrying out a demonstration project or providing technical assistance under paragraph (1) the organization may carry out activities that include—

''(A) developing innovative approaches for improving access by older individuals to transportation services, including volunteer driver programs, economically sustainable transportation programs, and programs that allow older individuals to transfer their automobiles to a provider of transportation services in exchange for the services;

''(B) preparing information on transportation options and resources for older individuals and organizations serving such individuals, and disseminating the information by establishing and operating a toll-free telephone number;

''(C) developing models and best practices for providing comprehensive integrated transportation services for older individuals, including services administered by the Secretary of Transportation, by providing ongoing technical assistance to agencies providing services under title III and by assisting in coordination of public and community transportation services; and

''(D) providing special services to link seniors to transportation services not provided under title III.

''(c) ECONOMICALLY SUSTAINABLE TRANSPORTATION.—In this section, the term 'economically sustainable transportation' means demand responsive transportation for older individuals—

''(1) that may be provided through volunteers; and

''(2) that the provider will provide without receiving Federal or other public financial assistance, after a period of not more than 5 years of providing the services under this section.''.

SEC. 37. COMMUNITY PLANNING.

Title IV of the Older Americans Act of 1965 is amended by inserting after section 416 (42 U.S.C. 3032e) the following:

''SEC. 416A. COMMUNITY PLANNING FOR THE AGING POPULATION.

''The Secretary may establish, either directly or through grants or contracts, a national technical assistance program to assist States and area agencies on aging funded under this Act in planning efforts to prepare communities for the aging of the population.''.

SEC. 38. DEMONSTRATION, SUPPORT, AND RESEARCH PROJECTS FOR MULTIGENERATIONAL ACTIVITIES AND CIVIC ENGAGEMENT ACTIVITIES.

Section 417 of the Older Americans Act of 1965 (42 U.S.C. 3032f) is amended to read as follows:

''SEC. 417. DEMONSTRATION, SUPPORT, AND RESEARCH PROJECTS FOR MULTIGENERATIONAL ACTIVITIES AND CIVIC ENGAGEMENT ACTIVITIES.

''(a) GRANTS AND CONTRACTS.—The Assistant Secretary shall award grants and enter into contracts with eligible organizations to—

''(1) conduct productivity and cost-benefit research to determine the effectiveness of engaging older individuals in paid and unpaid positions with public and nonprofit organizations;

''(2) develop a national agenda and blueprint for creating paid and unpaid positions for older individuals with public and nonprofit organizations to increase the capacity of the organizations to provide needed services to communities;

''(3) carry out demonstration and support projects to provide older individuals with multigenerational activities, and civic engagement activities, designed to meet critical community needs; and

''(4) carry out demonstration projects to coordinate multigenerational activities and civic engagement activities, and facilitate development of and participation in multigenerational activities.

''(b) USE OF FUNDS.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

''(1)(A) to conduct the research described in subsection (a)(1);

''(B) to develop the national agenda and blueprint described in subsection (a)(2); or

''(C) to carry out a demonstration or support project described in subsection (a)(3);

''(D) to carry out a demonstration project described in subsection (a)(4); and

''(2) to evaluate the project involved in accordance with subsection (f).

''(c) PREFERENCE.—In awarding grants and entering into contracts under subsection (a) to carry out a demonstration or support project described in subsection (a)(3), the Assistant Secretary shall give preference to—

''(1) eligible organizations with a demonstrated record of carrying out multigenerational activities or civic engagement activities;

''(2) eligible organizations proposing multigenerational activity service projects that will serve older individuals and communities with the greatest need (with particular attention to low-income minority older individuals, older individuals with limited English proficiency, older individuals residing in rural areas, and low-income minority communities);

''(3) eligible organizations proposing civic engagement activity service projects that will serve communities with the greatest need; and

''(4) eligible organizations with the capacity to develop meaningful roles and assignments that use the time, skills, and experience of older individuals to serve public and nonprofit organizations.

''(d) APPLICATION.—To be eligible to receive a grant or a contract under subsection (a), an organization shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

''(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a)—

''(1) to carry out activities described in subsection (a)(1) shall be research or academic organizations with the capacity to conduct productivity and cost-benefit research described in subsection (a)(1);

''(2) to carry out activities described in subsection (a)(2) shall be organizations with the capacity to develop the national agenda and blueprint described in subsection (a)(2);

''(3) to carry out activities described in subsection (a)(3) shall be organizations that provide paid or unpaid positions for older individuals to serve in multigenerational activities, or civic engagement activities, designed to meet critical community needs and use the full range of time, skills, and experience of older individuals; and

''(4) to carry out activities described in subsection (a)(4) shall be organizations with the capacity to facilitate and coordinate activities as described in subsection (a)(4), through the use of multigenerational coordinators.

''(f) LOCAL EVALUATION AND REPORT.—

''(1) EVALUATION.—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration or support project under subsection (a)(3) shall evaluate the multigenerational activities or civic engagement activities assisted under the project to determine the effectiveness of the activities involved, the impact of such activities on the community being served and the organization providing the activities, and the impact of such activities on older individuals involved in such project.

''(2) REPORT.—The organization shall submit a report to the Assistant Secretary containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

''(g) REPORT TO CONGRESS.—Not later than 6 months after the Assistant Secretary receives the reports described in subsection (f)(2), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

''(1) the names or descriptive titles of the demonstration, support, and research projects funded under subsection (a);

''(2) a description of the nature and operation of the projects;

''(3) the names and addresses of organizations that conducted the projects;

''(4) in the case of demonstration and support projects carried out under subsection

(a)(3), a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the projects;

''(5) in the case of demonstration and support projects carried out under subsection (a)(3), a description of the success of the projects in retaining older individuals involved in the projects as employees and as volunteers;

''(6) in the case of demonstration and support projects carried out under subsection (a)(3), the rate of turnover of older individual employees and volunteers in the projects;

''(7) a strategy for disseminating the findings resulting from the projects described in paragraph (1); and

''(8) any policy change recommendations relating to the projects.

''(h) DEFINITIONS.—As used in this section:

''(1) CIVIC ENGAGEMENT ACTIVITY.—The term 'civic engagement activity' includes an opportunity that uses the time, skills, and experience of older individuals, in paid or unpaid positions with a public or nonprofit organization, to help address the unmet human, educational, health care, environmental, and public safety needs and nurture and sustain active participation in community affairs.

''(2) MULTIGENERATIONAL ACTIVITY.—The term 'multigenerational activity' includes an opportunity that uses the time, skills, and experience of older individuals, in paid or unpaid positions with a public or nonprofit organization, to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, a before- or after-school program, or a family support program.

''(3) MULTIGENERATIONAL COORDINATOR.—The term 'multigenerational coordinator' means a person who—

''(A) builds the capacity of public and nonprofit organizations to develop meaningful roles and assignments, that use the time, skill, and experience of older individuals to serve those organizations; and

''(B) nurtures productive, sustainable working relationships between—

''(i) individuals from the generations with older individuals; and

''(ii) individuals in younger generations.''.

SEC. 39. NATIVE AMERICAN PROGRAMS.

Section 418(a)(2)(B)(i) of the Older Americans Act of 1965 (42 U.S.C. 3032g)(a)(2)(B)(i)) is amended by inserting ''(including mental health)'' after ''health''.

SEC. 40. MULTIDISCIPLINARY CENTERS AND MULTIDISCIPLINARY SYSTEMS.

Section 419 of the Older Americans Act of 1965 (42 U.S.C. 3032h) is amended—

(1) by striking the title and inserting the following:

''SEC. 419. MULTIDISCIPLINARY CENTERS AND MULTIDISCIPLINARY SYSTEMS.'';

(2)(A) in subsection (b)(2), by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively;

(B) in subsection (c)(2), by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively; and

(C) by aligning the margins of the clauses described in subparagraphs (A) and (B) with the margins of clause (iv) of section 418(a)(2)(A) of such Act;

(3)(A) in subsection (b), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) in subsection (c), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by aligning the margins of the subparagraphs described in subparagraphs (A) and (B) with the margins of subparagraph (D) of section 420(a)(1) of such Act;

(4) in subsection (a), by striking ''(a)'' and all that follows through ''The'' and inserting the following:

''(a) MULTIDISCIPLINARY CENTERS.—

''(1) PROGRAM AUTHORIZED.—The'';

(5) in subsection (b)—

(A) by striking the following:

''(b) USE OF FUNDS.—'' and inserting the following:

''(2) USE OF FUNDS.—''; and

(B) by striking ''subsection (a)'' each place it appears and inserting ''paragraph (1)'';

(6) in subsection (c)—

(A) by striking the following:

''(c) DATA.—'' and inserting the following:

''(3) DATA.—'';

(B) by striking ''subsection (a)'' and inserting ''paragraph (1)'';

(C) by striking ''such subsection'' and inserting ''such paragraph''; and

(D) by striking ''paragraph (1)'' and inserting ''subparagraph (A)''; and

(7) by adding at the end the following:

''(b) MULTIDISCIPLINARY HEALTH SERVICES IN COMMUNITIES.—

''(1) PROGRAM AUTHORIZED.—The Assistant Secretary shall make grants to States, on a competitive basis, for the development and operation of—

''(A) systems for the delivery of mental health screening and treatment services for older individuals who lack access to such services; and

''(B) programs to—

''(i) increase public awareness regarding the benefits of prevention and treatment of mental disorders in older individuals;

''(ii) reduce the stigma associated with mental disorders in older individuals and other barriers to the diagnosis and treatment of the disorders; and

''(iii) reduce age-related prejudice and discrimination regarding mental disorders in older individuals.

''(2) APPLICATION.—To be eligible to receive a grant under this subsection for a State, a State agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

''(3) STATE ALLOCATION AND PRIORITIES.—A State agency that receives funds through a grant made under this subsection shall allocate the funds to area agencies on aging to carry out this subsection in planning and service areas in the State. In allocating the funds, the State agency shall give priority to planning and service areas in the State—

''(A) that are medically underserved; and

''(B) in which there are a large number of older individuals.

''(4) AREA COORDINATION OF SERVICES WITH OTHER PROVIDERS.—In carrying out this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall—

''(A) coordinate services described in paragraph (1) with other community agencies, and voluntary organizations, providing similar or related services; and

''(B) to the greatest extent practicable, integrate outreach and educational activities with existing (as of the date of the integration) health care and social service providers serving older individuals in the planning and service area involved.

''(5) RELATIONSHIP TO OTHER FUNDING SOURCES.—Funds made available under this part shall supplement, and not supplant, any Federal, State, and local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide the services described in paragraph (1).

''(6) DEFINITION.—In this subsection, the term 'mental health screening and treatment services' means patient screening, diagnostic services, care planning and oversight, therapeutic interventions, and referrals, that are—

''(A) provided pursuant to evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older individuals; and

''(B) coordinated and integrated with the services of social service, mental health, and health care providers in an area in order to—

''(i) improve patient outcomes; and

''(ii) ensure, to the maximum extent feasible, the continuing independence of older individuals who are residing in the area.''.

SEC. 41. COMMUNITY INNOVATIONS FOR AGING IN PLACE.

Part A of title IV of the Older Americans Act of 1965 (42 U.S.C. 3031 et seq.) is amended by adding at the end the following:

''SEC. 422. COMMUNITY INNOVATIONS FOR AGING IN PLACE.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity'—

''(A) means a nonprofit health or social service organization, a community-based nonprofit organization, an area agency on aging or other local government agency, a tribal organization, or another entity that—

''(i) the Assistant Secretary determines to be appropriate to carry out a project under this part; and

''(ii) demonstrates a record of, and experience in, providing or administering group and individual health and social services for older individuals; and

''(B) does not include an entity providing housing under the congregate housing services program carried out under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) or the multifamily service coordinator program carried out under section 202(g) of the Housing Act of 1959 (12 U.S.C. 1701q(g)).

''(2) NATURALLY OCCURRING RETIREMENT COMMUNITY.—The term 'Naturally Occurring Retirement Community' means a residential building, a housing complex, an area (including a rural area) of single family residences, or a neighborhood composed of age-integrated housing—

''(A) where—

''(i) 40 percent of the heads of households are older individuals; or

''(ii) a critical mass of older individuals exists, based on local factors which, taken in total, allow an organization to achieve efficiencies in the provision of health and social services to older individuals living in the community; and

''(B) that is not an institutional care or assisted living setting.

''(b) GRANTS.—

''(1) IN GENERAL.—The Assistant Secretary shall make grants to eligible entities to enable the entities to pay for developing or carrying out model aging in place projects. The projects shall permit aging in place for older individuals, including such individuals who reside in Naturally Occurring Retirement Communities, which help to sustain the independence of older individuals in communities where the individuals have established personal, family, and professional supportive networks. The entities shall provide comprehensive and coordinated health and social services through the projects.

''(2) GRANT PERIODS.—The Assistant Secretary shall make the grants for periods of 3 years.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a grant under subsection (b) for a project, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

''(2) CONTENTS.—The application shall include—

''(A) a detailed description of the entity's experience in providing services to older individuals in age-integrated settings;

''(B) a definition of the contiguous service area and a description of the project boundaries in which the older individuals reside or carry out activities to sustain their well-being;

''(C) a description of how the entity will cooperate and coordinate planning and services, with agencies and organizations that provide publicly supported services for older individuals within the project boundaries, including the State agency and area agencies on aging with planning and service areas within the project boundaries;

''(D) an assurance that the entity will seek to establish cooperative relationships with interested local entities, including private agencies and businesses that provide health and social services, housing entities, community development organizations, philanthropic organizations, foundations, and other non-Federal entities;

''(E) a description of the entity's protocol for referral of residents who may require long-term care services, including coordination with local information and referral agencies and Aging and Disability Resource Centers who serve as single points of entry to public services;

''(F) a description of how the entity will offer opportunities for older individuals to be involved in the governance, oversight, and operation of the project;

''(G) an assurance that the entity will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require; and

''(H) a plan for long-term sustainability of the project.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives a grant under subsection (b) shall use the funds made available through the grant to provide and coordinate, through aging in place projects described in subsection (b), services that include a comprehensive and coordinated array of community-based health and social services, which may include mental health services, for eligible older individuals.

''(2) SERVICES.—The services described in paragraph (1) shall include—

''(A) providing—

''(i) case management, case assistance, and social work services;

''(ii) health care management and health care assistance, including disease prevention and health promotion services;

''(iii) education, socialization, and recreational activities; and

''(iv) volunteer opportunities for project participants; and

''(B) coordinating the services provided under title III for eligible older individuals served by the project.

''(3) PREFERENCE.—In carrying out an aging in place project, an eligible entity shall, to the extent practicable, serve communities of low-income individuals and operate or locate projects and services in or in close proximity to locations where large concentrations of older individuals have aged in place and resided, such as Naturally Occurring Retirement Communities.

''(4) SUPPLEMENT NOT SUPPLANT.—Funds made available to an eligible entity under this section shall be used to supplement, not supplant, any Federal, State, or other funds otherwise available to the entity to provide health and social services to eligible older individuals.

''(e) COMPETITIVE GRANTS FOR TECHNICAL ASSISTANCE.—

''(1) GRANTS.—The Assistant Secretary shall (or shall make a grant, on a competitive basis, to an eligible nonprofit organization, to enable the organization to)—

''(A) provide technical assistance to recipients of grants under subsection (b); and

''(B) carry out other duties, as determined by the Assistant Secretary.

''(2) ELIGIBLE ORGANIZATION.—To be eligible to receive a grant under this subsection, an organization shall be a nonprofit organization (including a partnership of nonprofit organizations), that—

''(A) has experience and expertise in providing technical assistance to a range of entities serving older individuals and experience evaluating and reporting on programs; and

''(B) has demonstrated knowledge of and expertise in community-based health and social services.

''(3) APPLICATION.—To be eligible to receive a grant under this subsection, an organization (including a partnership of nonprofit organizations) shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including an assurance that the organization will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.

''(f) REPORT.—The Assistant Secretary shall annually prepare and submit a report to Congress that shall include—

''(1) the findings resulting from the evaluations of the model projects conducted under this section;

''(2) a description of recommended best practices regarding carrying out health and social service projects for older individuals aging in place; and

''(3) recommendations for legislative or administrative action, as the Assistant Secretary determines appropriate.''.

SEC. 42. CHOICES FOR INDEPENDENCE DEMONSTRATION PROJECTS.

Part A of title IV of the Older Americans Act of 1965 (42 U.S.C. 3031 et seq.), as amended by section 41, is further amended by adding at the end the following:

''SEC. 423. CHOICES FOR INDEPENDENCE DEMONSTRATION PROJECTS.

''(a) DEFINITIONS.—In this section:

''(1) CONSUMER.—The term 'consumer' means an older individual, a family member of such individual, and any other person seeking information or assistance with respect to long-term care.

''(2) HIGH-RISK INDIVIDUAL.—The term 'high-risk individual' means an older individual who—

''(A) has a functional impairment affecting the individual's activities of daily living;

''(B) is ineligible for the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

''(C) meets such income and functional status criteria as are determined to be appropriate by the State involved and approved by the Assistant Secretary.

''(3) QUALIFIED EXPENDITURES.—The term 'qualified expenditures' means reported expenditures of a State under this section that have been reviewed and approved by the Assistant Secretary.

''(4) SERVICE COORDINATION.—The term 'service coordination' means a coordinated approach taken on behalf of high-risk older individuals to facilitate the development and implementation of a long-term care plan and the choice and independence of the individuals in securing long-term care.

''(b) AUTHORITY.—The Assistant Secretary shall make grants on a competitive basis, in accordance with this section, to States to enable the States to pay for the Federal share of the cost of modifying their systems of long-term care in order to promote and facilitate—

''(1) the choice and control of older individuals and their families in securing long-term care;

''(2) the coordination and cost-effectiveness of State systems of long-term care;

''(3) the provision of long-term care in home and community-based settings; and

''(4) the ability of individuals receiving long-term care to remain as independent and self-sufficient as possible.

''(c) APPLICATIONS BY STATES.—For a State to be eligible to receive a grant under this section, the Governor of such State shall submit an application to the Assistant Secretary, at such time, in such manner, and containing such information as the Assistant Secretary may specify, containing a plan for implementation of the component strategies described in subsection (d) and such other information and assurances as the Secretary determines to be appropriate.

''(d) USE OF FUNDS BY STATES.—

''(1) COMPONENT STRATEGIES.—A State that receives funds through a grant made under subsection (b) shall use the funds to carry out a demonstration project under this section (directly or by grant or contract) by integrating into the State's system of long-term care the component strategies described in paragraphs (2) through (5).

''(2) PUBLIC EDUCATION.—In carrying out the demonstration project, the State shall conduct activities that shall include media campaigns, targeted mailings, and related activities, to help ensure that consumers are aware of—

''(A) the need to plan in advance for long-term care;

''(B) available public and private long-term care options, including private long-term care insurance; and

''(C) sources of information and resources related to long-term care, including the resource centers described in paragraph (3).

''(3) AGING AND DISABILITY RESOURCE CENTERS.—

''(A) IN GENERAL.—The State shall provide for community-level Aging and Disability Resource Centers, which, consistent with section 102(47) and subsection (f), shall provide—

''(i) comprehensive information on available public and private long-term care programs, options, and resources;

''(ii) personal counseling and service coordination to assist consumers in assessing their existing or anticipated long-term care needs and circumstances, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances;

''(iii) a convenient point of entry to the range of publicly-supported long-term care programs for which an individual may be eligible, including the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and to such other public benefit programs as the State determines to be appropriate;

''(iv) a single process for consumer intake, assessment, and application for benefits under the programs described in subparagraph (C), including, where appropriate and feasible, facilitating the determination of an individual's eligibility (including facilitating that determination in compliance with the requirements of title XIX of the Social Security Act) under such programs by collaborating with the appropriate programmatic office; and

''(v) the ability—

''(I) to respond immediately to a request for assistance from an individual or a family member of the individual, in the event of a

crisis situation that could result in placement of such individual in an institutional care setting; and

''(II) to provide (or coordinate the provision of), such available short-term assistance as would be necessary and appropriate to temporarily preclude the need for such institutional placement, until a plan for home and community-based long-term care can be developed and implemented.

''(B) TRAINING.—In providing for the Centers, the State shall ensure that the staff of the Centers is appropriately trained to understand the interactions between private long-term care insurance (especially insurance through long-term care partnership policies) and eligibility for benefits under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(4) HEALTHY LIFESTYLE CHOICES.—The State shall, in accordance with standards established by the Assistant Secretary, provide for low-cost, community-level, evidence-based prevention programs and related tools to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals.

''(5) COMMUNITY LIVING INCENTIVES.—

''(A) IN GENERAL.—The State shall provide funding toward and otherwise assist with the provision of home and community-based long-term care to individuals at high risk for placement in institutional care (referred to in this paragraph as 'high-risk individuals'). The State shall ensure that individuals at greatest risk for becoming eligible for benefits under the Medicaid program receive priority for the home and community-based long-term care.

''(B) LONG-TERM CARE PLAN.—The State shall provide for assessments of the needs and preferences of high-risk individuals with respect to long-term care, and based on such assessments, shall develop with such individuals and their family members, caregivers, or legal representatives a plan for long-term care for such individuals, specifying the types of support, providers, budget, and, if the State elects, cost-sharing contributions involved.

''(C) ALLOCATION OF FUNDS BASED ON INDIVIDUAL BUDGETS.—The State shall ensure that the funding described in subparagraph (A) will be allocated among, and disbursed for, the budgets of high-risk individuals under long-term care plans developed for such individuals.

''(D) OPTION TO PROVIDE CONSUMER-DIRECTED CARE.—The State shall provide high-risk individuals with the option to receive home and community-based long-term care under this paragraph in a manner that permits such individuals to direct and control, in conjunction with a service coordinator, the selection, planning, budgeting, and purchasing of such care (including the amount, duration, scope, providers, and location of such care), to the extent determined appropriate and feasible under the long-term care plan developed under subparagraph (B). The service coordinator shall assist the high-risk individuals in purchasing a range of long-term care services or supplies, not otherwise available or eligible for payment through an entity carrying out a Federal or State program or a similar third party, from a qualified provider that are delivered in home and community-based settings and in a manner that best meets the individuals' needs and respects the individuals' preferences to remain in the least restrictive setting possible.

''(e) FEDERAL SHARE.—The Federal share of the cost of modifying systems of long-term systems care as described in subsection (b) shall be not more than 75 percent of such cost (calculated on an annual basis as the State's qualified expenditures for such modifications for such year).

''(f) SPECIAL PROVISIONS RELATING TO AGING AND DISABILITY RESOURCE CENTERS.—A State shall ensure that any Aging and Disability Resource Center shall—

''(1) fully coordinate its activities with any health insurance information, counseling, and assistance (receiving funding under section 4360 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–4)) in the State;

''(2) be subject to such controls as the Assistant Secretary determines to be appropriate to ensure there is no conflict of interest with respect to any referrals, for information or otherwise, made by the Center for individuals receiving services through the Center; and

''(3) provide no long-term care services or supplies, with the exception of case management services provided through area agencies on aging as described in section 306(a)(8).

''(g) SPECIAL PROVISIONS RELATING TO OPTION TO PROVIDE CONSUMER-DIRECTED CARE.—Payments made for a high-risk individual under subsection (d)(5)(D) shall not be included in the gross income of the high-risk individual for purposes of the Internal Revenue Code of 1986 or be treated as income, be treated as assets or benefits, or otherwise be taken into account, for purposes of determining the individual's eligibility for, the amount of benefits for the individual under, or the amount of cost-sharing required of the individual by, any other Federal or State program, other than the program carried out under this section.

''(h) TECHNICAL ASSISTANCE TO STATES.—The Assistant Secretary, directly or by grant or contract, shall provide for technical assistance to and oversight of States carrying out demonstration projects under this section, for purposes of administration, quality assurance, and quality improvement.

''(i) EVALUATION AND REPORT.—The Assistant Secretary, directly or by grant or contract, shall provide for an evaluation of the demonstration projects carried out under this section. The Assistant Secretary shall submit to the President a report containing the findings resulting from such evaluation not later than 6 months after the termination of the demonstration projects.''.

SEC. 43. RESPONSIBILITIES OF ASSISTANT SECRETARY.

Section 432(c)(2)(B) of the Older Americans Act of 1965 (42 U.S.C. 3033a(c)(2)(B)) is amended by inserting before the period the following: '', including preparing an analysis of such services, projects, and programs, and of how the evaluation relates to improvements in such services, projects, and programs and in the strategic plan of the Administration''.

SEC. 44. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

Section 502 of the Older Americans Act of 1965 (42 U.S.C. 3056) is amended—

(1) in subsection (a)(1), by adding at the end the following: ''For purposes of this paragraph, an underemployed person shall be considered to be an unemployed person.'';

(2) in subsection (b)(1)(M), by striking ''minority, limited English-speaking, and Indian eligible individuals, and eligible individuals who have the greatest economic need,'' and inserting ''minority and Indian eligible individuals, eligible individuals with limited English proficiency, and eligible individuals with greatest economic need,''; and

(3) by adding at the end the following:

''(g)(1) Except as provided in paragraphs (2) and (3), an eligible individual may participate in projects carried out under this title for a period of not more than 36 months (whether or not consecutive) in the aggregate.

''(2) A grantee for a project may extend the period of participation for not more than 20 percent of the project participants. In selecting participants for the extended period of participation, the grantee shall give priority to—

''(A) participants who are 65 years old or older or frail older individuals; and

''(B) individuals who have more than 1 of the following barriers to employment:

''(i) A disability.

''(ii) Limited English proficiency or low literacy skills.

''(iii) A residence in a rural area.

''(iv) A residence in an area of high unemployment.

''(v) Homelessness or a situation that puts the individual at risk for homelessness.

''(vi) A failure to find employment after utilizing services under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

''(3) A grantee may petition for a waiver of the 36-month limit described in paragraph (1) if the grantee serves a high concentration of individuals who are hard-to-serve individuals because they have more than 1 barrier to employment as described in paragraph (2)(B), including a grantee who operates a project in an area in which at least 60 percent of the counties are rural counties, as defined by the Economic Research Service of the Department of Agriculture.

''(h) It is the sense of the Senate that—

''(1) the older American community service employment program was created with the intent of placing older individuals in community service positions to provide job training placements; and

''(2) placing older individuals in community service positions strengthens the ability of the individuals to become self-sufficient, provides much-needed volunteer support to organizations who benefit significantly from increased civic engagement, and strengthens the communities that are served by such organizations.''.

SEC. 45. PERFORMANCE.

Section 513 of the Older Americans Act of 1965 (42 U.S.C. 3056k) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking the paragraph designation and all that follows through ''grantees'' and inserting the following:

''(1) ESTABLISHMENT AND IMPLEMENTATION OF MEASURES.—The Secretary shall establish and implement, after consultation with the Assistant Secretary, grantees''; and

(ii) by adding at the end the following: ''The Assistant Secretary shall provide recommendations to the Secretary on the establishment and implementation of the performance measures.'';

(B) in paragraph (2)(B), by adding at the end the following:

''(iv) Not less than 60 percent of the counties, in the areas served by the grantee, being rural counties as defined by the Economic Research Service of the Department of Agriculture.

''(v) The areas served by the grantee comprising a difficult to serve territory due to limited economies of scale.''; and

(C) by adding at the end the following:

''(6) SPECIAL RULES.—

''(A) ESTABLISHMENT AND IMPLEMENTATION.—The Secretary shall establish and implement the performance measures described in this section, including all required indicators described in subsection (b), not later than 1 year after the date of enactment of the Older Americans Act Amendments of 2006.

''(B) IMPACT ON GRANT COMPETITION.—The Secretary may not publish a notice announcing a grant competition under this title, and

soliciting proposals for grants, until the day that is the later of—

''(i) the date on which the Secretary implements all required indicators described in subsection (b); and

''(ii) January 1, 2010.''; and

(2) by adding at the end the following:

''(e) EFFECT OF EXEMPTION.—In implementing a performance measure under this section, the Secretary shall not reduce a score on the performance measure of—

''(1) a grantee that receives a waiver under section 502(g)(3) on the basis that the grantee is extending the period of participation for project participants under that section; and

''(2) a grantee on the basis that the grantee is extending the period of participation for project participants under section 502(g)(2).''.

SEC. 46. COMPETITIVE REQUIREMENTS.

Section 514 of the Older Americans Act of 1965 (42 U.S.C. 3056l) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PROGRAM AUTHORIZED.—In accordance with section 502(b), the Secretary shall award grants to eligible applicants, through a competitive process that emphasizes meeting performance measures, to carry out projects under this title for a 4-year period. The Secretary may not conduct a grant competition under this title until the day described in section 513(a)(6)(B).'';

(2) by striking subsection (b) and inserting the following:

''(b) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant as described in subsection (a) if the applicant meets the requirements and criteria described in section 502(b)(1), subsections (c) and (d), and paragraphs (2) and (3) of subsection (e).'';

(3) in subsection (c)—

(A) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively;

(B) by inserting after paragraph (1) the following:

''(2) The applicant's performance on the required indicators described in section 513(b), in the case of an applicant that has previously received a grant under this title, and the applicant's ability to meet the required indicators, in the case of any other applicant.

''(3) The applicant's ability to administer a program that provides community service.''; and

(C) by striking paragraph (9) and inserting the following:

''(9) The applicant's ability to minimize disruption in services for project participants and the entities employing the participants.

''(10) Any additional criteria that the Secretary may determine to be appropriate.'';

(4) in subsection (e)—

(A) in paragraph (2), by striking subparagraphs (C) and (D); and

(B) in paragraph (3)—

(i) by striking ''(3)'' and all that follows through ''In'' and inserting the following:

''(3) COMPETITION REQUIREMENTS FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS IN A STATE.—In'';

(ii) by striking subparagraphs (B) through (D); and

(iii) by striking ''take corrective action'' and inserting ''provide technical assistance'';

(C) in paragraph (4), by striking ''paragraph (3)(A)'' and inserting ''paragraph (3)'';

(5) in subsection (f), by striking paragraph (4);

(6) by adding at the end the following:

''(g) GRANTEES SERVING INDIVIDUALS WITH BARRIERS TO EMPLOYMENT.—

''(1) DEFINITION.—In this subsection, the term 'individuals with barriers to employment' means minority and Indian individuals, individuals with limited English proficiency, and individuals with greatest economic need.

''(2) SPECIAL CONSIDERATION.—In areas where a substantial population of individuals with barriers to employment exists, a grantee that receives a national grant under this section shall, in selecting subgrantees, give special consideration to organizations (including former recipients of such national grants) with demonstrated expertise in serving individuals with barriers to employment.

''(h) MINORITY-SERVING GRANTEES.—The Secretary may not promulgate rules or regulations, affecting grantees in areas where a substantial population of minority individuals exists, that would significantly compromise the ability of the grantees to serve their targeted population of minority older individuals.''.

SEC. 47. DEFINITIONS.

Section 516(2) of the Older Americans Act of 1965 (42 U.S.C. 3056n(2)) is amended—

(1) in the header, by striking ''INDIVIDUALS'' and inserting ''INDIVIDUAL'' ;

(2) by inserting before ''The term'' the following:

''(A) IN GENERAL.—'';

(3) by striking ''individuals'' and inserting ''individual''; and

(4) by adding at the end the following:

''(B) DETERMINATION OF LOW INCOME.—For purposes of determining income eligibility under subparagraph (A), the Secretary shall not include as income—

''(i) unemployment compensation;

''(ii) benefits received under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

''(iii) payments made to or on behalf of veterans or former members of the Armed Forces under the laws administered by the Secretary of Veterans Affairs; or

''(iv) 25 percent of the old-age and survivors insurance benefits received under title II of the Social Security Act (42 U.S.C. 401 et seq.).''.

SEC. 48. CLARIFICATION OF MAINTENANCE REQUIREMENT.

(a) IN GENERAL.—Section 614A of the Older Americans Act of 1965 (42 U.S.C. 3057e–1) is amended by adding at the end the following:

''(c) CLARIFICATION.—

''(1) DEFINITION.—In this subsection, the term 'covered year' means fiscal year 2006 or a subsequent fiscal year.

''(2) CONSORTIA OF TRIBAL ORGANIZATIONS.—If a tribal organization received a grant under this part for fiscal year 1991 as part of a consortium, the Assistant Secretary shall consider the tribal organization to have received a grant under this part for fiscal year 1991 for purposes of subsections (a) and (b), and shall apply the provisions of subsections (a) and (b)(1) (under the conditions described in subsection (b)) to the tribal organization for each covered year for which the tribal organization submits an application under this part, even if the tribal organization submits—

''(A) a separate application from the remaining members of the consortium; or

''(B) an application as 1 of the remaining members of the consortium.''.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on October 1, 2005.

SEC. 49. NATIVE AMERICANS CAREGIVER SUPPORT PROGRAM.

Section 643 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended—

(1) in paragraph (1), by striking ''2001'' and inserting ''2007''; and

(2) in paragraph (2), by striking ''$5,000,000'' and all that follows and inserting ''$6,500,000 for fiscal year 2007, $7,000,000 for fiscal year 2008, $7,500,000 for fiscal year 2009, $8,000,000 for fiscal year 2010, and $8,500,000 for fiscal year 2011.''.

SEC. 50. VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

Section 702 of the Older Americans Act of 1965 (42 U.S.C. 3058a) is amended by striking ''2001'' each place it appears and inserting ''2007''.

SEC. 51. ELDER ABUSE, NEGLECT, AND EXPLOITATION PREVENTION AMENDMENT.

Section 721 of the Older Americans Act of 1965 (42 U.S.C. 3058i) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

''(2) providing for public education and outreach to promote financial literacy and prevent identity theft and financial exploitation of older individuals;''; and

(2) in subsection (e)(2)—

(A) by striking ''subsection (b)(8)(B)(i)'' and inserting ''subsection (b)(9)(B)(i)''; and

(B) by striking ''subsection (b)(8)(B)(ii)'' and inserting ''subsection (b)(9)(B)(ii)''.

SEC. 52. NATIVE AMERICAN ORGANIZATION PROVISIONS.

Section 751(d) of the Older Americans Act of 1965 (42 U.S.C. 3058aa(d)) is amended by striking ''2001'' and inserting ''2007''.

SEC. 53. ELDER JUSTICE PROGRAMS.

(a) PURPOSES.—The purposes of this section are as follows:

(1) To assist States and Indian tribes in developing a comprehensive multi-disciplinary approach to elder justice.

(2) To promote research and data collection that will fill gaps in knowledge about elder abuse, neglect, and exploitation.

(3) To support innovative and effective activities of service providers and programs that are designed to address issues relating to elder abuse, neglect, and exploitation.

(4) To assist States, Indian tribes, and local service providers in the development of short- and long-term strategic plans for the development and coordination of elder justice research, programs, studies, training, and other efforts.

(5) To promote collaborative efforts and diminish overlap and gaps in efforts in developing the important field of elder justice.

(b) ELDER JUSTICE.—Title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.) is amended—

(1) by redesignating subtitles B and C as subtitles C and D, respectively;

(2) by redesignating sections 751, and 761 through 764, as sections 761, and 771 through 774, respectively; and

(3) by inserting after subtitle A the following:

"Subtitle B—Elder Justice Programs

"SEC. 751. DEFINITIONS.

''In this subtitle:

''(1) CAREGIVER.—The term 'caregiver' means an individual who has the responsibility for the care of an elder, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an elder.

''(2) DIRECT CARE.—The term 'direct care' means care by an employee or contractor who provides assistance or long-term care services to a recipient.

''(3) ELDER.—The term 'elder' means an older individual, as defined in section 102.

''(4) ELDER JUSTICE.—The term 'elder justice' means—

''(A) efforts to prevent, detect, treat, intervene in, and respond to elder abuse, neglect,

and exploitation and to protect elders with diminished capacity while maximizing their autonomy; and

''(B) from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation.

''(5) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or local government agency, Indian tribe, or any other public or private entity, that is engaged in and has expertise in issues relating to elder justice.

''(6) FIDUCIARY.—The term 'fiduciary'—

''(A) means a person or entity with the legal responsibility—

''(i) to make decisions on behalf of and for the benefit of another person; and

''(ii) to act in good faith and with fairness; and

''(B) includes a trustee, a guardian, a conservator, an executor, an agent under a financial power of attorney or health care power of attorney, or a representative payee.

''(7) GRANT.—The term 'grant' includes a contract, cooperative agreement, or other mechanism for providing financial assistance.

''(8) LAW ENFORCEMENT.—The term 'law enforcement' means the full range of potential responders to elder abuse, neglect, and exploitation including—

''(A) police, sheriffs, detectives, public safety officers, and corrections personnel;

''(B) prosecutors;

''(C) medical examiners;

''(D) investigators; and

''(E) coroners.

''(9) LONG-TERM CARE.—

''(A) IN GENERAL.—The term 'long-term care' means supportive and health services specified by the Secretary for individuals who need assistance because the individuals have a loss of capacity for self-care due to illness, disability, or vulnerability.

''(B) LOSS OF CAPACITY FOR SELF-CARE.—For purposes of subparagraph (A), the term 'loss of capacity for self-care' means an inability to engage effectively in activities of daily living, including eating, dressing, bathing, and management of one's financial affairs.

''(10) LONG-TERM CARE FACILITY.—The term 'long-term care facility' means a residential care provider that arranges for, or directly provides, long-term care.

''(11) NURSING FACILITY.—The term 'nursing facility' has the meaning given such term under section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

''(12) STATE LEGAL ASSISTANCE DEVELOPER.—The term 'State legal assistance developer' means an individual described in section 731.

''(13) STATE LONG-TERM CARE OMBUDSMAN.—The term 'State Long-Term Care Ombudsman' means the State Long-Term Care Ombudsman described in section 712(a)(2).

''SEC. 752. STATE AND TRIBAL GRANTS TO STRENGTHEN LONG-TERM CARE AND PROVIDE ASSISTANCE FOR ELDER JUSTICE PROGRAMS.

''(a) GRANTS.—The Assistant Secretary may award grants to States and Indian tribes to enable the States and tribes to strengthen long-term care and provide assistance for elder justice programs.

''(b) APPLICATION.—To be eligible to receive a grant under this subtitle, a State or Indian tribe shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

''(c) USE OF FUNDS.—A State or Indian tribe that receives a grant under this subtitle may use the funds made available through the grant to award grants—

''(1) to eligible entities for the prevention, detection, assessment, and treatment of, intervention in, investigation of, and response to elder abuse, neglect, and exploitation;

''(2) to eligible entities to examine various types of elder shelters (in this paragraph referred to as 'safe havens'), and to test various safe haven models for establishing safe havens (at home or elsewhere), that—

''(A) recognize autonomy and self-determination, and fully protect the due process rights of elders; and

''(B)(i) provide a comprehensive, culturally sensitive, and multidisciplinary team response to allegations of elder abuse, neglect, or exploitation;

''(ii) provide a dedicated, elder-friendly setting;

''(iii) have the capacity to meet the needs of elders for care; and

''(iv) provide various services including—

''(I) nursing and forensic evaluation;

''(II) therapeutic intervention;

''(III) victim support and advocacy; and

''(IV) case review and assistance to make the elders safer at home or to find appropriate placement in safer environments, including shelters, and, in some circumstances long-term care facilities, other residential care facilities, and hospitals;

''(3) to eligible entities to establish or continue volunteer programs that focus on the issues of elder abuse, neglect, and exploitation, or to provide related services;

''(4) to eligible entities to support multidisciplinary elder justice activities, such as—

''(A) supporting and studying team approaches for bringing a coordinated multidisciplinary or interdisciplinary response to elder abuse, neglect, and exploitation, including a response from individuals in social service, health care, public safety, and legal disciplines;

''(B) establishing a State or tribal coordinating council, which shall identify the individual State's or Indian tribe's needs and provide the Secretary with information and recommendations relating to efforts by the State or Indian tribe to combat elder abuse, neglect, and exploitation;

''(C) providing training, technical assistance, and other methods of support to groups carrying out multidisciplinary efforts at the State or Indian tribe level (referred to in some States as 'State Working Groups');

''(D) broadening and studying various models for elder fatality and serious injury review teams, to make recommendations about their composition, protocols, functions, timing, roles, and responsibilities, with a goal of producing models and information that will allow for replication based on the needs of other States, Indian tribes, and communities; or

''(E) carrying out such other interdisciplinary or multidisciplinary efforts as the Assistant Secretary determines to be appropriate;

''(5) to eligible entities to provide training for individuals with respect to issues of elder abuse, neglect, and exploitation, consisting of—

''(A) training within a discipline; or

''(B) cross-training activities that permit individuals in multiple disciplines to train together, fostering communication, coordinating efforts, and ensuring collaboration;

''(6) to eligible entities to address underserved populations of elders, such as—

''(A) elders living in rural locations;

''(B) elders in minority populations; or

''(C) low-income elders;

''(7) to eligible entities to provide incentives for individuals to train for, seek, and maintain employment providing direct care in a long-term care facility, such as—

''(A) to eligible entities to provide incentives to participants in programs carried out under part A of title IV, and section 403(a)(5), of the Social Security Act (42 U.S.C. 601 et seq., 603(a)(5)) to train for and seek employment providing direct care in a long-term care facility;

''(B) to long-term care facilities to carry out programs through which the facilities—

''(i) offer, to employees who provide direct care to residents of a long-term care facility, continuing training and varying levels of professional certification, based on observed clinical care practices and the amount of time the employees spend providing direct care; and

''(ii) provide, or make arrangements with employers to provide, bonuses or other increased compensation or benefits to employees who achieve professional certification under such a program; or

''(C) to long-term care facilities to enable the facilities to provide training and technical assistance to eligible employees regarding management practices using methods that are demonstrated to promote retention of employees of the facilities, such as—

''(i) the establishment of basic human resource policies that reward high performance, including policies that provide for improved wages and benefits on the basis of job reviews; or

''(ii) the establishment of other programs that promote the provision of high quality care, such as a continuing education program that provides additional hours of training, including on-the-job training, for employees who are certified nurse aides;

''(8) to encourage the establishment of eligible partnerships to develop collaborative and innovative approaches to improve the quality of, including preventing abuse, neglect, and exploitation in, long-term care; or

''(9) to eligible entities to establish multidisciplinary panels to address and develop best practices concerning methods of—

''(A) improving the quality of long-term care; and

''(B) addressing abuse, including resident-to-resident abuse, in long-term care.

''(d) ADMINISTRATIVE EXPENSES.—A State or Indian tribe that receives a grant under this section shall not use more than 5 percent of the funds made available through the grant to pay for administrative expenses.

''(e) SUPPLEMENT NOT SUPPLANT.—Funds made available pursuant to this section shall be used to supplement and not supplant other Federal, State, and local (including tribal) funds expended to provide activities described in subsection (c).

''(f) MAINTENANCE OF EFFORT.—The State or Indian tribe, in using the proceeds of a grant received under this section, shall maintain the expenditures of the State or tribe for activities described in subsection (c) at a level equal to not less than the level of such expenditures maintained by the State or tribe for the fiscal year preceding the fiscal year for which the grant is received.

''(g) ACCOUNTABILITY MEASURES.—The Assistant Secretary shall develop accountability measures to ensure the effectiveness of the activities conducted using funds made available under this section, including accountability measures to ensure that the activities described in subsection (c)(7) benefit eligible employees and increase the stability of the long-term care workforce.

''(h) EVALUATING PROGRAMS.—The Assistant Secretary shall evaluate the activities conducted using funds made available under this section and shall use the results of such evaluation to determine the activities for which funds made available under this section may be used.

''(i) COMPLIANCE WITH APPLICABLE LAWS.—In order to receive funds under this section, an entity shall comply with all applicable laws, regulations, and guidelines.

''(j) ELIGIBLE PARTNERSHIPS.—In subsection (c)(8), the term 'eligible partnership' means a multidisciplinary community partnership consisting of eligible entities or appropriate individuals, such as a partnership consisting of representatives in a community of nursing facility providers, State legal assistance developers, advocates for residents of long-term care facilities, State Long-Term Care Ombudsmen, surveyors, the State agency with responsibility for adult protective services, the State agency with responsibility for licensing long-term care facilities, law enforcement agencies, courts, family councils, residents, certified nurse aides, registered nurses, physicians, and other eligible entities and appropriate individuals.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2005 through 2008.

''SEC. 753. COLLECTION OF UNIFORM NATIONAL DATA ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

''(a) PURPOSE.—The purpose of this section is to improve, streamline, and promote uniform collection, maintenance, and dissemination of national data relating to the various types of elder abuse, neglect, and exploitation.

''(b) PHASE I.—

''(1) IN GENERAL.—Not later than the date that is 1 year after the date of enactment of the Older Americans Act Amendments of 2006, the Assistant Secretary, acting through the head of the Office of Elder Abuse Prevention and Services, after consultation with the Attorney General and working with experts in relevant disciplines from the Bureau of Justice Statistics of the Office of Justice Programs of the Department of Justice, shall—

''(A) develop a method for collecting national data regarding elder abuse, neglect, and exploitation; and

''(B) develop uniform national data reporting forms adapted to each relevant entity or discipline (such as health, public safety, social and protective services, and law enforcement) reflecting—

''(i) the distinct manner in which each entity or discipline receives and maintains information; and

''(ii) the sequence and history of reports to or involvement of different entities or disciplines, independently, or the sequence and history of reports from 1 entity or discipline to another over time.

''(2) FORMS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the national data reporting forms described in paragraph (1)(B) shall incorporate the definitions of section 751, for use in determining whether an event is reportable.

''(B) PROTECTION OF PRIVACY.—In pursuing activities under this paragraph, the Secretary shall ensure the protection of individual health privacy consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 and State and local privacy regulations (as applicable).

''(c) PHASE II.—

''(1) IN GENERAL.—Not later than the date that is 1 year after the date on which the activities described in subsection (b)(1) are completed, the Secretary (or the Secretary's designee) shall ensure that the national data reporting forms and data collection methods developed in accordance with such subsection are pilot tested in 6 States selected by the Secretary.

''(2) ADJUSTMENTS TO THE FORM AND METHODS.—The Secretary, after considering the results of the pilot testing described in paragraph (1) and consultation with the Attorney General and relevant experts, shall adjust the national data reporting forms and data collection methods as necessary.

''(d) PHASE III.—

''(1) DISTRIBUTION OF NATIONAL DATA REPORTING FORMS.—After completion of the adjustment to the national data reporting forms under subsection (c)(2), the Secretary shall submit the national data reporting forms along with instructions to—

''(A) the heads of the relevant components of the Department of Health and Human Services, the Department of Justice, and the Department of the Treasury, and such other Federal entities as may be appropriate; and

''(B) the Governor's office of each State for collection from all relevant State entities of data, including health care, social services, and law enforcement data.

''(2) DATA COLLECTION GRANTS.—

''(A) AUTHORIZATION.—The Secretary is authorized to award grants to States to improve data collection activities relating to elder abuse, neglect, and exploitation.

''(B) APPLICATION.—To be eligible to receive a grant under this paragraph, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(C) REQUIREMENTS.—Each State receiving a grant under this paragraph for a fiscal year shall report data for the calendar year that begins during that fiscal year, using the national data reporting forms described in paragraph (1).

''(D) FUNDING.—

''(i) FIRST YEAR.—For the first fiscal year for which a State receives grant funds under this subsection the Secretary shall initially distribute 50 percent of such funds. The Secretary shall distribute the remaining funds at the end of the calendar year that begins during that fiscal year, if the Secretary determines that the State has properly reported data required under this subsection for the calendar year.

''(ii) SUBSEQUENT YEARS.—Except as provided in clause (i), the Secretary shall distribute grant funds to a State under this subsection for a fiscal year if the Secretary determines that the State properly reported data required under this subsection for the calendar year that ends during that fiscal year.

''(3) REQUIRED INFORMATION.—Each report submitted under this subsection shall—

''(A) indicate the State and year in which each event occurred; and

''(B) identify the total number of events that occurred in each State during the year and the type of each event.

''(e) REPORT.—Not later than 1 year after the date of enactment of the Older Americans Act Amendments of 2006 and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress, including to the Committee on Health Education, Labor, and Pensions and the Special Committee on Aging of the Senate, a report regarding activities conducted under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2007, 2008, 2009, 2010, and 2011.''.

SEC. 54. RULE OF CONSTRUCTION.

Subtitle C of title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.) is amended by adding at the end the following:

''SEC. 765. RULE OF CONSTRUCTION.

''Nothing in this title shall be construed to interfere with or abridge the right of an older individual to practice the individual's religion through reliance on prayer alone for healing, in a case in which a decision to so practice the religion—

''(1) is contemporaneously expressed by the older individual—

''(A) either orally or in writing;

''(B) with respect to a specific illness or injury that the older individual has at the time of the decision; and

''(C) when the older individual is competent to make the decision;

''(2) is set forth prior to the occurrence of the illness or injury in a living will, health care proxy, or other advance directive document that is validly executed and applied under State law; or

''(3) may be unambiguously deduced from the older individual's life history.''.

Mr. KENNEDY. Mr. President, the Older Americans Act has been a lifeline for senior citizens across the country for 40 years, and all of us want it to continue to fulfill its important role in the years ahead.

Like Social Security, Medicare and Medicaid, the Older Americans Act is part of our commitment to care for the nation's seniors in their golden years.

This year, the first of the members of the baby boom generation will be eligible for the act's services. One in nine Americans are over age 65 today. By the year 2030, the number will be one in five.

It is clear we need to get our priorities right in this reauthorization. That means starting now to put the infrastructure in place to provide services to baby boomers who retire. This bill takes some of the necessary steps. It requires State and local agencies to acknowledge the changing demographics and to plan ahead. I hope Congress will continue to build on these efforts in the coming years and provide increased funds for the important programs in this act.

Our bill also encourages civic activities by seniors. Numerous examples exist of successful volunteer programs involving seniors, such as Senior Corps, Experience Corps, and Family Friends, and we need to build on these successes.

The members of the new generation of older Americans obviously want to be engaged in their communities after they retire, and it is essential to draw on their experience and knowledge in constructive ways.

The bill is also intended to encourage good nutrition, healthy living and disease prevention among seniors. The Meals on Wheels program, enacted in the 1970s, is one of its greatest successes, and Massachusetts has been in the forefront of the effort to provide community-based nutrition services to the elderly. Our State program coordinates 28 nutrition projects throughout the State to deal with poor nutrition and social isolation of seniors. Our bill will expand the ability of programs such as Meals on Wheels to reach all older individuals who need better nutrition.

According to the Census Bureau, 6.7 million persons aged 55 or older will be living in poverty by 2008, a 22 percent increase since 2000. By 2015, the number will increase to 9 million if the current trend continues.

The Older Americans Act also provides essential opportunities for employment of older Americans through the Senior Community Service Employment Program, which offers job training for seniors and involves them in the communities which they love, and which also love them. Last year, the program supported 61,000 jobs and served 92,000 people.

Congress created this program to provide older adults with community service opportunities. We recognized that senior citizens are especially valuable assets to the communities in which they live. Through community service, older adults are also provided with the job training they need to become self-sufficient in the workforce.

Unfortunately, in recent years the focus on community service has blurred, and many of us are concerned about the administration's lack of interest in maintaining this important aspect of the program.

Older Americans today provide 45 million hours of valuable service to their communities, particularly in senior centers, public libraries, and nutrition programs.

Overall, our bill maintains the emphasis on community service and enables the program to continue to serve older Americans efficiently and well. As this bill moves forward, it is essential that community service remain paramount and that any attempts to weaken this program be defeated.

This is a good bipartisan bill and I support its passage.

Mr. DEWINE. Mr. President, I rise today with my colleagues on the Health, Education, Labor, and Pensions Committee—Chairman ENZI, Ranking Member KENNEDY, and Senator MIKULSKI—as we join in the introduction of the Older Americans Act Amendments of 2006. Senator MIKULSKI and I worked to draft and pass the Older Americans Act Amendments of 2000, and I am proud to have worked with her again to improve and update these important programs.

I also thank Senators ENZI and KENNEDY for making this reauthorization a priority for the HELP Committee. Over the months we have negotiated this bipartisan bill, I have greatly appreciated their thoughtful and steady work to get the Older Americans Act to this point. They understand well, as I do, that the quick passage of this reauthorization is the No. 1 recommendation that came out of the White House Conference on Aging. As I have mentioned in the hearings I have chaired of the Subcommittee on Retirement Security and Aging, the passage of the Older Americans Act reauthorization is the top priority for the subcommittee. Today's bill introduction is an important step forward in that process.

As you know, older Americans are a vital and rapidly growing segment of our population. Over 36 million people living in the United States are over the age of 65, accounting for about 12 percent of the population. The Census Bureau projects that 45 years from now, people 65 and older will number nearly 90 million in the United States and comprise 21 percent of the population.

The Older Americans Act is an important service provider for these Americans. I strongly believe this reauthorization updates and strengthens the act in many ways. Changes to this bill include plans and means to prepare for changes to the aging demographics. This bill creates a Federal interagency council responsible for ensuring appropriate planning for baby boomer-related needs and population shifts across agencies. Additionally, it will provide for grants and technical assistance for local aging service providers to plan for the baby boomer population.

Our bill will also increase the authorization levels of the National Family Caregiver Support Program by 25 percent over current appropriated levels over the next 5 years. This program is also expanded to allow for those caring for loved ones with Alzheimer's—between the ages of 50 and 60—to become eligible for support services. Furthermore, it will clarify that this program will serve elderly caregivers who are caring for their adult children with developmental disabilities. Lastly, it clarifies that grandparents caring for adopted grandchildren are covered under this program, and it lowers the age threshold for grandparents to 55 years old. These are important changes to this program and will affect the quality of life for so many individuals who are struggling with the pressures of caring for loved ones.

This bill also encourages the voluntary contributions related to title III services from those individuals with a self-declared income at or above 200 percent of the poverty level and based on actual cost of service. This will help programs such as Meals-on-Wheels to expand their services and enable them to more effectively take contributions from those older Americans willing to pay for services. As the number of seniors increases, we need to modify our programs to ensure their economic sustainability.

Our amendments will also allow the Department of Health and Human Services to award grants related to the improvement of assistive technology for older Americans. The goal of this provision is to enable older Americans to have the necessary technology to monitor their health and help them remain in their homes as they age. We know most Americans want to remain independent and in their homes as they age, and these grants will help them do just that.

This bill also creates a new grant program which provides grants to create innovative models that allow individuals to remain in community-based settings. The need for this grant program was discussed at length in a hearing I held on models for aging in place—specifically naturally occurring retirement communities. As I stated before, Americans want to stay in their communities as they age, and this bill will help them do just that.

Further, this bill creates a new grant program, based on recommendations in the President's fiscal year '07 budget, to provide grants to States to enable consumer-driven choices with respect to long-term care. Grants can be used to encourage the planning for long-term care for older Americans. It will also facilitate access to long-term care choices and opportunities and advice on choices for care.

Our bill also updates the title V Senior Community Service Employment Program, SCSEP, to allow for a mandatory 4-year competitive grant cycle. It provides a sense of the Senate supporting the community service aspect of the program. Additionally, it limits the time on the program for participants to 3 years, with a 20-percent exemption for certain hard-to-serve populations.

This provision balances the need for limiting the time a person spends in this employment program with the recognition that certain populations have special needs.

Of great importance to me, this bill also amends the act to focus attention on the mental health needs of older Americans. These changes will establish grants for mental health screening of older Americans and increased awareness of its effects on the elderly population. Too often the mental health needs of older Americans are overlooked; however, they can be as serious and life-threatening as any other illness. The mental health needs of our seniors must be taken more seriously and dealt with more aggressively. I believe this provision significantly moves us forward in this struggle.

Finally, this bill includes the language of the Elder Justice bill reported unanimously from the HELP Committee in the 108th Congress to create an office of elder abuse prevention in the administration on Aging; create grants to the States and tribes to prevent elder abuse, neglect, and exploitation; and collect data from States and other entities on elder abuse. These are important provisions to improve the safety and protect the well-being of our parents, grandparents, and other elderly loved ones.

Again, I thank Senator ENZI, Senator KENNEDY, and Senator MIKULSKI for their dedication to the needs of older Americans. I look forward to our continuing work together on this bill as we work to bring it to the Senate floor and the President's desk.

Ms. MIKULSKI. Mr. President, I rise today to support older Americans. Seniors today are living longer, healthier lives. We must do what we can to help them be as independent and active as possible.

We have worked together on both sides of the aisle and with aging organizations, including the organizations that make up the Leadership Council on Aging, to introduce S.3570, the Older

Americans Act Amendments of 2006, which I believe is a strong bipartisan bill. I would like to thank Chairman ENZI, Ranking Member KENNEDY, and Senator DEWINE for their work. I have worked closely with Senator DEWINE in the past, and this is the second Older Americans Act that we have reauthorized together. This bill honors and maintains the commitment we made to the nation's seniors through the Older Americans Act.

The Older Americans Act is one of our most important responsibilities. The 1,200 delegates to the December 2005 White House Conference on Aging voted reauthorization of the act this year as their top priority. I am pleased that we were able to produce this bipartisan bill, but we still have work to do before the Older Americans Act is reauthorized.

We need to continue to work on the Community Service Employment Program for Older Americans, in title V. Much of our bill is quite similar to what the House passed last week, but title V is not. Our bill has maintained the strong community service employment aspect of the program, which has been an integral component since the beginning. The House bill has elements that will minimize and chip away at this community service employment element. The Community Service Employment Program for Older Americans helps seniors obtain employment at Meals on Wheels programs, senior centers, local area agencies on aging, public libraries, and many other public organizations that rely heavily on these seniors. Through community service employment, community organizations receive valuable support while participants receive valuable skill training. I am strongly opposed to losing the community service aspect of this program, and I am pleased our bill strengthens it. I expect that we will continue to protect this as we move to work with the House.

There are several principles that I believe must guide reauthorization. First, we must continue and improve the core services of this act to meet the vital needs of America's seniors. Secondly, we must modernize the act to meet the changing needs of America's senior population, including the growing number of seniors over 85, the impending senior boom, and the growing number of seniors in minority groups. Next, we must look for ways to help seniors live more independent and active lives. Finally, we must give national, State, and local programs the resources they need to carry out these vital responsibilities.

I believe the 2006 reauthorization bill strengthens current Older Americans Act programs and offers innovative ideas that will address the needs of our country's aging population. The reauthorization bill strengthens information and referral services that are the backbone of OAA programs, providing seniors and their family members information about supportive services and information needed to prepare for long-term care. Our bill also strengthens elder abuse programs.

The reauthorization bill also improves the core services of the Older Americans Act. Seniors have come to depend on the information and referral services, congregate and home-delivered meals, transportation, home care, and other OAA programs to meet their daily needs. Whether it is pension counseling or the long-term care ombudsman program—these are vital to helping seniors navigate the complex financial and health care systems. Not all seniors have family and friends that can assist them with complicated decisions, like choosing a long-term care insurance plan or a nursing home. These programs put information in terms seniors can understand. These programs are a safety net for many.

I am especially pleased that this bill authorizes programs to encourage community innovation to support and enhance the ability of seniors to age in place. Seniors will be able to remain in their homes and communities, close to family and friends by providing them necessary supporting services such as transportation, social work services, and health programs to help seniors remain independent and in their communities. Grant program will encourage innovation and build on the success of naturally occurring retirement communities, NORC, programs. NORC programs have been developed at the local level and have a proven record of success. We heard from successful programs in Maryland, Ohio, and New York at the Subcommittee on Aging hearing on NORCs last month. I thank them again for their work and leadership. I always say that the best ideas come from the people, and this is one of the best I have seen in a long time.

This bill also improves the National Family Caregiver Support Program. With the reauthorization of OAA in 2000, we worked hard to create the National Family Caregiver Support Program. In 2003, this program provided assistance to nearly 600,000 caregivers. Services include respite care, caregiver counseling and training, information about available resources, and assistance in locating services. These services are invaluable to seniors and their families. We have worked with the aging community to expand these services. Upon the advice of the Alzheimer's Association our bill lowers the age eligibility for the program for individuals with Alzheimer's from 60 to 50, allowing more individuals with Alzheimer's to qualify for services. Our bill also lowers the age of eligible grandparents to 55. This allows the program to target services to those who need it most.

Our bill also seeks to improve emergency preparedness for seniors. During Hurricanes Katrina and Rita, who was left behind? The elderly, the sick, the disabled. We must plan for their needs and use the senior network that exists in our country to make sure that they are not forgotten. Our bill requires States and Area Agencies on Aging to coordinate to develop plans and establish guidelines for addressing the senior population during a disaster/emergency.

I believe that this bipartisan reauthorization bill honors and maintains the commitment Congress made to our Nation's seniors through the Older Americans Act when it was first created in 1965. Reauthorization of this program for America's seniors and their families is one of our most important responsibilities. I look forward to continuing to work to get a bill passed this year. It is an important responsibility that we have to our Nation's seniors.

By Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, and Mr. SCHUMER):

S. 3852. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market; to the Committee on Commerce, Science, and Transportation.

Mr. KOHL. Mr. President, yesterday, the Supreme Court refused to consider an appeal by the Federal Trade Commission to reinstate antitrust charges against a brand-name drugmaker. This decision leaves the FTC powerless to stop one of the more egregious tactics used by brand name drug companies to keep generic competitors off the market, leaving consumers with unnecessary high drug prices.

The way it is done is simple—a drug company that holds a patent on a blockbuster brand-name drug, pays a generic drug maker off to delay the sale of a competing generic product that might dip into their profits. The brand name company profits so much by delaying competition that it can easily afford to pay off the generic company, leaving consumers the big losers who continue to pay unnecessarily high drug prices.

Since the appeals court decision, there has been a sharp rise in the number of settlements in which brand-name companies payoff generic competitors to keep their cheaper drugs off the market. In a report issued earlier this year, the FTC found that more than two-thirds of the 10 settlement agreements made in 2006 included a pay-off from the brand in exchange for a promise by the generic company to delay entry into the market.

Yesterday's decision by the Supreme court is a blow to consumers who save billions of dollars on generics every year. Today I am joined by Senators LEAHY, GRASSLEY, and SCHUMER, to introduce the Preserve Access to Affordable Generics Act. This legislation will prohibit these pay-off settlement agreements that only serve the drug companies involved while denying consumers access to cost-saving generic drugs.

According to the Congressional Budget Office, generic drugs save consumers

an estimated $8 to $10 billion every year. And, a recent study released earlier this year by Pharmaceutical Care Management Association, showed that health plans and consumers could save $26.4 billion over the next 5 years by using the generic versions of 14 popular drugs that are scheduled to lose their patent protections before 2010.

Just last week, I was successful in including an additional $10 million in the fiscal year 2007 Agriculture Appropriations bill for the Food and Drug Administration's Office of Generic Drugs, an effort to help reduce the growing backlog of generic drug applications. The FDA Office of Generic Drugs has reported a backlog of more than 800 generic drug applications and more applications for new generics were received in December 2005 than ever before and this trend continues to grow.

But even approval by the FDA doesn't always guarantee that consumers will have access to these affordable drugs. Of the six approved first generics for popular brand-name drugs taken by seniors over the last year, only two have actually reached the market, while the others are being kept off of the shelves by patent disputes.

Mr. President, it is time to stop these drug company payoffs that only serve the companies involved and deny consumers to affordable generic drugs. I urge my colleagues to join me in this effort. I ask unanimous consent that the text of the bill be printed into the RECORD.

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

S. 3582

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preserve Access to Affordable Generics Act''.

SEC. 2. UNFAIR COMPETITION.

Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end the following:

''(o)(1) It shall be considered an unfair method of competition affecting commerce under subsection (a)(1) for a person, in connection with the sale of a drug product, to directly or indirectly be a party to any agreement resolving or settling a patent infringement claim in which—

''(A) an ANDA filer receives anything of value; and

''(B) the ANDA filer agrees not to research, develop, manufacture, market, or sell the ANDA product for any period of time.

''(2) CONSTRUCTION.—Nothing in this subsection shall prohibit a resolution or settlement of patent infringement claim in which the value paid by the NDA holder to the ANDA filer as a part of the resolution or settlement of the patent infringement claim includes no more than the right to market the ANDA product prior to the expiration of the patent that is the basis for the patent infringement claim.

''(3) In this subsection:

''(A) The term 'ANDA' means an abbreviated new drug application, as defined under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

''(B) The term 'ANDA filer' means a party who has filed an ANDA with the Federal Drug Administration.

''(C) The term 'ANDA product' means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

''(D) The term 'drug product' means a finished dosage form (e.g., tablet, capsule, or solution) that contains a drug substance, generally, but not necessarily, in association with 1 or more other ingredients, as defined in section 314.3(b) of title 21, Code of Federal Regulations.

''(E) The term 'NDA' means a new drug application, as defined under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

''(F) The term 'NDA holder' means—

''(i) the party that received FDA approval to market a drug product pursuant to an NDA;

''(ii) a party owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the 'FDA Orange Book') in connection with the NDA; or

''(iii) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subclauses (i) and (ii) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

''(G) The term 'patent infringement' means infringement of any patent or of any filed patent application, extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition and extensions thereof.

''(H) The term 'patent infringement claim' means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product may infringe any patent held by, or exclusively licensed to, the NDA holder of the drug product.''.

Mr. LEAHY. Mr. President. I am pleased to introduce, with Senators KOHL, GRASSLEY, and SCHUMER, the Preserve Access to Affordable Generics Act of 2006, S. 3582. It is no secret that prescription drug prices are rapidly increasing and are a source of considerable concern to many Americans, especially senior citizens and families. In a marketplace free of manipulation, generic drug prices can be as much as 80 percent lower than the comparable brand-name version. Unfortunately, there are still some companies that may be keeping low-cost, life-saving generic drugs off the marketplace, off pharmacy shelves, and out of the hands of consumers by carefully crafted anticompetitive agreements between drug manufacturers. This bipartisan bill will improve the timely and effective introduction of generic pharmaceuticals into the marketplace.

In 2001, and last Congress, I introduced a related bill, the Drug Competition Act. That bill, which is now law, is small in terms of length but large in terms of impact. It ensured that law enforcement agencies could take quick and decisive action against companies seeking to cheat consumers by delaying availability of generic medicines. It gave the Federal Trade Commission and the Justice Department access to information about secret deals between drug companies that keep generic drugs out of the market—a practice that not only hurts American families, particularly senior citizens, by denying them access to low-cost generic drugs but also contributes to rising medical costs.

The Drug Competition Act, which was incorporated in the Medicare Modernization Act, was a bipartisan effort to protect consumers in need of patented medicines who were being forced to pay considerably higher costs because of collusive secret deals. It is regrettable that we must come to the floor again today and take additional action to prevent drug companies from continuing to find and exploit loopholes.

I had faith that we were on the right track. However, two appellate court decisions from 2005 overturned the FTC's longstanding role of ''policing'' these activities and making case-by-case determinations on the appropriateness of proposed settlements, especially those that involved ''reverse'' payments. That refers to payments from a brand-name company to a generic company as opposed to payments from a generic company to the brand-name company for a license to make a particular patented drug.

The FTC rightfully sought U.S. Supreme Court review of the Schering-Plough v. FTC Eleventh Circuit decision. Unfortunately, the Supreme Court refused to hear that case, leaving in doubt the continuing role of the FTC in policing settlements between brand-name drug companies and potential generic competitors. Moreover, in an unprecedented move, the U.S. Solicitor General opposed the request by the FTC for the Supreme Court to hear this case. The inaction of the courts and the choice of the administration to side with large drug companies over seniors and families has provoked us to take action and introduce this important bill.

This matter arises at the intersection of patent law and antitrust law. The drug companies naturally deny that their agreements violate the antitrust laws, presenting them as private preliminary settlements between companies engaged in patent disputes. The problem is that the whole point of the Drug Competition Act is to have an independent body, the FTC, review these deals and to advise the companies if terms or conditions in the deal need to be changed to comply with existing antitrust laws.

Agreements to delay the production and sale of generic medicines in exchange for cash from the brand-name companies need to be carefully reviewed by the FTC under standards that give the FTC authority to act where necessary to enforce antitrust laws. Companies holding patents on medicines should not be permitted to

pay millions of dollars to potential generic competitors for the purpose of delaying the research, development, and sale of competing generic versions of medications when those generic companies believe they have the legal right to sell such products.

I remain hopeful that during the process of working on this bill, a way can be found to give the FTC some discretion, on a case-by case basis, to continue to evaluate these deals. Under this approach, only the deals that are consistent with the intent of that law will be allowed to stand. There will be some deals that involve the payment of money which, on balance, could be good for the companies involved and for consumers. The original intent of the Drug Competition Act was to provide the FTC and DOJ with an opportunity to provide the companies with useful and timely information so the drug companies could conform their deals to the law through confidential advice from the law enforcement agencies. I want that process to be continued.

Senators GRASSLEY, KOHL, SCHUMER, and I are not the only ones who share the goal of ensuring effective and timely access to generic pharmaceuticals that can lower the cost of prescription drugs for seniors, for families, and for all Americans. I sincerely thank my colleagues on both sides of the aisle who are working together on that goal. We have devoted considerable attention to this matter in recent years, and I look forward to passing this important bill.

In closing, I praise the FTC for spending so much time and energy on protecting competition in the pharmaceutical sector. This represents a massive workload for the FTC on top of all its other important responsibilities to protect consumers and the American enterprise system.

Years ago, the FTC dealt with latter-day robber barons destroying smaller companies; now the FTC has to try to restrain corporate drug giants from robbing the elderly when these seniors buy prescription medicines. I also appreciate the work of the FTC on the authorized generics issue and look forward to the report they are preparing for the Congress on that matter.

By Mr. AKAKA:

S. 3584. A bill to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. Mr. President, I rise today to introduce the Federal Supervisor Training Act, FSTA, which addresses the inconsistencies and lack of adequate training for Federal managers and supervisors, especially for new supervisors. The effectiveness and efficiency of government programs and services depend on well-trained managers. It is critical that federal managers receive the support and resources needed to do their jobs.

As new personnel reforms are sought by the administration for Federal workers, which in my view are similar to those I opposed for the Departments of Defense and Homeland Security, I see a general erosion of employee morale. Low employee morale impacts agency performance and undermines the public's trust in government. Therefore, we must consider the needs of supervisors and employees alike. Enhancing supervisory training improves communication, which leads to greater understanding of performance expectations and fewer performance problems. A trained supervisor is the foundation for the success of any personnel system.

The bill I offer today follows recommendations made by the Partnership for Public Service and the newly formed Government Managers Coalition, GMC, which represents over 200,000 Federal managers and executives who are members of the Senior Executives Association, the Federal Managers Association, the Professional Managers Association, the Federal Aviation Administration Managers Association, and the National Council of Social Security Management Associations.

FSTA will require new supervisory training for all new supervisors within a year of being appointed and mandatory retraining every 3 years. Current managers would have 3 years in which to receive initial training. The legislation also requires training on how to mentor employees, a key focus of S. 3476, the Homeland Security Professional Development Act, which I introduced earlier this month. A third provision requires training every three years on the laws governing and the procedures for enforcing whistleblower rights and protections against race, gender, age, and disability discrimination.

Under FSTA, agencies would be required to set standards—based in part on guidelines developed by the Office of Personnel Management, OPM—that supervisors should meet in order to manage employees effectively, assess a manager's ability to meet these standards, and provide training to improve areas identified in personnel assessments.

Supervisors want meaningful training. In my view, such training should not be a discretionary option for agencies. Government managers and employees work on a broad and complex range of issues that are both national and global in scope. From the skilled workers at the Pearl Harbor Naval Shipyard performing nuclear submarine battery change outs to Internal Revenue Service employees collecting back taxes, these Federal workers demonstrate commitment and dedication daily. They understand that trained managers empower them, which in turn improves programs and saves taxpayers money.

Mandatory supervisory training is needed to ensure that agencies provide this support to their managers. OPM once proposed 40 to 80 hours of training for new supervisors, but, over the years, this function has migrated to agencies, which, as the GMC notes, has resulted in inconsistencies in training among Federal agencies, leaving a problem in search of a solution.

As the ranking member of the Senate Federal Workforce Subcommittee, a primary goal of mine is to make the Federal Government an employer of choice and to ensure the American people are served by a skilled workforce. I see FSTA as a means to reach that goal because mandatory supervisory training develops good managers who foster positive work environments that produce an efficient, effective, and responsive government. The Nation's Federal workforce and the American taxpayer deserve no less.

Mr. President, as I stated earlier, supervisors and employees alike benefit from well-trained managers. I want to thank the Government Managers Coalition; the American Federation of Government Employees; the National Treasury Employees Union; the International Federation of Professional and Technical Engineers; the AFL–CIO, Metal Trades Department; as well as the Partnership for Public Service for their support of FSTA and I urge my colleagues to support the federal workforce by cosponsoring my bill. 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. 3584

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Supervisor Training Act of 2006''.

SEC. 2. MANDATORY TRAINING PROGRAMS FOR SUPERVISORS.

(a) IN GENERAL.—Section 4121 of title 5, United States Code, is amended—

(1) by inserting before ''In consultation with'' the following:

''(a) In this section, the term 'supervisor' means—

''(1) a supervisor as defined under section 7103(a)(10);

''(2) a management official as defined under section 7103(a)(11); and

''(3) any other employee as the Office of Personnel Management may by regulation prescribe.'';

(2) by striking ''In consultation with'' and inserting ''(b) Under operating standards promulgated by, and in consultation with,''; and

(3) by striking paragraph (2) (of the matter redesignated as subsection (b) as a result of the amendment under paragraph (2) of this subsection) and inserting the following:

''(2)(A) a program to provide interactive instructor-based training to supervisors on actions, options, and strategies a supervisor may use in—

''(i) developing and discussing relevant goals and objectives together with the employee, communicating and discussing progress relative to performance goals and

objectives and conducting performance appraisals;

''(ii) mentoring and motivating employees and improving employee performance and productivity;

''(iii) effectively managing employees with unacceptable performance; and

''(iv) otherwise carrying out the duties or responsibilities of a supervisor;

''(B) a program to provide interactive instructor-based training to supervisors on the prohibited personnel practices under section 2302 (particularly with respect to such practices described under subsection (b) (1) and (8) of that section) and the procedures and processes used to enforce employee rights; and

''(C) a program under which experienced supervisors mentor new supervisors by—

''(i) transferring knowledge in areas such as communication, critical thinking, responsibility, flexibility, motivating employees, and teamwork; and

''(ii) pointing out strengths and areas for development.

''(c)(1) Not later than 1 year after the date on which an individual is appointed to the position of supervisor, that individual shall be required to have completed each program established under subsection (b)(2).

''(2) After completion of a program under subsection (b)(2) (A) and (B), each supervisor shall be required to complete a program under subsection (b)(2) (A) and (B) at least once during each 3-year period.

''(3) Each program established under subsection (b)(2) shall include provisions under which credit shall be given for periods of similar training previously completed.

''(d) Notwithstanding section 4118(c), the Office of Personnel Management shall prescribe regulations to carry out this section, including the monitoring of agency compliance with this section.''.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations in accordance with subsection (d) of section 4121 of title 5, United States Code, as added by subsection (a) of this section.

(c) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act and apply to—

(A) each individual appointed to the position of a supervisor, as defined under section 4121(a) of title 5, United States Code, (as added by subsection (a) of this section) on or after that effective date; and

(B) each individual who is employed in the position of a supervisor on that effective date as provided under paragraph (2).

(2) SUPERVISORS ON EFFECTIVE DATE.—Each individual who is employed in the position of a supervisor on the effective date of this section shall be required to—

(A) complete each program established under section 4121(b)(2) of title 5, United States Code (as added by subsection (a) of this section), not later than 3 years after the effective date of this section; and

(B) complete programs every 3 years thereafter in accordance with section 4121(c) (2) and (3) of such title.

SEC. 3. MANAGEMENT COMPETENCY STANDARDS.

(a) IN GENERAL.—Chapter 43 of title 5, United States Code, is amended—

(1) by redesignating section 4305 as section 4306; and

(2) inserting after section 4304 the following:

''§ 4305. Management competency standards

''(a) In this section, the term 'supervisor' means—

''(1) a supervisor as defined under section 7103(a)(10);

''(2) a management official as defined under section 7103(a)(11); and

''(3) any other employee as the Office of Personnel Management may by regulation prescribe.

''(b) The Office of Personnel Management shall issue guidance to agencies on standards supervisors are expected to meet in order to effectively manage, and be accountable for managing, the performance of employees.

''(c) Each agency shall—

''(1) develop standards to assess the performance of each supervisor and in developing such standards shall consider the guidance developed by the Office of Personnel Management under subsection (b) and any other qualifications or factors determined by the agency;

''(2) assess the overall capacity of the supervisors in the agency to meet the guidance developed by the Office of Personnel Management issued under subsection (b); and

''(3) develop and implement a supervisor training program to strengthen issues identified during such assessment.

''(d) Every year, or on any basis requested by the Director of the Office of Personnel Management, each agency shall submit a report to the Office on the progress of the agency in implementing this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 43 of title 5, United States Code, is amended by striking the item relating to section 4305 and inserting the following:

''4305. Management competency standards.
''4306. Regulations.''.

(2) REFERENCE.—Section 4304(b)(3) of title 5, United States Code, is amended by striking ''section 4305'' and inserting ''section 4306''.

By Mr. HATCH:

S. 3585. A bill to amend the Internal Revenue Code of 1986 to improve and expand the availability of health savings accounts, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Health Savings Accounts Improvement and Expansion Act of 2006. This bill will make it easier for businesses to provide the option of an HSA to their employees and for Americans to elect these plans.

In short, this bill will make it more likely that Americans will have an HSA plan available when they are making their health care choices. This would be a good development for the individual consumer and the for nation's health care system as a whole.

There is one thing on which we can all agree: our current health care system is broken. Health care expenses are far outpacing inflation. These escalating costs are pricing more and more Americans and small businesses out of the health insurance market. Unless we act, our health care costs are on pace to bankrupt the Federal Treasury.

We need to do something.

The American people want us to do something.

Some favor an option that would give the Federal Government more control of the health care system. In my opinion, that doesn't really fix the problem, it only makes the problem worse—leading to higher costs, higher taxes, and decreased quality and availability.

I believe the answer lies in bringing down costs by helping Americans to take control of their health care.

Recognizing that a federally controlled universal system is a nonstarter, the House of Representatives has aggressively pursued the expansion and development of Health Savings Accounts. In particular, Congressmen ERIC CANTOR and BILL SHUSTER have taken laudable steps toward making these plans more readily available for American workers.

Congressman BILL THOMAS, chairman of the Ways and Means Committee, is demonstrating his and the House's commitment to these plans by holding a hearing tomorrow to discuss the development of health savings accounts.

I am also proud to see that several of our Senate colleagues have introduced legislation that would expand consumer driven health care. Senators SANTORUM, ALLEN, DEMINT, ENSIGN, and COBURN have introduced legislation to fuel the growth of health savings accounts.

My bill complements these plans by encouraging employers to offer HSA accounts and by making it easier for workers to use them.

Since Congress established HSAs in 2004, American workers have turned to them as an affordable health care alternative. Already, more than three million people have enrolled in HSAs. Without any changes to the law, it is estimated that by 2008 there will be six million HSA owners with almost $5 billion in assets.

HSAs are popular. And they are popular because they work.

HSAs are a different type of health insurance. They are more like car insurance than traditional health insurance: You pay for the dents and dings yourself, and your insurance only kicks in for major events. This makes sense. Think of how expensive your car insurance would be if every scratch on every bumper had to be paid for by insurance companies with no owner contribution.

Yet critics allege that promoting this type of insurance unfairly burdens older Americans and the chronically ill—those with the most health care needs. I would note that the premise of this argument is off the mark. For many Americans and businesses, the cost of health insurance premiums are rising so astronomically that the choice is not between traditional first-dollar coverage or an HSA plan, but between an HSA plan and no insurance at all.

As the Galen Institute—a research institute that has done excellent work reviewing the development of consumer-driven health care—has shown, HSAs are not only for the young and the healthy, but also for all health consumers along the age and income spectrum. In a survey by eHealthInsurance—an on-line health insurance broker representing more than 140 major health insurance companies—40 percent of HSA-eligible plan

purchasers made less than $50,000. Forty-five percent of purchasers are over age 40 and 19 percent are 50 or older.

Some argue that the healthy will migrate from traditional plans, leaving only the chronically ill in full coverage plans and driving up costs by shrinking the insurance pool. This argument ignores a critical fact. Younger workers aged 25–34 are currently the largest segment of the uninsured, in large part because insurance coverage is so expensive. They represent 23 percent of the total uninsured population. By bringing them into HSA plans, they will only bring premium costs down further for the chronically ill who establish an HSA.

According to America's health insurance plans, AHIP, 37 percent of those purchasing plans were previously uninsured. Twenty-seven percent of policies sold in the small group market were sold to employers who did not previously offer coverage. According to Assurant Health, the leading health insurer for individuals and small groups, 40 percent of those purchasing HSAs were previously uninsured.

Finally, it seems that American workers, and the chronically ill, are responding to the incentives provided by these consumer-driven plans. McKinsey & Company conducted an extensive survey of these plans. They held focus groups, performed one-on-one interviews, and produced an in-depth study of more than 2,500 Americans regarding their health insurance arrangements. They concluded that these plans have a lot of potential. In fact, some of their conclusions were remarkable. Fifty percent were more likely to ask about costs and three times more likely to choose a less extensive and expensive treatment option. HSA owners are also more likely to visit an urgent care center for treatment rather than a hospital emergency room.

In addition, HSA consumers were more likely to be attentive to their health. Twenty-five percent were more likely to engage in healthy behavior and 30 percent were more likely to get an annual physical. These educated consumers understand that prevention will save them money in the long run. They were more likely to identify treatment options and they were 20 percent more likely to comply with treatment for chronic conditions.

It is no surprise that people are enjoying their HSA plans. According to a survey by eHealthInsurance, premiums for HSA-eligible insurance actually dropped between the introduction of these plans in 2004 and the first half of 2005. Nearly two-thirds of HSA purchasers paid $100 a month or less for their plans. And these plans are comprehensive. Most cover 100 percent of the costs of hospitalization, lab tests, emergency room visits, prescription drugs and doctors' visits after the deductible is met.

The continued expansion of HSAs will have a twofold effect. For those with insurance, the high deductible encourages more responsible, and less wasteful, health care decisions. For those without insurance, the wider availability and lower premiums makes it more affordable for individuals to purchase these plans in the nongroup market and for companies to provide insurance for their employees. The bottom line is that the expansion of these plans will create downward pressure on escalating health care costs.

My proposal aims to make HSAs more attractive to employees, more attractive to employers, and more attractive to older workers. And the bill provides innovative ways for younger workers to contribute seed money to fund an account for their family.

For employees, the primary benefits are increased contribution limits, and the ability to pay their health insurance premiums from the HSA—with pre-tax dollars. Presently, the portion of premiums paid out-of-pocket is paid with after-tax dollars. This feature will make HSAs affordable for more low and moderate income individuals.

For employers, the bill provides incentives to move into low-cost premium arrangements. The health care costs of self-employed individuals and small employers who purchase plans in the non-group market should go down for those who avail themselves of these improved HSAs.

For older Americans, this bill will permit contributions to an HSA as long as they continue to work. Today, more and more Americans are working past the age of 65. This is a trend we should encourage, because the labor force of the future will need more of these experienced workers. Senior citizens contribute a great deal to the workplace and our economy. I know that they are in Utah. Yet I hear from many of our older workers that because they are eligible for Medicare, they are ineligible for HSAs. Expanding contributions to a population that generally has more medical expenses makes sense.

The cornerstone of my bill is a provision that allows HSAs to be funded with tax-free transfers of balances from other health or retirement plans. Participation in certain employer-sponsored health plans makes it impossible for employees to contribute to an HSA. For example, health reimbursement arrangements—HRAs—are plans that allow employers to reimburse substantiated employee medical expenses up to a maximum amount. Under current law, participation in an HRA disqualifies an individual from contributing to an HSA and remaining balances are subject to forfeiture.

I believe that employers that have adopted HRAs would be more likely to offer HSAs if they are allowed a one-time opportunity to transfer individual HRA balances into HSAs. Allowing a one-time conversion opportunity would be very valuable for employees because the balances currently in HRAs would become employee-owned. Not only will this encourage responsible spending on health care, but it will also help to make health insurance more portable, a goal that discourages job lock and creates more freedom and opportunity for American workers.

The bill provides for a tax-free transfer of IRA funds, originally allocated for retirement, to an HSA, with the money reallocated for health care expenses. This will be particularly helpful for those in need of initial seed money to open an HSA and for those who anticipate high medical expenses for which they are currently unable to tap IRA funds without penalty.

My proposal will make it easier for veterans to participate in an HSA. According to Treasury Department guidance, a veteran may not contribute to an HSA if he or she has actually received medical benefits from the VA at any time during the previous 3 months. This bill would allow a veteran who receives VA medical benefits for a service-connected disability to be eligible for an HSA.

I am pleased to tell my colleagues that the changes proposed by the Health Savings Accounts Improvement and Expansion Act of 2006 have been endorsed by a broad cross-section of major health care organizations. I am proud that the National Association of Health Underwriters, the American Benefits Council, the Council of Insurance Agents and Brokers, Assurant Health, the Chamber of Commerce, the National Business Group on Health, the Business Roundtable, and the Financial Services Roundtable have all endorsed my attempt to expand the availability of Health Savings Accounts. These groups know how important HSAs are in giving employees and employers the flexibility to meet their health care needs.

Mr. President, I expect the popularity of HSAs will one day elevate the acronym to the level of IRAs, where no further clarification is required. Today, I ask my colleagues to join me in a bipartisan effort to accelerate that process by enacting this important legislation.

I ask unanimous consent that a section-by-section description 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. 3585

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''HSA Improvement and Expansion Act of 2006''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) authorizes health savings accounts (referred to in this section as ''HSAs'') into which individuals may make annual contributions of not more than $2,700, and families may make annual contributions of not more than $5,450, to permit spending by individuals for their health care needs.

(2) Federal law provides for obtaining health insurance coverage through a low premium health plan offered with a tax-favored HSA that typically costs substantially less than traditional health insurance.

(3) Giving individuals more direct control over their health care spending will encourage more prudent use of health care services, help make the health care system more responsive to the needs of consumers, and improve access to health coverage for the uninsured.

(4) A broad range of improvements to the Federal laws governing HSAs are necessary to make them more attractive to consumers and employers.

(5) The number of people covered in January 2006 by products combining an HSA with a low premium health plan was 3,168,000, more than triple the 1,031,000 reported in March 2005.

(6) HSAs have become an important option for consumers and employers who have struggled to afford health insurance coverage.

(7) According to a January 2006 census, 31 percent of new enrollees in HSAs and low premium health plans in the individual market were previously uninsured.

(8) HSAs combined with low premium health plans can provide an affordable and accessible health insurance option for individuals of all ages.

(9) 50 percent of all people covered by HSAs and low premium health plans in the individual market, including dependents covered under family plans, are 40 years of age or older.

(10) Many States currently have in effect laws and regulations that require insurers to provide specific benefit coverage in the health insurance plans they offer, preventing individuals and small business from enrolling in low premium health plans and making them ineligible for HSAs.

SEC. 3. ACCELERATED FUNDING FOR HSAS THROUGH DISTRIBUTIONS FROM BALANCES IN HEALTH REIMBURSEMENT AND FLEXIBLE SPENDING ARRANGEMENTS AND FROM INDIVIDUAL RETIREMENT PLANS.

(a) ONE-TIME FSA AND HRA ROLLOVERS TO HSAS.—

(1) IN GENERAL.—A plan shall not fail to be treated as a flexible spending arrangement or health reimbursement arrangement under section 105 or 106 of the Internal Revenue Code of 1986 merely because—

(A) such plan provides for a contribution to the health savings account (as defined in section 223 of such Code) of the employee which meets the requirements of paragraph (2), and

(B) such plan thereafter terminates with respect to such employee.

(2) REQUIREMENTS.—A contribution meets the requirements of this paragraph if—

(A) in the case of a flexible spending arrangement (as defined in section 106(c)(2) of such Code) in existence on June 1, 2006, such contribution is the remaining balance in such arrangement as of the last day of the plan year ending in or before the taxable year in which such contribution is made,

(B) in the case of a health reimbursement arrangement in existence on June 1, 2006, such contribution is the remaining balance of the amount to be received in reimbursements under such arrangement as of the last day of the plan year ending in or before the taxable year in which such contribution is made, and

(C) such contribution is made by the employer directly to the health savings account of the employee not later than 60 days after the end of the plan year of such flexible spending arrangement or health reimbursement arrangement.

(3) TREATMENT AS ROLLOVER CONTRIBUTION.—For purposes of sections 223 and 4973 of such Code, a contribution which meets the requirements of paragraph (2) shall be treated as a rollover contribution described in section 223(f)(5) of such Code.

(4) TAX TREATMENT RELATING TO CONTRIBUTIONS.—For purposes of this title—

(A) INCOME TAX.—Gross income shall not include the amount of any contribution under this subsection.

(B) EMPLOYMENT TAXES.—Amounts contributed to a health savings account under this subsection shall be treated as a payment described in section 106(d) of such Code.

(C) COMPARABILITY EXCISE TAX.—Section 4980G of such Code shall not apply to contributions made under this subsection.

(5) TERMINATION.—This paragraph shall not apply to any taxable year beginning after December 31, 2011.

(b) ONE-TIME DISTRIBUTION FROM INDIVIDUAL RETIREMENT PLANS TO FUND HSAS.—

(1) IN GENERAL.—Section 402 (relating to taxability of beneficiary of employees' trust) is amended by adding at the end the following new subsection:

''(l) HEALTH SAVINGS ACCOUNT FUNDING DISTRIBUTION FROM INDIVIDUAL RETIREMENT PLANS.—

''(1) IN GENERAL.—In the case of an employee who is an eligible individual and who elects the application of this subsection for a taxable year, gross income of the employee for the taxable year does not include a qualified HSA funding distribution to the extent such distribution is otherwise includible in gross income (determined after the application of paragraph (4)).

''(2) QUALIFIED HSA FUNDING DISTRIBUTION.—For purposes of this subsection, the term 'qualified HSA funding distribution' means a distribution from an individual retirement plan of the employee to the extent that such distribution is contributed to the health savings account of the employee not later than the 60th day after the day on which the employee receives such distribution or in a direct trustee-to-trustee transfer.

''(3) LIMITATIONS.—

''(A) MAXIMUM DOLLAR LIMITATIONS BASED ON OUT-OF POCKET LIMITS IN EFFECT AT TIME OF CONTRIBUTION.—The amount excluded from gross income by paragraph (1) shall not exceed—

''(i) in the case of an individual who has self-only coverage under a high deductible health plan as of the first day of the month in which the qualified HSA funding distribution is contributed to the health savings account of the employee, the amount in effect for the taxable year under subclause (I) of section 223(c)(2)(A)(ii), and

''(ii) in the case of an individual who has family coverage under a high deductible health plan as of the first day of the month in which the qualified HSA funding distribution is contributed to the health savings account of the employee, the amount in effect for the taxable year under subclause (II) of section 223(c)(2)(A)(ii).

''(B) ONE-TIME TRANSFER.—

''(i) IN GENERAL.—Except as provided in clause (ii), an individual may make an election under paragraph (1) only for one qualified HSA funding distribution during the lifetime of the individual. Such an election, once made, shall be irrevocable.

''(ii) CONVERSION FROM SELF-ONLY TO FAMILY COVERAGE.—If a qualified HSA funding distribution is made during a month during which an individual has self-only coverage under a high deductible health plan as of the first day of the month, the individual may elect to make an additional qualified HSA funding distribution during a subsequent month during which the individual has family coverage under a high deductible health plan as of the first day of the subsequent month, except that the limitation otherwise applicable under subparagraph (A)(ii) to the distribution during such subsequent month shall be reduced by the amount of the earlier qualified HSA funding distribution.

''(4) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which an amount is treated as includible in gross income for purposes of paragraph (1), the aggregate amount distributed from an eligible retirement plan in a taxable year shall be treated as includible in gross income to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) ELIGIBLE RETIREMENT PLAN.—The term 'eligible retirement plan' means an individual retirement plan (as defined in section 7701(a)(37)), including an individual retirement plan which is designated as a Roth IRA.

''(B) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' has the meaning given such term by section 223(c)(1).

''(6) RELATED PLANS TREATED AS 1.—For purposes of this subsection, all eligible retirement plans of an employer shall be treated as a single plan.''.

(2) COORDINATION WITH LIMITATION ON CONTRIBUTIONS TO HSAS.—Section 223(b)(4) (relating to coordination with other contributions) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by inserting after subparagraph (B) the following new subparagraph:

''(C) the aggregate amount contributed to health savings accounts of such individual for such taxable year under section 402(l) (and such amount shall not be allowed as a deduction under subsection (a)).''.

(3) 10-PERCENT PENALTY ON EARLY DISTRIBUTIONS NOT TO APPLY.—Section 72(t)(2)(A) of such Code (relating to subsection not to apply to certain distributions) is amended by striking ''or'' at the end of clause (vi), by striking the period at the end of clause (vii) and inserting '', or'', and by inserting after clause (vii) the following new clause:

''(viii) a qualified HSA funding distribution (as defined by section 402(l)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 4. PROVISIONS RELATING TO ELIGIBILITY TO CONTRIBUTE TO HSAS.

(a) INDIVIDUALS ELIGIBLE FOR REIMBURSEMENT UNDER SPOUSE'S FLEXIBLE SPENDING ARRANGEMENT.—Section 223(c)(1) (defining eligible individual) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR CERTAIN FLEXIBLE SPENDING ARRANGEMENTS.—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in such subparagraph merely because the individual is covered under a flexible

spending arrangement (within the meaning of section 106(c)(2)) which is maintained by an employer of the spouse of the individual, but only if—

''(i) the employer is not also the employer of the individual, and

''(ii) the individual certifies to the employer and to the Secretary (in such form and manner as the Secretary may prescribe) that the individual and the individual's spouse will not accept reimbursement under the arrangement for any expenses for medical care provided to the individual.''.

(b) INDIVIDUALS OVER AGE 65 AUTOMATICALLY ENROLLED IN MEDICARE PART A.—Section 223(b)(7) (relating to contribution limitation on medicare eligible individuals) is amended by adding at the end the following new sentence: ''This paragraph shall not apply to any individual during any period the individual's only entitlement to such benefits is an entitlement to hospital insurance benefits under part A of title XVIII of such Act pursuant to an automatic enrollment for such hospital insurance benefits under the regulations under section 226(a)(1) of such Act.''

(c) INDIVIDUALS ELIGIBLE FOR CERTAIN VETERANS BENEFITS.—Section 223(c)(1) (defining eligible individual), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR INDIVIDUALS ELIGIBLE FOR CERTAIN VETERANS BENEFITS.—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in such subparagraph merely because the individual receives periodic hospital care or medical services for a service-connected disability under any law administered by the Secretary of Veterans Affairs but only if the individual is not eligible to receive such care or services for any condition other than a service-connected disability.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 5. PROVISIONS RELATING TO CONTRIBUTION AND LOW PREMIUM HEALTH PLAN LIMITS.

(a) INCREASE IN CONTRIBUTION LIMITS FOR HSAS.—

(1) INCREASE IN MONTHLY LIMIT.—

(A) IN GENERAL.—Paragraph (2) of section 223(b) (relating to monthly limitation) is amended to read as follows:

''(2) MONTHLY LIMITATION.—In the case of an eligible individual who has coverage under a high deductible health plan, the monthly limitation for any month of such coverage is 1/12 of—

''(A) in the case of an eligible individual who has self-only coverage under a high deductible health plan as of the first day of such month, $2,700, and

''(B) in the case of an eligible individual who has family coverage under a high deductible health plan as of the first day of such month, $5,450.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 223(d)(1)(A)(ii)(I) is amended by striking ''subsection (b)(2)(B)(ii)'' and inserting ''subsection (b)(2)(B)''.

(ii) Section 223(c)(2)(D) is amended to read as follows:

''(D) SPECIAL RULE FOR NETWORK PLANS.—In the case of a plan using a network of providers, such plan shall not fail to be treated as a high deductible health plan by reason of having an out-of-pocket limitation for services provided outside of such network which exceeds the applicable limitation under subparagraph (A)(ii).''.

(2) INCREASE IN LIMIT FOR INDIVIDUALS BECOMING ELIGIBLE INDIVIDUALS AFTER THE BEGINNING OF THE YEAR.—Section 223(b) (relating to limitations) is amended by adding at the end the following new paragraph:

''(8) INCREASE IN LIMIT FOR INDIVIDUALS BECOMING ELIGIBLE INDIVIDUALS AFTER THE BEGINNING OF THE YEAR.—An individual who first becomes an eligible individual during a calendar year in a month after January of the calendar year shall, for purposes of computing the limitation under paragraph (1) for any taxable year, be treated as having been an eligible individual during each of the months in such calendar year preceding such first month (and as having been enrolled in each of those months in the same high deductible health plan the individual was enrolled in for such first month).''.

(3) APPLICATION OF SPECIAL RULES FOR MARRIED INDIVIDUALS.—Paragraph (5) of section 223(b) (relating to special rule for married individuals) is amended to read as follows:

''(5) SPECIAL RULES FOR MARRIED INDIVIDUALS.—

''(A) IN GENERAL.—In the case of individuals who are married to each other and who are both eligible individuals, the limitation under paragraph (1) for each spouse shall be equal to the spouse's applicable share of the excess (if any) of—

''(i) the dollar amount in effect under paragraph (2)(B) (without regard to any additional contribution amounts under paragraph (3)), over

''(ii) the aggregate amount paid to Archer MSAs of such spouses for the taxable year.

''(B) APPLICABLE SHARE.—For purposes of subparagraph (A), a spouse's applicable share is one-half of the limitation under subparagraph (A) unless both spouses agree on a different division.''

(4) SELF-ONLY COVERAGE.—Section 223(c)(4) (defining family coverage) is amended to read as follows:

''(4) COVERAGE.—

''(A) FAMILY COVERAGE.—The term 'family coverage' means any coverage other than self-only coverage.

''(B) SELF-ONLY COVERAGE.—If more than 1 individual is covered by a high deductible health plan but only 1 of the individuals is an eligible individual, the coverage shall be treated as self-only coverage.''.

(b) FAMILY PLAN MAY HAVE INDIVIDUAL ANNUAL DEDUCTIBLE LIMIT.—Section 223(c)(2) (defining high deductible health plan) is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR FAMILY COVERAGE.—A health plan providing family coverage shall not fail to meet the requirements of subparagraph (A)(i)(II) merely because the plan elects to provide both—

''(i) an aggregate annual deductible limit for all individuals covered by the plan which is not less than the amount in effect under subparagraph (A)(i)(II), and

''(ii) an annual deductible limit for each individual covered by the plan which is not less than the amount in effect under subparagraph (A)(i)(I).''.

(c) COST-OF-LIVING ADJUSTMENTS COMPUTED EARLIER IN THE CALENDAR YEAR.—Paragraph (1) of section 223(g) (relating to cost-of-living adjustment) is amended by adding at the end the following new flush sentence:

''In the case of any taxable year beginning after 2006, section 1(f)(4) shall be applied for purposes of this paragraph by substituting 'March 31' for 'August 31' and the Secretary shall publish the adjusted amounts under subsections (b)(2) and (c)(2)(A) for taxable years beginning in any calendar year no later than June 1 of the preceding calendar year.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 6. DEFINITION OF QUALIFIED MEDICAL EXPENSES.

(a) PREMIUMS FOR LOW PREMIUM HEALTH PLANS TREATED AS QUALIFIED MEDICAL EXPENSES.—Subparagraph (C) of section 223(d)(2) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following new clause:

''(v) a high deductible health plan, but only if the expenses are for coverage for a month with respect to which the account beneficiary is an eligible individual by reason of the coverage under the plan.''.

(b) SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT.—Paragraph (2) of section 223(d) is amended by adding at the end the following new subparagraph:

''(D) CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT TREATED AS QUALIFIED.—An expense shall not fail to be treated as a qualified medical expense solely because such expense was incurred before the establishment of the health savings account if such expense was incurred—

''(i) during either—

''(I) the taxable year in which the health savings account was established, or

''(II) the preceding taxable year in the case of a health savings account established after the taxable year in which such expense was incurred but before the time prescribed by law for filing the return for such taxable year (not including extensions thereof), and

''(ii) for medical care of an individual during a period that such individual was an eligible individual.

For purposes of clause (ii), an individual shall be treated as an eligible individual for any portion of a month the individual is described in subsection (c)(1), determined without regard to whether the individual is covered under a high deductible health plan on the 1st day of such month.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

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

THE HEALTH SAVINGS ACCOUNTS IMPROVEMENT AND EXPANSION ACT OF 2006

SECTION-BY-SECTION

I. Distributions to HSAs from existing health and retirement accounts

HRA/FSA Rollover—Section 3(a): Health Reimbursement Arrangements (HRAs) are employer-sponsored plans which allow employers to reimburse substantiated employee medical expenses up to a maximum amount. Flexible Spending Arrangements (FSAs) are employer-sponsored plans that are usually funded through voluntary salary reduction agreements with an employee. Participation in these plans disqualifies individuals from contributing to Health Savings Accounts (HSAs) except in limited situations. The disqualification from HSA contributions applies regardless of whether the coverage is provided by the employer of the individual or spouse of the individual.

Employers with existing FSAs or HSAs might be more likely to offer health savings accounts if they were allowed a one-time opportunity to transfer individual balances into HSAs. FSA balances are subject to forfeiture when an individual leaves employment and HRA balances generally revert to the employer. Allowing a one-time conversion opportunity would be very valuable for employees because the balances currently in their employer-sponsored accounts would become employee-owned funds to which they could also contribute in the future and could keep as they change employment.

Seeding an HSA Through an IRA Rollover—Section 3(b): HSAs work in combination with High Deductible Health Plans (HDHPs). Because the maximum deductible with an HDHP can be as high as $5,250 for a family plan, with maximum out-of-pocket expenses as high as $10,500, these plans can be intimidating for young families or the chronically ill who anticipate substantial medical expenses. To alleviate these concerns and to allow an individual to ''seed'' an HSA with a substantial amount of money, the Act would authorize a one-time distribution from an IRA to an HSA, up to the amount of the statutory out-of-pocket maximum. To accommodate a person who elects this distribution while covered by an individual plan, but who later has family coverage, the measure would allow a one-time catch-up contribution of the difference between the original contribution and the statutory limit on out-of-pocket expenses for a family plan. These distributions would not be subject to the ordinary 10% penalty for early IRA distributions.

II. Eligibility to contribute to HSAs

Employee Who Has a Spouse with an FSA—Section 4(a): Under current law, an individual may not contribute to an HSA if his spouse has an FSA, even if the individual never seeks to be reimbursed for any medical expenses from the spouse's FSA. The proposal would allow contributions to an HSA provided that the individual certifies that he will not receive reimbursement for any health expenses from his spouse's FSA.

Older Employees—Section 4(b): Active employees over age 65 are permitted to contribute to an HSA so long as the individual is not enrolled in Medicare. However, individuals are automatically enrolled in Medicare Part A (which covers hospital expenses) upon reaching age 65 even though their plan through their employer will typically continue to cover their medical expenses until they retire. The Act would allow older workers who participate in HSAs to be allowed to continue to contribute to their accounts until they retire despite the fact they were automatically enrolled in Medicare Part A at age 65.

Veterans—Section 4(c): Under current law, a combat wounded veteran who is eligible for medical benefits through the Department of Veterans Affairs (VA) is also HSA eligible. According to Treasury Department guidance, however, the veteran may not contribute to an HSA, if he or she has actually received medical benefits from the VA at any time during the previous three months. The Act would also allow a veteran who actually receives VA medical benefits for a service-connected disability to be eligible for an HSA.

III. Increasing value in HSAs

Increasing Contribution Limits—Section 5(a): Under current law HSA contributions are limited to the lesser of the actual deductible or the statutory contribution limit ($2,700 individual/$5,450 family for 2006). The President has proposed raising the contribution limit to the statutory out-of-pocket maximum for HSAs ($5,250 individual/$10,500 family). The proposal would permit mid-year enrollment and allow individuals and families to contribute up to the contribution limit, regardless of the actual deductible of the plan.

Permitting Individual Family Members to Satisfy Individual Rather than Family Deductible—Section 5(b): Most employer-sponsored health plans begin providing coverage as soon as a family member meets the individual deductible for the plan rather than the full family deductible. Current HSA guidance only allows this practice if the individual deductible is at least the minimum deductible for family coverage ($2,000). Allowing coverage to begin after a family member satisfies the individual deductible amount would help to encourage more employees to elect HSAs for themselves and their families.

Earlier Indexing of Cost of Living Adjustments—Section 5(c): The HSA statute directs Treasury to index deductible amounts, out-of-pocket expense limits, and limits on contributions to HSAs. Treasury is required to use third quarter economic data when making these annual updates, which means the new figures are typically issued in December, too late for many employers who need to make these updates much sooner in the year. Directing Treasury to complete the indexing of these amounts by June 1, using first quarter economic data, will give employers the information they need in enough time to modify their plan offerings that take effect the following January.

IV. Expanding the definition of qualified medical expenses

Premiums—Section 6(a): A large part of a family's annual medical expenses is the cost of premiums for health insurance. Under current law, high deductible health plan premiums cannot be paid from an HSA. As a result, individuals must pay their premiums with after-tax dollars. Employees must use after-tax dollars to pay their share of premiums for employer-sponsored coverage, unless their employer provides a premium conversion plan under Section 125 of the Internal Revenue Code. The proposal would allow high deductible health plan premiums to be paid with pre-tax dollars from an HSA. This provision will primarily help self-employed individuals and others who purchase plans in the non-group market. Further, it would provide an incentive for employers not currently offering health insurance to make available a low-cost high-deductible plan.

Medical Expenses Incurred Before Establishment of Account—Section 6(b): Under current law, only qualified expenses that are incurred after an HSA is established can be distributed tax-free from the account. The Act would allow certain medical expenses incurred before establishment of the HSA to qualify as well. Generally, expenses incurred during the taxable year in which the HSA was established or during the preceding taxable year could be paid from the account without penalty.

By Mr. HATCH:

S. 3586. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce a bill that will eliminate the current limit on the amount individuals can place into a trust to provide for funeral expenses. Given the rising costs of funeral expenses, this change would have a positive impact on the lives of older Americans and on their families. In addition, according to the Joint Committee on Taxation, it would have a slight, but positive, impact on the Federal Treasury.

Current law limits a funeral trust to $8,500, but this is generally no longer sufficient to cover a family's funeral expenses. In Utah, the average cost of a full funeral and burial is $12,685. I am sure that in many other States it is even higher. Because of this contribution limit, even those who preplan their own funerals too often leave their heirs with substantial expenses. Even those who attempt to cover the entire expense may not have enough to cover all costs after administrative fees and taxes are deducted.

This proposal would make qualified funeral trusts more effective. The principal reason individuals set up qualified funeral trust plans is to lift a financial burden from their children.

I recall the case of one constituent who wrote to me about this 3 years ago. He was suffering from Parkinson's disease began preplanning his own funeral so these decisions and this burden would be lifted from his children. Because of the ''QFT Cap'' which at the time was $7,800, this Utahn was not able to preplan completely the funeral services he desired. It became necessary to have one of his sons complete this preplanning for him by opening up his own trust that would help to cover all expenses. It seems silly to make families go to these extra steps when they are attempting to make responsible decisions, well in advance of need, for themselves and their families.

For older Americans, the primary benefits of this legislation are the ability to have all the money they have saved in the trust to be applied to final expenses, instead of taxes, and the incentive to increase the amount of their contribution. Sixty percent of prefunded funerals were funded by trusts and elimination of the cap should raise this percentage. For funeral directors, this change would eliminate the burden and expense of issuing information documents to report income earned from the trust.

I think we can all agree that we should make it easier for those who are willing to provide for these necessary expenses in advance. Today, I ask my colleagues to join me in an effort to enact this important measure.

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. 3586

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

SECTION 1. REPEAL OF DOLLAR LIMITATION ON CONTRIBUTIONS TO FUNERAL TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 685 of the Internal Revenue Code of 1986 (relating to treatment of funeral trusts) is repealed.

(b) CONFORMING AMENDMENT.—Subsections (d), (e), and (f) of such section are redesignated as subsections (c), (d), and (e), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 521—COMMENDING THE PEOPLE OF ALBANIA ON THE 61ST ANNIVERSARY OF THE LIBERATION OF THE JEWS FROM THE NAZI DEATH CAMPS, FOR PROTECTING AND SAVING THE LIVES OF ALL JEWS WHO LIVED IN ALBANIA, OR SOUGHT ASYLUM THERE DURING THE HOLOCAUST

Mr. SCHUMER (for himself and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 521

Whereas at the start of World War II, approximately 200 Jews lived in the Republic of Albania, and approximately 1800 Jews escaped to Albania from Western Europe and the former Yugoslavia;

Whereas in 1934, United States Ambassador to Albania Herman Bernstein wrote that, ''There is no trace of any discrimination against Jews in Albania, because Albania happens to be one of the rare lands in Europe today where religious prejudice and hate do not exist, even though Albanians themselves are divided into three faiths.'';

Whereas based on their unique history of religious tolerance, Albanians sheltered and protected Jews, even at the risk of Albanian lives, beginning with the invasion and occupation of Albania by Mussolini's Italian fascists in 1939;

Whereas after Germany occupied Albania in 1943 and the Gestapo ordered Jewish refugees in the Albanian capital of Tirana to register, Albanian leaders refused to provide a list of Jews living in Albania, and Albanian clerks issued false identity papers to protect all Jews who traveled to and hid in Tirana;

Whereas Albanians considered it a matter of national pride and tradition to help Jews during the Holocaust, and due to the actions of many individual Albanians, virtually the entire native and refugee Jewish community in Albania during World War II survived the Holocaust;

Whereas Albania had more Jewish residents after World War II than before World War II;

Whereas in June 1990, Jewish-American Congressman Tom Lantos and former Albanian-American Congressman Joe DioGuardi were the first United States officials to enter Albania in 50 years and received from the Communist Party leader and Albanian President Ramiz Alia a thick file from the Communist archives containing the records of the unpublicized heroic deeds of hundreds of Albanians who rescued Jews during World War II;

Whereas Joe DioGuardi, upon returning to the United States, sent the file for authentication to Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Museum in Jerusalem, Israel;

Whereas Yad Vashem has thus far designated 63 Albanians as ''Righteous Persons'' and Albania as one of the ''Righteous Among the Nations'';

Whereas in February 1995, Congressmen Tom Lantos, Benjamin Gilman, and Jerrold Nadler and former Congressman Joe DioGuardi spoke at a ceremony at the United States Holocaust Memorial Museum in Washington, DC, commemorating the addition of Albania to the museum's ''Righteous Among the Nations'' installation;

Whereas based on the information authenticated by Yad Vashem, Jewish-American author and philanthropist Harvey Sarner published ''Rescue in Albania'' in 1997, to call international attention to the unique role of the Albanian people in saving Jews from the Nazi Holocaust;

Whereas in October 1997, the Albanian American Civic League and Foundation began the distribution of 10,000 copies of ''Rescue in Albania'' with forewords by Congressmen Lantos and Gilman to bring to the attention of the Jewish people and their leaders in particular the plight of Albanians living under Slobodan Milosevic in order to forestall another genocide;

Whereas on May 15, 2005, Jews and Albanians gathered in New York City in a ''Salute to Albanian Tolerance, Resistance, and Hope: Remembering Besa and the Holocaust'' on the occasion for the 60th anniversary of the liberation of the Nazi death camps; and

Whereas in a statement presented at the ceremony Dr. Mordechai Paldiel, Director of the Department for the Righteous at Yad Vashem, commemorated the heroism of Albanians as ''the only ones among rescuers in other countries who not only went out of their way to save Jews, but vied and competed with each other for the privilege of being a rescuer, thanks to besa'', the code of honor that requires Albanians to save the life of anyone seeking refuge, even if it means sacrificing his own life: Now, therefore, be it

Resolved, That the Senate—

(1) commends the people of Albania for protecting and saving the lives of all Jews, both native and refugee, living in Albania during the Holocaust;

(2) commends Yad Vashem in Israel and encourages others to recognize Albanians who took action to protect Jews during the Holocaust for their great courage and heroism; and

(3) takes this occasion to reaffirm its support for close ties between the United States and Albania.

SENATE RESOLUTION 522—CELEBRATING THE 150TH ANNIVERSARY OF THE CITIES OF BRISTOL, TENNESSEE AND BRISTOL, VIRGINIA

Mr. FRIST (for himself, Mr. ALEXANDER, Mr. WARNER, and Mr. ALLEN) submitted the following resolution; which was considered and agreed to:

S. RES. 522

Whereas the twin cities of Bristol, Tennessee and Bristol, Virginia were officially chartered in 1856, celebrated the Bristol Centennial in 1956, and have organized to celebrate the Bristol Sesquicentennial in 2006;

Whereas the Bristol Sesquicentennial theme, ''Celebrating 150 Years of heritage and harmony'' underscores the duality of Bristol as a cohesion of 2 separate cities with 1 communal spirit;

Whereas the ''Bristol Sign'', listed in the National Register of Historic Places, serves to exemplify the communal spirit of Bristol, bridge the States of Tennessee and Virginia over the cooperatively named ''State Street'', and declare Bristol ''A Good Place to Live'';

Whereas the people of Bristol continue to work to preserve structures of historical significance, including the Paramount theatre, the Old Customs House, and the historic train station;

Whereas the phonographic recordings known as the Bristol Sessions launched the country music careers of the Carter Family, the Stonemans, and Jimmie Rogers, and prompted historians to describe Bristol as the ''Big Bang'' of modern country music;

Whereas country music is a central part of the history of Bristol, which Congress recognized as the ''Birthplace of Country Music'';

Whereas the history and economic development of Bristol is intimately tied to commercial transportation and Bristol continues to serve as an important commercial hub for the surrounding region; and

Whereas automotive racing is integral to the identity of Bristol and the ''World's Fastest Half-Mile'' at the Bristol Motor Speedway continues to offer exciting events to scores of racing fans: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the cultural and historic achievements of the people of Bristol, Tennessee and Bristol, Virginia; and

(2) congratulates the twin cities of Bristol on their sesquicentennial.

Mr. ALEXANDER. Mr. President, I am pleased to join Senators FRIST, WARNER, and ALLEN in offering a Senate resolution that celebrates the 150th anniversary of the twin cities of Bristol, TN, and Bristol, VA.

Hanging on the wall of my Washington office near my desk is a painting of Bristol by George Smith called ''State Street at Seventh Avenue.'' This painting, which was completed around 1890, depicts the shared road that links the twin cities of Bristol and which serves as the State line between Tennessee and Virginia. State Street Church can be seen on the left side of the painting, the First Presbyterian Church is in the distance on the right, and the city saloon appears at the bottom. Thanks to continuing efforts in Bristol to preserve structures of historical significance, some of these buildings and many like them can still be seen there today.

The twin cities were incorporated in 1856, the same year the Virginia and Tennessee Railroads reached Bristol. A second railroad arrived four years later. From that point on, the population grew steadily as Bristol emerged as an important transportation and commercial hub.

Today, Bristol is known for a different type of transportation. Since 1961, the Bristol Motor Speedway has been host to NASCAR races and its fans. The Speedway, which began as drawings scratched on the back of envelopes and brown paper bags, can now seat over 160,000 fans at its races. The ''World's Fastest Half-Mile'' is acclaimed worldwide, and I have enjoyed visiting the Speedway myself.

But Bristol is more than just a transportation hub. It is the birthplace of country music—as declared by Congress in 1998.

The roots of country music in Bristol can be traced to the influences of Scotch-Irish immigrants in the mountain regions of Tennessee and Virginia—including my own ancestors—coupled with the unique hymns of Negro spirituals and work songs. A number of early Appalachian instruments that helped spawn this new American form of music can be found on the walls of my Washington office.

In 1927, Ralph Sylvester Peer arrived in Bristol hoping to produce a commercial recording of these unique mountain sounds. That's how the recordings

known as the Bristol Sessions were born, launching the careers of country greats like the Carter Family, the Stonemans and Jimmie Rogers. Those sessions are often billed as ''the Big Bang'' that started the development of modern and marketable country music.

Bristol, TN, and Bristol, VA, may be two cities but they share a common spirit. You can't help but feel that spirit each time you visit, as I have had the pleasure of doing many times over the years. Nothing says it better than the Bristol Sign, which is listed in the National Register of Historic Places. Stretching across State Street and linking the States of Virginia and Tennessee, it declares Bristol ''A Good Place to Live.''

Mr. President, I extend my warmest wishes to the people of Bristol as they celebrate the twin cities' sesquicentennial this year.

SENATE RESOLUTION 523—COMMENDING THE OREGON STATE UNIVERSITY BASEBALL TEAM FOR WINNING THE 2006 COLLEGE WORLD SERIES

Mr WYDEN (for himself and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 523

Whereas on June 26, 2006, the Oregon State University baseball team won the College World Series in Omaha, Nebraska by defeating the University of Georgia Bulldogs by a score of 5-3, the University of Miami Hurricanes by a score of 8-1, the Rice University Owls by scores of 5-0 and 2-0, and the University of North Carolina Tarheels in 2 championship series games by scores of 11-7 and 3-2;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the Oregon State University baseball team, including Erik Ammon, Darwin Barney, Bret Bochsler, Reed Brown, Dallas Buck, Brian Budrow, Mitch Canham, Bryn Card, Brett Casey, Cory Ellis, Derek Engelke, Josh Forgue, Cole Gillespie, Ryan Gipson, Tyler Grahm, Mark Grbavac, Kevin Gunderson, Koa Kahalehoe, Greg Keim, Jon Koller, Chris Kunda, Eddie Kunz, Joey Lakowske, Greg Laybourn, Lonnie Lechelt, Mike Lissman, Anton Maxwell, Jake McCormick, Shea McFeely, Jonah Nickerson, Joe Paterson, Casey Priseman, Sean Rockey, Bill Rowe, Scott Santschi, Alex Sogard, Dale Solomon, Michael Stutes, Rob Summers, Daniel Turpen, Geoff Wagner, and John Wallace;

Whereas numerous members of the Oregon State University baseball team were recognized for their performance in the regular season in the PAC-10 Conference, including Cole Gillespie, who was named PAC-10 Baseball Player of the Year, Chris Kunda, who was named PAC-10 Defensive Player of the Year, Darwin Barney, Dallas Buck, Cole Gillespie, Kevin Gunderson, and Jonah Nickerson who were named to the first team All PAC-10 baseball team, and Mitch Canham, Chris Kunda, and Shea McFeely who were named to the honorable mention All PAC-10 baseball team;

Whereas Head Coach Pat Casey was named PAC-10 Baseball Coach of the Year;

Whereas Jonah Nickerson was recognized as the Most Outstanding Player of the tournament; and

Whereas the College World Series victory of the Oregon State University ended a terrific season in which the team compiled a record of 50-16: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Oregon State University baseball team, Head Coach Pat Casey and his coaching staff, Athletic Director Bob DeCarolis, and President Edward John Ray for an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of Oregon State University.

SENATE CONCURRENT RESOLUTION 106—EXPRESSING THE SENSE OF CONGRESS REGARDING HIGH LEVEL VISITS TO THE UNITED STATES BY DEMOCRATICALLY ELECTED OFFICIALS OF TAIWAN

Mr. JOHNSON (for himself and Mr. ALLEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 106

Whereas, for over half a century, a close relationship has existed between the United States and Taiwan, which has been of enormous political, economic, cultural, and strategic advantage to both countries;

Whereas Taiwan is one of the strongest democratic allies of the United States in the Asia-Pacific region;

Whereas it is United States policy to support and strengthen democracy around the world;

Whereas during the late 1980s and early 1990s, Taiwan made a remarkable transition to a full-fledged democracy with a vibrant economy and a vigorous multi-party political system that respects human rights and the rule of law;

Whereas President George W. Bush, in a November 2005 speech in Kyoto, Japan, lauded the Government of Taiwan for its democratic achievements;

Whereas, in spite of its praise for democracy in Taiwan, the United States Government continues to adhere to guidelines from the 1970s that bar the President, Vice President, Premier, Foreign Minister, and Defense Minister of Taiwan from coming to Washington, D.C.;

Whereas the United States Government has barred these high-level officials from visiting Washington, D.C., while allowing the unelected leaders of the People's Republic of China to routinely visit Washington, D.C., and welcoming them to the White House;

Whereas these self-imposed restrictions lead to a lack of direct contact and communication with the democratically elected leaders of Taiwan and deprive the President, Congress, and the American public of the opportunity to engage in a direct dialogue regarding developments in the Asia-Pacific region and key elements of the relationship between the United States and Taiwan;

Whereas, in consideration of the major economic, security, and political interests shared by the United States and Taiwan, it is to the benefit of the United States for United States officials to meet with and communicate directly with the democratically elected leaders of Taiwan;

Whereas, since the Taiwan Strait is one of the flashpoints in the world, it is important that United States policymakers directly communicate with the leaders of Taiwan; and

Whereas, Section 221 of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1101 note) provides that the President or other high-level officials of Taiwan may visit the United States, including Washington D.C., at any time to discuss a variety of important issues: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the Sense of Congress that—

(1) restrictions on visits to the United States by high-level elected and appointed officials of Taiwan, including the democratically-elected President of Taiwan, should be lifted;

(2) the United States should allow direct high-level exchanges at the Cabinet level, in order to strengthen a policy dialogue with the Government of Taiwan; and

(3) it is in the interest of the United States to strengthen links between the United States and the democratically-elected Government of Taiwan and demonstrate stronger support for democracy in the Asia-Pacific region.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4543. Mr. DURBIN (for himself, Mrs. CLINTON, Mr. BENNETT, Mr. BINGAMAN, Mr. CARPER, Mrs. BOXER, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the 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.

SA 4544. Mr. DURBIN (for himself, Mrs. CLINTON, Mr. BENNETT, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 12, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4543. Mr. DURBIN (for himself, Mrs. CLINTON, Mr. BENNETT, Mr. BINGAMAN, Mr. CARPER, Mrs. BOXER, Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the 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; as follows:

On page 2, line 2, strike ''(two'' and all that follows and insert the following:

SECTION 1. FLAG PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Flag Protection Act of 2006''.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world;

(B) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(C) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(D) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the Constitution.

(2) PURPOSE.—The purpose of this section is to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

(c) PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.—

(1) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

"§ 700. Incitement; damage or destruction of property involving the flag of the United States

''(a) DEFINITION OF FLAG OF THE UNITED STATES.—In this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and that would be taken to be a flag by the reasonable observer.

''(b) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and under circumstances in which the person knows that it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than $100,000, imprisoned not more than 1 year, or both.

''(c) FLAG BURNING.—Any person who shall intentionally threaten or intimidate any person or group of persons by burning, or causing to be burned, a flag of the United States shall be fined not more than $100,000, imprisoned for not more than 1 year, or both.

''(d) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

''(e) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

''(f) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory, or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following:

''700. Incitement; damage or destruction of property involving the flag of the United States.''.

(d) SEVERABILITY.—If any provision of this section, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remainder of the section, and the application of this section to any other person or circumstance, shall not be affected by such holding.

SEC. 2. RESPECT FOR THE FUNERALS OF FALLEN HEROES.

(a) SHORT TITLE.—This section may be cited as the ''Respect for the Funerals of Fallen Heroes Act of 2006''.

(b) IN GENERAL.—Section 1387 of title 18, United States Code, is amended to read as follows:

"§ 1387. Prohibition on demonstrations at funerals of members or former members of the Armed Forces

''(a) IN GENERAL.—It shall be unlawful for any person to engage in a demonstration during the period beginning 60 minutes before and ending 60 minutes after the funeral of a member or former member of the Armed Forces, any part of which demonstration—

''(1)(A) takes place within the boundaries of the location of such funeral and such location is not a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery; or

''(B) takes place on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery and the demonstration has not been approved by the cemetery superintendent or the director of the property on which the cemetery is located;

''(2)(A) takes place within 150 feet of the point of the intersection between—

''(i) the boundary of the location of such funeral; and

''(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

''(B) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral of a member or former member of the Armed Forces; or

''(3) is within 300 feet of the boundary of the location of such funeral and impedes the access to or egress from such location.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(c) DEFINITIONS.—In this section:

''(1) The term 'Armed Forces' has the meaning given the term in section 101 of title 10.

''(2) The term 'funeral of a member or former member of the Armed Forces' means any ceremony, procession, or memorial service held in connection with the burial or cremation of a member or former member of the Armed Forces.

''(3) The term 'demonstration' includes—

''(A) any picketing or similar conduct;

''(B) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony;

''(C) the display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony; and

''(D) the distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony.

''(4) The term 'boundary of the location', with respect to a funeral of a member or former member of the Armed Forces, means—

''(A) in the case of a funeral of a member or former member of the Armed Forces that is held at a cemetery, the property line of the cemetery;

''(B) in the case of a funeral of a member or former member of the Armed Forces that is held at a mortuary, the property line of the mortuary;

''(C) in the case of a funeral of a member or former member of the Armed Forces that is held at a house of worship, the property line of the house of worship; and

''(D) in the case of a funeral of a member or former member of the Armed Forces that is held at any other kind of location, the reasonable property line of that location.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of such title is amended by striking the item relating to section 1387 and inserting the following new item:

''1387. Prohibition on demonstrations at funerals of members or former members of the Armed Forces.''.

SA 4544. Mr. DURBIN (for himself, Mrs. CLINTON, Mr. BENNETT, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

Amend the title so as to read: ''A Joint Resolution amending title 18, United States Code, to provide for the protection of the flag of the United States and to prohibit certain demonstrations at funerals of members and former members of the Armed Forces, and for other purposes.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMTTEE ON ARMED SERVICES

Mr. CORNYN. I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 27, 2006, at 10:30 a.m., in closed session to receive a briefing on recent North Korean Ballistic Missile Developments.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 27, 2006, at 2:30 p.m. to conduct a hearing on ''Oversight of SAFETEA–LU Implementation: The Current State of Progress and Future Outlook.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be allowed to meet in an executive session today at 10 a.m. Tuesday, June 27, 2006.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday,

June 27, 2006, at 10 a.m. The purpose of this hearing is to receive testimony relating to implementation of the Energy Policy Act provisions on enhancing oil and gas production on Federal lands in the Rocky Mountain Region.

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

COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 27, 2006, at 10 a.m., in 106 Dirksen Senate Office Building, to consider the nomination of Henry M. Paulson, Jr., to be Secretary of the Treasury.

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

COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 27, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of Mr. Eric Solomon, to be Assistant Secretary of the Treasury for Tax Policy, U.S. Department of the Treasury, vice Pamela Olson, resigned.

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

COMMITTEE ON THE JUDICIARY

Mr. President, I ask unaimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''The Use of Presidential Signing Statements'' on Tuesday, June 27, 2006, at 10 a.m. in Dirksen Senate Office Building Room 226. Witness list:

Panel I: Michelle Boardman, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice, Washington, DC.

Panel II: Charles Ogletree, Professor, Harvard Law School, Cambridge, Massachusetts; Christopher Yoo, Professor, Vanderbilt University Law School, Nashville, Tennessee; Bruce Fein, Partner, Fein & Fein LLC, Washington, DC; Nicholas Quinn Rosenkranz, Professor, Georgetown Law Center, Washington, DC.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 27, 2006, at 2:30 p.m. to hold a closed briefing.

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

SPECIAL COMMITTEE ON AGING

Mr. CORNYN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, June 27, 2006, from 10 a.m.–12 p.m. in Dirksen 215 purpose of conducting a hearing.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Tuesday, June 27, 2006, at 10 a.m. for a hearing entitled, The Right People? Oversight of the Office of Personnel Management.

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

PRIVILEGES OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Michelle Murphy, an intern in my Judiciary Committee office, be granted floor privileges for the duration of the debate on S.J. Res. 12.

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

CELEBRATING THE 150TH ANNIVERSARY OF THE CITIES OF BRISTOL, TENNESSEE, AND BRISTOL, VIRGINIA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 522, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 522) celebrating the 150th anniversary of the cities of Bristol, Tennessee and Bristol, Virginia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 522) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 522

Whereas the twin cities of Bristol, Tennessee and Bristol, Virginia were officially chartered in 1856, celebrated the Bristol Centennial in 1956, and have organized to celebrate the Bristol Sesquicentennial in 2006;

Whereas the Bristol Sesquicentennial theme, ''Celebrating 150 Years of Heritage and Harmony'' underscores the duality of Bristol as a cohesion of 2 separate cities with 1 communal spirit;

Whereas the ''Bristol Sign'', listed in the National Register of Historic Places, serves to exemplify the communal spirit of Bristol, bridge the States of Tennessee and Virginia over the cooperatively named ''State Street'', and declare Bristol ''A Good Place to Live'';

Whereas the people of Bristol continue to work to preserve structures of historical significance, including the Paramount Theatre, the Old Customs House, and the historic train station;

Whereas the phonographic recordings known as the Bristol Sessions launched the country music careeers of the Carter Family, the Stonemans, and Jimmie Rogers, and prompted historians to describe Bristol as the ''Big Bang'' of modern country music;

Whereas country music is a central part of the history of Bristol, which Congress recognized as the ''Birthplace of Country Music'';

Whereas the history and economic development of Bristol is intimately tied to commercial transportation and Bristol countinues to serve as an important commercial hub for the surrounding region; and

Whereas automotive racing is integral to the identity of Bristol and the ''World's Fastest Half-Mile'' at the Bristol Motor Speedway continues to offer exciting events to scores of racing fans: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the cultural and historic achievements of the people of Bristol, Tennessee and Bristol, Virginia; and

(2) congratulates the twin cities of Bristol on their sesquicentennial.

Mr. FRIST. Mr. President, S. Res. 522, which was just adopted, celebrates the 150th anniversary of the cities of Bristol, TN, and Bristol, VA. Throughout the year, the people of Bristol have celebrated this anniversary, and the adoption of this resolution coincides with a number of exciting local events.

Bristol is a unique city because of the nature of its founding just along the Tennessee and Virginia border in what started out as two separate communities founded along an anticipated railroad route. Through years of give and take and sometimes bitter disputes over that Tennessee-Virginia border, Bristol has developed into a shining example of how hard work, cooperation, partnership, and entrepreneurial spirit can lead to tremendous opportunities and to tremendous economic growth for communities around the country.

What once modestly started as a connecting point between the Virginia and Tennessee railroads has developed into a central crossroad of the country's interstate highway systems.

While many people in the region are known to joke that ''all roads lead to Bristol,'' the city is not only a commercial crossroad, it has also served as a gathering place for musicians from the Appalachian region. Many country music fans know Bristol because of the famous ''Bristol Sessions'' and recognize the city as the birthplace of country music.

Today when people think of NASCAR racing, they think about Bristol. In the early 1960s, it was two Bristol natives who decided to build a racetrack in northeast Tennessee. A little over 40 years later, racing has become America's fastest growing sport, and, indeed, the Bristol Motor Speedway is on the forefront of what is widely known as the ''World's Fastest Half Mile''—I reiterate that cutting edge, the entrepreneurial spirit one finds in Bristol.

In closing, I am pleased to congratulate the twin cities of Bristol for 150 years of cooperation and achievement. With this rich history and cultural heritage, Bristol represents the best of Tennessee and Virginia.

COMMENDING THE OREGON STATE UNIVERSITY BASEBALL TEAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 523, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 523) commending the Oregon State University baseball team for winning the 2006 College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 523) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 523

Whereas on June 26, 2006, the Oregon State University baseball team won the College World Series in Omaha, Nebraska by defeating the University of Georgia Bulldogs by a score of 5-3, the University of Miami Hurricanes by a score of 8-1, the Rice University Owls by scores of 5-0 and 2-0, and the University of North Carolina Tarheels in 2 championship series games by scores of 11-7 and 3-2;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the Oregon State University baseball team, including Erik Ammon, Darwin Barney, Bret Bochsler, Reed Brown, Dallas Buck, Brian Budrow, Mitch Canham, Bryn Card, Brett Casey, Cory Ellis, Derek Engelke, Josh Forgue, Cole Gillespie, Ryan Gipson, Tyler Grahm, Mark Grbavac, Kevin Gunderson, Koa Kahalehoe, Greg Keim, Jon Koller, Chris Kunda, Eddie Kunz, Joey Lakowske, Greg Laybourn, Lonnie Lechelt, Mike Lissman, Anton Maxwell, Jake McCormick, Shea McFeely, Jonah Nickerson, Joe Paterson, Casey Priseman, Sean Rockey, Bill Rowe, Scott Santschi, Alex Sogard, Dale Solomon, Michael Stutes, Rob Summers, Daniel Turpen, Geoff Wagner, and John Wallace;

Whereas numerous members of the Oregon State University baseball team were recognized for their performance in the regular season in the PAC-10 Conference, including Cole Gillespie, who was named PAC-10 Baseball Player of the Year, Chris Kunda, who was named PAC-10 Defensive Player of the Year, Darwin Barney, Dallas Buck, Cole Gillespie, Kevin Gunderson, and Jonah Nickerson who were named to the first team All PAC-10 baseball team, and Mitch Canham, Chris Kunda, and Shea McFeely who were named to the honorable mention All PAC-10 baseball team;

Whereas Head Coach Pat Casey was named PAC-10 Baseball Coach of the Year;

Whereas Jonah Nickerson was recognized as the Most Outstanding Player of the tournament; and

Whereas the College World Series victory of the Oregon State University ended a terrific season in which the team compiled a record of 50-16: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Oregon State University baseball team, Head Coach Pat Casey and his coaching staff, Athletic Director Bob DeCarolis, and President Edward John Ray for an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of Oregon State University.

JOHN MILTON BRYAN SIMPSON UNITED STATES COURTHOUSE ACT

CARROLL A. CAMPBELL, JR. FEDERAL COURTHOUSE ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar No. 446 and Calendar No. 447.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 801) to designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the ''John Milton Bryan Simpson United States courthouse''.

A bill (S. 2650) to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the ''Carroll A. Campbell, Jr., Federal courthouse''.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent the bills be read a third time, passed, the motion to reconsider be laid upon the table, en bloc, that any statements relating to the bills be printed in the RECORD, and the consideration of these items appear separately in the RECORD, without intervening action or debate.

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

The bills (S. 801) and (S. 2650) were ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 801

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

SECTION 1. DESIGNATION.

The United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, shall be known and designated as the ''John Milton Bryan Simpson United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''John Milton Bryan Simpson United States Courthouse''.

S. 2650

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

SECTION 1. CARROLL A. CAMPBELL, JR. FEDERAL COURTHOUSE.

(a) DESIGNATION.—The Federal courthouse to be constructed in Greenville, South Carolina, building number SC0017ZZ, shall be known and designated as the ''Carroll A. Campbell, Jr. Federal Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal courthouse referred to in subsection (a) shall be deemed to be a reference to the Carroll A. Campbell, Jr. Federal Courthouse.

ORDERS FOR WEDNESDAY, JUNE 28, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 28. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 2 hours with the first hour under the control of the Democratic leader or his designee and the final hour under the control of the majority leader or his designee.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Finance Committee is expected to report the Oman Free Trade Agreement. That trade agreement is privileged, and we expect to turn to that as soon as it is made available. We hope we do not have to use all of the time allowed under the statute and, therefore, votes would occur tomorrow afternoon.

This week we also have an important Cabinet nomination to address. That nomination is Henry Paulson to be the Secretary of the Treasury, and we will turn to the nomination when it is made available for consideration.

VITIATION OF ACTION ON CONFERENCE REPORT TO ACCOMPANY H.R. 889

The PRESIDING OFFICER. The Chair vitiates the announcement made earlier today regarding the conference report to accompany H.R. 889, the Coast Guard reauthorization bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 8 p.m., adjourned until Wednesday, June 28, 2006, at 9:30 a.m.

EXTENSIONS OF REMARKS

RECOGNIZING LIEUTENANT COLONEL DAVID WISECARVER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Lieutenant Colonel David Wisecarver, a native of Kansas City, Missouri. On June 24th, 2006, Lieutenant Colonel Wisecarver will receive a promotion to the rank of Colonel in the United States Army.

Lieutenant Colonel Wisecarver enlisted in the Army Reserve in 1981 and completed Basic Training, Advanced Individual Training, and served in the 190th Transportation Company as a CH–47 mechanic and crew chief before entering the Reserve Officer Training Corps. He was then commissioned as an Infantry officer from Northwest Missouri State University in 1985. He holds a Bachelor of Science in Industrial Technology and a Master of Arts Degree in Business Management from Touro University.

After posts in Fort Campbell, Kentucky, Schofield Barracks in Hawaii, and finally in Savannah, Georgia, Lieutenant Colonel Wisecarver participated in Operation Uphold Democracy in Haiti in 1994. He completed Command and General Staff College at Fort Leavenworth, Kansas, and was assigned as the Executive Officer to the Director of Officer Personnel Management System, Task Force XXI in Washington, DC. His next assignment was back to the 101st Airborne Division, where he served in Operation Desert Focus, in Saudi Arabia and Kuwait in 1999. The Lieutenant Colonel's last assignment was Task Force 2, Senior Observer/Controller at the Joint Readiness Training Center, Fort Polk, Louisiana, where he trained twenty-one Battalion Combat Teams deployed to Iraq and Afghanistan. His upcoming assignment will be to Rawalpindi, Pakistan, to attend the National Defense College for a year.

He is highly decorated and has been awarded the Defense Meritorious Service Medal, the Army Achievement Medal, The National Defense Service Medal, the Humanitarian Service Medal, the Overseas Service Ribbon, the Expert Infantryman's Badge, the Aircrewman's Badge, the U.S. Army Ranger Tab, the Senior Parachutist Badge, the Pathfinder Badge, and the Air Assault Badge, among others.

Lieutenant Colonel Wisecarver has been married for eighteen years to the former Dianna K. Huntley of Fort Lauderdale, Florida. They have two young children, Samantha and Matthew.

Mr. Speaker, I proudly ask you to join me in recognizing Lieutenant Colonel David Wisecarver as he assumes the new responsibilities of the rank of Colonel. Over the years, he has served the United States with dignity and courage and I am proud to be able to represent him in the United States Congress.

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

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

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

As a cosponsor of this bill, I would like to thank my colleagues in the House Veterans' Affairs Committee for expediting its consideration in committee and for their strong bipartisan support.

H.R. 4843 would raise disability compensation for veterans and dependency and indemnity compensation for their survivors by 2.2 percent beginning December 1, 2006. It would also increase benefits for spouses with children under 18 who recently experienced the death of a husband or wife due to military service.

Rising medical expenses coupled with disabilities generate some of the most burdensome financial situations veterans face. El Paso, TX, is home to approximately 60,000 veterans, many of whom depend on government compensation to sustain them as well as of their families. Increasing rates for veterans' compensation is an important part of recognizing and repaying veterans after they so courageously risked their lives in service to our country.

Mr. Speaker, our Nation's veterans and their dependents deserve our utmost appreciation for their service to our country. I ask all my colleague to join me in voting favorably on H.R. 4843.

PROVIDING FOR CONSIDERATION OF H.R. 5638, PERMANENT ESTATE TAX RELIEF ACT OF 2006

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thurday, June 22, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in strong opposition to H.R. 5638, the latest deficit busting tax giveaway from this Republican-controlled House. This enormous Republican tax giveaway completely ignores the real economic needs faced by the 99 percent of American citizens who work hard, pay their taxes and receive zero benefit from this bill. Instead, the priority of this Republican Congress is providing special handouts to estates with assets worth tens and hundreds of millions of dollars—America's economic elite—and then have these tax cuts for the privileged paid for by middle class families.

This legislation should be called the "Add Debt on America Tax Giveaway Act" since this bill will have the effect of adding nearly $800 billion to the national debt—10 percent of the total current debt—over the next 10 years. The cost of Republicans cutting and running from common sense and fiscal responsibility is that 99 percent of Americans will be forced to pay for the debt created by this nearly $800 billion tax cut for the super-rich.

Less than 1 month ago this Congress passed a tax bill providing capital gains and dividend tax cuts that primarily benefit families making over $1 million a year. Now Republican leaders are giving away nearly $800 billion in tax cuts for the 7,500 wealthiest families in our country, including an estimated 75 who live in Minnesota. Estates valued at over $20 million account for 43 percent of the value of this legislation and will receive an average tax break of $5.6 million. This so-called virtual elimination of the estate tax is an attack on the middle class and an abandonment of equity or fairness in taxation.

The Bush administration and Republicans in Congress are addicted to tax cuts that bust our Federal budget and add trillions of dollars to the national debt. Since 2001, Republicans have taken a $5.6 trillion Federal budget surplus left by President Clinton and turned it into a $3.2 trillion deficit. Republicans in Congress have raised the debt limit four times—for a total of $3 trillion—and our Nation now faces a national debt approaching $9 trillion. The answer to this fiscal disaster is not cut-and-run tax policies that ignore the needs of 99 percent of American citizens. The response from this Congress should be to enforce fiscal discipline—including a restoration of pay-as-you-go rules to balance the budget. It is time to return the focus of Congress on to the real priorities of middle class American families who are being squeezed at the gas pump, at the grocery store, paying college tuition and paying for skyrocketing health care costs.

During the last 8 years, special interest lobbyists for the 7,500 wealthy estates have been paid $600,000 a year to push the elimination of the estate tax Congress. These lobbyists have spun the myth that the estate tax hurts small businesses and family farms. However, the New York Times searched for a farmer hit by the estate tax but failed to find a single farm lost because of the estate tax—not on single family farm in all of the United States that needed to be protected because this tax giveaway is not about farmers or small business owners, but our Nation's most privileged millionaires and billionaires.

Today, middle class families are being hurt by Republican cut-and-run policies that cater to the super-wealthy who hire lobbyists to get Congress to pass legislation—like H.R. 5638—that will protect their assets tax-free by passing their tax burden on to hard working families. Students struggling to afford college received a $12 billion cut to student aid, families cannot afford health insurance after Republicans have made deep cuts to Medicaid and Medicare, and our senior citizens continue to worry about access to affordable prescription drugs since this Congress passed a law

to guarantee profits for pharmaceutical companies and HMOs at taxpayer expense. And all Americans will be affected by the rising interest rates caused by our out-of-control Federal deficit.

Mr. Speaker, this bill is fiscally irresponsible, completely unnecessary and threatens America's fiscal security, as well as our national security. President Bush's fiscal year 2007 budget calls for $247 billion in interest payments on our national debt. This is $247 billion not going to educate our children or keep America secure, but instead is going to wealthy investors and foreign governments that have purchased our Nation's debt. Now, this Republican Congress is adding almost $80 billion more on the national debt, adding to the federal budget deficit and our Nation's fiscal insecurity. This is an irresponsible and dangerous piece of legislation that makes America less secure. I urge my colleagues to reject this latest Republican cut-and-run tax giveaway and focus on the needs of American families.

RECOGNIZING THE AMERICAN ANGUS ASSOCIATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the American Angus Association, based in St. Joseph, Missouri. This month will mark the 50th anniversary of the American Angus Association's move to St. Joseph from Chicago in 1956.

The American Angus Association is a member-based not-for-profit organization that was founded in 1883. The Association maintains ancestral records and performance information on purebred Angus cattle in the United States, as well offers a variety of programs and services to over 34,000 members across the nation. All of these programs are managed by a very hardworking and dedicated staff.

In the 50 years since moving to St. Joseph, the Association and its entities have grown to employ nearly 200 people. That growth has seen the expansion of the original building that was once on the edge of the city. After several additions to the structure, the Association was able to house two of its entities: Angus productions, Inc. and the Angus Foundation. From humble beginnings in the home of its early executives, the American Angus Association has come a long way in 123 years of service to America's cattlemen.

Mr. Speaker, I proudly ask you to join me in recognizing the American Angus Association. The Association has been remarkable in its many years of service and the city of St. Joseph is proud to be their home. I wish to thank the American Angus Association for all that they do and I am honored to represent them in the United States Congress.

IN HONOR AND RECOGNITION OF MR. CHUCK AND MRS. EVELYN SEBES IN CELEBRATION OF THEIR 50TH WEDDING ANNIVERSARY: JUNE 16, 2006

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Chuck and Evelyn Sebes, as they celebrate 50 years of love and commitment that continues to lift the lives of family, friends, and extends outward into our community.

Chuck and Evelyn met in 1953 and wed 3 years later on June 16, 1956. In 1959, they bought their home in Parma, where they still live. Evelyn was employed by Ohio Bell for several years and decided to leave the workforce to devote her time to her children. Together, Evelyn and Chuck lovingly raised their four children: Joe, Jim, Janet, and Joyce. Later, Evelyn returned to work part-time for Higbees and Dillards, and worked at both stores for a total of nearly 30 years.

Chuck worked for National Tool Company for 22 years until the company closed. While there, he served as President of the United Steel Workers of America, Local 4827, a tenure which reflected his unwavering focus on the rights and welfare of workers and their families. Chuck was later appointed to the Ohio Regional Board of Review for Worker's Compensation by then Governor Richard Celeste. In 1991, he was appointed by Martin E. Vittardi, Clerk of Parma Municipal Court, to serve as his Chief Deputy, where he continues his service today. Chuck has served as a Cuyahoga County Democratic Party Precinct committee person and as an Executive Committee member and is the longest serving City Leader for the Parma Democratic Party. He is an active member of Parma Southwest COPE, AFL–CIO and together with Evelyn they belong to Parma Elks Lodge 1938. Chuck and Evelyn's passionate sense of volunteerism, especially on behalf of improving wages and working conditions for workers, continues to positively impact countless families throughout our community.

The bond they share with their children comes from life lessons that Chuck and Evelyn taught them while growing up. To be selfless, to lead a life of volunteerism, to live by the golden rule—"do unto others as you would have them do unto you"—and to remember that there is nothing as important as God's gift of family. The memory of their mother's soft skin while holding them reminds them of a safe and loving childhood. It was the sound of their father's voice telling them colorful stories and jokes that brought laughter into their home. Their grandchildren Danielle, Shelley, Jackie, Christopher, Lauren, Samantha, and Jamie fill Chuck and Evelyn's lives with pride and love. At gatherings, it is Evelyn's potato salad and Chuck's ethnic dishes that everyone looks forward to. Time spent with friends playing pinochle and poker or bowling has formed lifelong friendships. Their legacy will be one of dedication to one another, to their family, and to their community.

Mr. Speaker and colleagues, please join me in honor and recognition of my dear friends, Chuck and Evelyn Sebes, as we join them in celebration of this momentous occasion—their 50th wedding anniversary. Their devotion to each other, to their children, grandchildren and friends, and their commitment to giving back to others continues to touch the lives of everyone they I know, including my own, and serves to strengthen and uplift our entire community.

PROVIDING FOR CONSIDERATION OF H.R. 5638, PERMANENT ESTATE TAX RELIEF ACT OF 2006

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to H.R. 5638, the Permanent Estate Tax Relief Act of 2006, and I urge my colleagues to join me in voting against it.

As a part-time farmer myself, I support tax relief that helps our farms and small businesses grow. I have supported raising the estate tax exemption level several times in previous years. However, this must be done in a responsible manner that does not dishonor our values, shortchange our essential services, or heap more debt on our children and grandchildren. Unfortunately, H.R. 5638 fails this basic test. H.R. 5638, the Permanent Estate Tax Relief Act of 2006 is far from the "compromise" that its authors claim. This bill would result in almost 80 percent as much lost revenue as a full repeal of the estate tax. H.R. 5638 would cost the American people $762 billion in the first 10 years of its enactment.

The Permanent Estate Tax Relief Act of 2006 is the latest example of this Congressional Majority's misplaced priorities. Less than 1 percent of estates will pay the estate tax this year under the exemption in current law and only 7,500 estates nationwide would be taxable under the $3.5 million exemption that would take effect in 2009. Under current law, 997 of every 1,000 estates would not pay any part of Federal estate taxes. Given current circumstances, the timing could not be worse for giving tax breaks that only apply to multimillionaires' estates.

I am very proud that during my first term in the U.S. House, Congress and the President balanced the Federal budget for the first time in a generation. Until just a few years ago, the budget remained balanced and the surpluses we produced were being used to pay down the national debt and strengthen Social Security. The current Republican regime in the White House and Congress has reversed that progress and the Nation is much worse off because of their policies. Today the national debt stands at $8.4 trillion. We face the danger of being forced to borrow more money from countries like China to pay our national debt and putting ourselves at the mercy of their rising interest rates. A nation at war cannot justify adding almost $800 billion to this staggering debt. We cannot continue to pile on debt that our future generations will be forced to pay.

Increasing this budget shortfall only makes it more difficult to invest in our true priorities. We are still a nation at war and some of our soldiers lack the best armor. We are facing another hurricane season while continuing to rebuild the Gulf Coast following Hurricane

Katrina. Already the Republican budget resolution cuts funds for homeland security, including port security by $6.1 billion over 5 years, cuts essential services for working families by $9.4 billion, and slashes funding for health by $18.1 billion below current services. As the former Superintendent of North Carolina's public schools, I find the budget cuts for education especially disappointing. Instead of investing in our future Congressional Republicans are eliminating 42 Federal education initiatives. The budget also eliminates vocational education ($1.3 billion); Perkins Loans ($730 million); Safe and Drug-Free Schools State grants ($347 million); and Even Start family literacy services ($99 million). The Republican budget cuts $15 billion from the amount authorized for the No Child Left Behind education reform effort and reduces the 17.7 percent Federal contribution to Individuals with Disabilities Education Act (IDEA) to 17.0 percent. The loss of revenue from H.R. 5638 leaves a huge budget hole that will have to be filled by the States and the burden will be placed on middle class and low income families.

In contrast, the Pomeroy Substitute is an alternative that offers a simpler solution without the damaging economic effects of H.R. 5638. Unlike the Republican bill, the Pomeroy Substitute would offer immediate tax relief by raising the estate tax exemption level to $6 million per couple and growing to $7 million per couple in 2009. This would exempt 99.7 percent of all estates in the nation while costing only 60 percent of H.R. 5638. While there is no plan to make up for the huge losses in revenue resulting from H.R. 5638, the Pomeroy Substitute would be payed for by closing the gap in unpaid taxes. Additionally, the estate tax revenue collected under the Pomeroy Substitute would be transferred as receipts used specifically to shore up the Social Security trust fund. According to the Social Security Actuary, this would eliminate one quarter of the trust fund's shortfall.

The Pomeroy Substitute offers immediate tax relief without adding to the crippling debt now facing future generations. This is the type of sound tax and budget policy Congress should pass. We owe the American people nothing less.

RECOGNIZING JERRY DARNELL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jerry Darnell of St. Joseph, Missouri. Jerry will soon be retiring from the St. Joseph Area Chamber of Commerce, after years of distinguished service as the Director of the Small Business Development Center.

As the Director of the Small Business Development Center, Jerry has provided free management assistance and guidance to current and prospective small business owners all throughout the St. Joseph area. He has offered his experience and guidance to the enterprising citizens of my district for many years, as those entrepreneurs sought advice on the start-up, expansion, sale, and marketing of their business. His job is especially important, as the collection of small business owners are responsible for the growth and sustainability of our communities.

Before joining the Chamber in 2001, Mr. Darnell was employed as a broker for CitiStreet and served as an instructor at the Johnson County Community College. He has had over 10 years of experience in commercial lending after obtaining a Bachelor of Science degree in Math and Business from Kansas State University and a Masters in Business Administration from Louisiana State University. These varied experiences have all made for a solid background in advising the small businesses of St. Joseph. In the community, Mr. Darnell is active in the Boy Scouts of America Diversion Program and the Service Corps of Retired Executives.

Mr. Speaker, I proudly ask you to join me in recognizing Jerry Darnell. His role in developing and assisting the small businesses of St. Joseph will be difficult to replace. I commend his record of service and accomplishment to the city of St. Joseph over the years and I am honored to represent him in the United States Congress.

IN RECOGNITION OF DR. ANDY ANDERSON'S RETIREMENT FROM GAINESVILLE MEMORIAL HOSPITAL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. BURGESS. Mr. Speaker, I rise today to commend Dr. Andy Anderson for his 8½-year tenure as the hospital chief executive officer of Gainesville Memorial Hospital.

Dr. Anderson was the fourth administrator for Gainesville Memorial Hospital. The most notable of his achievements was his leadership in campaigning for a $26.5 million dollar bond to build the North Texas Medical Center. Under Dr. Anderson's tenure, the quality of patient care increased, opportunities for continuing education improved, and nine tenure doctors were hired.

Retiring to pursue another challenge in life, the progress Dr. Anderson catalyzed substantially strengthened the health care quality throughout the 26th District of Texas, and I know his vision improved the lives of thousands.

As a doctor myself, I find personal inspiration in Dr. Andy Anderson and the devotion he had to his family, his hospital and his community. He is a role model, and I am proud to serve as his representative in Washington.

IN HONOR OF THE 100TH ANNIVERSARY OF ST. HYACINTH CATHOLIC CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the parish community of St. Hyacinth Catholic Church, as members and leaders celebrate 100 years of faith and hope throughout Cleveland's southeast side.

Throughout the past century, St. Hyacinth Parish has opened wide its doors to all who seek spiritual renewal and fellowship. Its ministry reaches beyond the parish itself through the numerous members who have joined the clergy as a result of the guidance and fulfillment they found at St. Hyacinth.

St. Hyacinth began its ministry as a response to the influx of Polish immigrants in the "Jackowo" neighborhood. Feeling crowded in the existing parish, the residents bought land from the Board of Education and have remained at that location since opening in 1906. The newly instated Cleveland Bishop Richard Lennon will lead the Jubilee Mass at the parish in commemoration of the past one hundred years of service and in celebration of the next 100 years.

Mr. Speaker and colleagues, please join me in honor and recognition of every past and current member and spiritual leader of St. Hyacinth Catholic Church. Despite a growing and changing community, St. Hyacinth Catholic Church has consistently provided compassionate spiritual direction, in the heart of Cleveland and far beyond.

SENIOR INDEPENDENCE ACT OF 2006

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of this bill which reauthorizes the Older Americans Act. This act was developed with the goals of improving the lives of older people in areas of income, housing, health, employment, retirement, and community service. At the outset, I have to commend and thank Chairman MCKEON, Ranking Member MILLER, Subcommittee Chairman TIBERI, and Subcommittee Ranking Member HINOJOSA for this incredible bipartisan bill. This has been one of the most bipartisan efforts in which I have engaged during my tenure in Congress. Also, I extend my sincerest appreciation to the majority and minority staff members for working diligently to address my concerns. Also, I would like to thank the delegates of the White House Conference I on Aging for their input on and promotion of this reauthorization. I am proud to be a cosponsor of this bill.

Mr. Speaker, I have a Seniors and Eldercare Taskforce composed of a wonderful group of experts who advise me on key issues regarding seniors in my district—the great city of Chicago. I want to recognize and thank the cochairs of this taskforce—Karen Graham and Phyllis Mitzen—and the members of this taskforce for their leadership and attention to the needs of seniors in Chicago." This act advances many areas of concern to my district. Foremost, it expands access of younger grandparents to the National Family Caregiver Support Program, and it encourages states to adopt Kinship Navigator programs for relative caregivers. In the United States, 2.4 million grandparents are responsible for raising grandchildren in their homes. My congressional district has over 10,000 grandparent-headed households; it has the second highest percentage of children living in grandparent-headed households in the nation. This bill aids these caregivers with services that help in their care giving responsibilities. Further, the

bill promotes community based services via self-directed models of care. It specifically directs the Assistant Secretary on Aging to help individuals avoid depleting their assets in order to qualify for Medicaid. This bill would reduce instances of abuse and neglect and improve data collection on the subject by broadening the definition of abuse to include self neglect and better coordinating the efforts of state and local agencies, building on the ideas promoted by my colleague from Illinois, Mr. EMMANUEL. I also am very happy that the bill emphasizes the importance of mental health in many ways, drawing on the spirit of the Positive Aging Act sponsored by Mr. KENNEDY.

Mr. Speaker, The 38th Vice President of the United States, Hubert Humphrey, once said, "The moral test of government is how it treats those who are in the dawn of life . . . the children [and] those who are in the twilight of life . . . the elderly." The Senior Independence Act of 2006 ensures that our Government continues to recognize the needs of the elder within our country and continues to fulfill these needs.

HEALTH CENTERS RENEWAL ACT OF 2006

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. CAPUANO. Mr. Speaker, I rise today in support of H.R. 5573, the Health Centers Renewal Act of 2006. This legislation is an important first step towards a straight reauthorization of the community health centers program. As we all know, community health centers are the backbone of our Nation's health care safety net, providing quality, affordable primary I health care to over 15 million people across the country. There is overwhelming, bipartisan support for the community health centers program because the evidence of its I success is undeniable. Health centers are efficient, locally controlled, and provide a high standard of care: simply put, they work.

In my District, the eighth district of Massachusetts, community health centers are not only essential to providing access to excellent health care in many of the neighborhoods I represent, but they are also pillars of the communities they serve. The community board, a majority of which is comprised of patients that the health center serves, is an essential part of keeping individual health centers inextricably linked to the community and its needs. It is significant that the bill before the House recognizes the unique, consumer-driven nature of the health centers model that has worked so well for many years. This fundamental structure of the health centers program must be maintained to ensure that the widely acknowledged success of the program continues.

The bill before the House authorizes appropriations for fiscal year 2007 at the same level as proposed by the President in his budget. This is a promising first step that echoes the amount authorized for fiscal year 2007 in H.R. 5201, legislation offered by my fellow cochair of the Community Health Centers Caucus, the gentleman from Florida, Mr. BILIRAKIS. However, that legislation, which I have cosponsored along with 233 Members of the House, would authorize such sums as necessary for fiscal years 2008–2011. The legislation we are considering today authorizes a specific dollar amount for each of those years, and I am concerned that the amounts in the bill may not take into account the costs of both the President's plan to expand health centers to every poor county in the Nation and the growing demands placed on existing health centers due to the increasing numbers of uninsured or underinsured, coupled with rising costs of providing medical care.

As the reauthorization moves forward, I hope that we can all remember those health centers in our districts who serve everyone who walks through their doors, regardless of ability to pay. They do extraordinary work, and we have an obligation to ensure that they have sufficient resources to continue to fulfill their essential role in our Nation's health care safety net.

RECOGNIZING DOUGLAS BURNETT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Douglas Burnett, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Douglas has been very active with his troop, participating in many scout activities. Over the many years Douglas has been involved with scouting, he not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Douglas Burnett for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THE CITY OF LEWISVILLE'S COMMUNITY RELATIONS AND TOURISM DEPARTMENT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the city of Lewisville's Community Relations and Tourism Department for winning two State awards by the Texas Association of Municipal Information Officers: The Best Marketing Plan and Best Special Event. Lewisville is my hometown and sits in the heart of the 26th Congressional District.

Lewisville's Community Relations and Tourism Department won "Best Marketing Plan" for its promotion of the 2005 Bassmaster Elite 50 tournament and county fair. The tournament was a huge success and was broadcast on ESPN. The Bassmaster Elite held on Lewisville Lake gave sports fishermen around the world a glimpse of beautiful North Texas, and I am honored that the city developed an award winning plan in conjunction with the competition.

The team also won "Best Special Event" for the 2005 Holiday at the Hall Festival. The Festival is always a welcome relief to holiday stress and last year was enjoyed by more than 10,000 people. In 2005, the city held its third annual event in Old Town Lewisville highlighted by the Holiday Parade down Main Street.

I extend my sincerest congratulations to the city of Lewisvile and the Community Relations and Tourism Department on their accomplishments. I am honored to represent the city and call it my hometown.

IN HONOR OF LOUIS BROWNLOWE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Louis Brownlowe, upon his retirement that follows an exemplary, thirty-six year career as a Teacher-Counselor, Dean of Special Studies and Dean of University Studies at Cleveland State University.

Mr. Brownlowe earned a Bachelor of Arts Degree in Sociology from Miles College and a Masters Degree in Education from Cleveland State University. Throughout his tenure at CSU, he concentrated his efforts on programs and projects that provide access to higher education for non-traditional students, who otherwise would not have had the opportunity to enroll in college.

In 1971, Mr. Brownlowe became actively involved in the Ohio Association of TRIO Program Directors. He served on the task force of the National Council of Educational Opportunity Associates, which eventually became a significant aspect of the Reauthorization of the Higher Education Act of 1980. Mr. Brownlowe was a leading force in establishing CSU's Upward Bound Program, which began in 1999. Mr. Brownlowe continues his dedication to civic action and empowering others, especially our youth. As the Superintendent of the Sunday School and President of the Youth Ministry at Union Grove Baptist Church, Mr. Brownlowe serves as a gentle guide and inspiration and a shining role model that reflects the significance of personal strength, conviction, determination, accomplishment, and the importance of education.

Mr. Speaker and Colleagues, please join me in honor, recognition and gratitude of Mr. Louis Brownlowe, upon his retirement from Cleveland State University—a vocation of the heart, framed by thirty-six years of outstanding service, integrity and accomplishment. His dedication, expertise, leadership, and energy, focused on educational opportunity for all, extends outward into the community where he volunteers his time and talents on behalf of lifting countless lives onto a foundation of hope, spiritual strength and opportunity. I wish Mr. Brownlowe and his family an abundance of health, peace and happiness as his journey begins from here.

TRIBUTE TO CAPTAIN JAMES ALEXANDER FUNKHOUSER

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. MCCAUL of Texas. Mr. Speaker, I rise today to honor Captain James Alexander Funkhouser, a brave soldier and fallen hero from Katy, Texas.

Captain Funkhouser was assigned to the 1st Battalion, 12th Infantry Regiment, 4th Brigade, 4th Infantry Division of the U.S. Army in Fort Hood, and he was their Headquarters and Company Commander in Iraq.

The son of a 31-year Army Veteran, Captain Funkhouser was born in Okinawa, Japan, but he eventually became a Texan, graduated from Southwest Texas State University in 1999 and was commissioned as a Second Lieutenant in the U.S. Army.

Captain Funkhouser spent the next six years stationed in Vilseck, Germany, Fort Knox, KY, Fort Polk, LA and finally to Fort Hood, TX where he was then deployed with his unit to Baghdad, Iraq in early December 2005.

A highly decorated soldier and American hero, Captain Funkhouser's decorations include the Meritorious Service Medal with two Oak Leaf Clusters, Army Commendation Medal with three Oak Leaf Clusters, Army Achievement Medal with five Oak Leaf Clusters, Army Good Conduct Medal, National Defense Service Medal, Kosovo Campaign Medal, Global War on Terrorism Medal, Korean Defense Service Medal, Noncommissioned Officers Professional Development Ribbon, Army Service Ribbon, Overseas Service Ribbon, NATO Medal, the Parachutist Badge, the Purple Heart and the Bronze Star.

During a reconnaissance operation in Baghdad, Captain Funkhouser, his Iraqi interpreter and two CBS reporters were killed when a vehicle-borne improvised explosive devise detonated near his Humvee.

Captain Funkhouser loved his country, and he gave his life defending America and the freedom and opportunity for which our flag flies.

Captain Funkhouser is survived by his wife, Jennifer; daughters, Kaitlyn and Allison; parents, Col. (Ret.) and Mrs. James Alexander Funkhouser, Sr.; grandmother, Oneita Funkhouser; parents-in-law, Henry and Rosemary Garza and numerous extended family members, friends and fellow soldiers of the United States Army.

OUTSTANDING HIGH SCHOOL SENIORS, FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mrs. WILSON of New Mexico. Mr. Speaker, the following high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders through their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico are proud of them.

CERTIFICATE OF MERIT AWARD WINNERS 2006

Lucero Perdomo, New Futures High School; Claudia Grajeda, School for Integrated Academics and Technologies; Amy Holmen, Sandia Preparatory School; Aidan Hamke, Albuquerque Academy; Christopher Anaya Moriarty High School; Holly Garcia, Albuquerque Charter Vocational High School; Laura Wilson, East Mountain High School; Melanie Garcia, Los Puentes Charter School; Talysa Ogas, Los Lunas High School; Lisa Herrera, Temple Baptist Academy; Leslie Copass, La Cueva High School; Lisa Domme, Sandia High School;

Ariel Blea, Valley High School; Kayleen Foltz, Creative Education Preparatory Institute; Joseph D. Miranda, Sierra Alternative High School; Patricia D. Mooney, Southwest Secondary Learning Center; Kimberly Lauer, Menaul School; Christiana Baca-Bosiljevac, Menaul School; Janice Cribbage, Highland High School; Catherine Ames, Cibola High School; Crystal Vialpando, Mountainair High School; Desiree Cordova, Bernalillo High School; Carla Dozal, West Mesa High School; Grace Floyd, Hope Christian School.

TRIBUTE TO DAVE OWEN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to the patriotic public service and self sacrifice of Colorado Senator Dave Owen.

For more than five decades, Dave Owen has used his God-given abilities to serve his country as an Army officer, as a small business owner, and State Representative and Senator in Colorado. His tenacity, his sense of humor, and his integrity endear him to many people. He is worthy of our respect and admiration.

Mr. Owen comes from a family with a history of public service. His stepfather served as an Army officer and the chairman of the Colorado Republican Party. Following in his footsteps, Owen joined the Air Force Reserves while studying at Denver University and then volunteered to fight the communists in Korea in 1951. As an armorer, he worked for 12 months arming and cleaning the weapons on F–51 Mustang fighter planes. After returning home to Colorado he used the GI Bill to get a Bachelor's Degree in English at Colorado College, in Colorado Springs, while simultaneously becoming the Cadet Commander in his ROTC unit. As a 2nd Lieutenant, he again entered full time military service and was sent to Europe and his wife, Marilyn, was able to accompany him. For several years, he served as a platoon leader in German to help defend against a possible invasion from the Soviet Union.

After returning to the United States, Mr. Owen decided to pursue the remaining part of his military career as an Army personnel officer. This new career gave Mr. Owen the opportunity to travel the world. After working at Fort Bragg in North Carolina for three years, he received training in the Persian language of Farsi in California before being sent to Iran as an advisor for the Shah. After two and a half years in the Middle East, he returned to work at Fort Campbell, Kentucky before being sent to Vietnam in 1967 to work as the Deputy Adjutant General of the 101st Airborne Division. After Vietnam, Owen's military service continued when he joined the U.S. Strike Command in Florida. As a Lt. Colonel, he traveled to various countries in Africa and the Middle East as an advisor on the use of military equipment supplied by the United States. In the mid-70s, Owen finished his military career working for the Army and Air Force Postal Service in Washington, D.C., supervising the delivery of mail and postal services to Army and Air Force personnel worldwide. He also oversaw military personnel charged with transporting top secret documents to U.S. Embassies around the world.

In 1979, Mr. Owen retired from the Army and came to Greeley, Colorado, for a business opportunity. For the next 10 years, he owned and operated a wholesale snack food company. Owen sold the business after he decided to devote his energy full-time into public policy. He was appointed to his first elected office in 1987 to replace Tom Norton, who resigned from office, as State Representative in the 48th House District. In 1988, Owen ran and won reelection for the same House seat. He served his district faithfully until 1998 when he ran and won as Senator for Colorado's 13th District.

As a State Senator, Owen consistently receives high rating from the Colorado Union of Taxpayers for fighting government waste, and the National Federation of Independent Business for being a ''Guardian of Small Business.'' He currently serves on the state's prestigious Joint Budget Committee and is the past president of the National Republican Legislative Association. He has received the Statesman of the Year award from the National Right to Work Committee and was recognized as the National Legislator of the Year by the American Legislative Exchange Council. Owen has gained a reputation for his work to improve children's health care and for creating the nation's first Foreign Capitol Depository, which acts as a Swiss bank and encourages foreign investment in Colorado.

Owen continues to live in Greeley with his remarkable wife Marilyn. After 41 years of marriage, they have two sons and two teenage grandchildren. Dave is currently running for State House District 50.

Mr. Speaker, I am honored to represent a decorated veteran and extraordinary public servant Dave Owen. We are indebted to men like Dave, who view public service not as a career but as a way of life. I urge my colleagues to join me in expressing my heartfelt gratitude and sincere appreciation to Dave Owen; he is a true American hero.

RECOGNIZING CHRISTOPHER VAUGHN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Vaughn, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in my scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Christopher Vaughn for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE WAR ON TERRORISM

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. MCKEON. Mr. Speaker, I rise today in support of a just cause that is facing a critical turning point. The outcome hangs in the balance, and Mr. Speaker, we should not kid ourselves into believing that victory is foreordained.

Churchill once said that there would not be war if both sides did not believe that they could win it. The enemy we face in Iraq, and in the broader war against the radical Islamists, is driven by an apocalyptic vision of God. And because such apocalyptic visions are rooted in faith and not facts, they are very hard to dispel. We, therefore, face an opponent who is neither open to reason or compromise. Nor will he necessarily be defeated by calculations of military strategy and prudence.

We face the paradox of a perilous time. At the opening of the 21st century we are opposed by an adversary who preaches the savagery and barbarism of the 12th century. We face in Iraq an enemy that will show us absolutely no quarter. And Mr. Speaker, I am bound to say that I think we in this Chamber, and indeed even in the country at large, have been slow to grasp that fact.

However, the difficulty of the fight should not dissuade us from waging it if the cause is just—and the cause IS just. Mr. Speaker, I have had the sad duty to attend the funerals of several of the servicemen killed in Iraq who came from my district. There are those who say that we should not withdraw from Iraq because to do so would mean that they died in vain.

This is not correct. Nothing that we have done or will do, will ever subtract one ounce from the valor and nobility of those who have died in the service of their country. As Lincoln said in the Gettysburg Address, "We can not dedicate—we can not consecrate—we can not hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract."

However, we should pause to note that our servicemen and women are fighting—and sometimes dying—because they know the terrible price that will be paid if our adversaries prevail. They have seen, as I have seen when I traveled to Iraq, what a world our enemies would have us live in.

It is a world filled by a grotesque and distorted vision of God. It is a world of slavery and submission where the Almighty is not a benevolent and loving Creator of His Children. But rather is a pagan idol that demands blood sacrifice and glories in the murder of the innocent.

You need look no farther than the carnage in Baghdad, or Kabul, or Mogadishu or, let us never forget, the Twin Towers, to see the truth in that axiom. That is what our enemy, for all his talk of God, seeks to do. He seeks to kill God by destroying God's children and God's creation. And we are all that stands between our adversary and the realization of his nihilistic vision.

Mr. Speaker, there are those in this House who are far better versed than I in the strategic and military calculations that are the essence of this conflict. There are those who say that we mistakenly entered the war in Iraq on the basis of flawed intelligence. This, I think, underestimates the nature of our adversary. Given the expansiveness of our enemy's nightmare vision, I think it is safe to say that there would have been war in Iraq no matter what we did.

That, of course, will be for the historians to decide.

But this much I do know, Mr. Speaker. We stand for hope. We fight for peace and a world that is free. We sacrifice now so that the little children that I met when I was in Iraq might live in a better world tomorrow. And because they will have a better world, we Americans will live in a safer one. To quote DeGualle, "Behind the terrible cloud of our blood and tears here is the sun of our grandeur shining out once again."

Mr. Speaker, I do have one concern. I think that we in this Congress have allowed too wide a gap to develop between the society we help to govern and the war we have been compelled to wage. We have to correct this, because we will not win this war—in Iraq or beyond—unless we as a Nation come to grips with what we face and begin to act accordingly.

We must never forget that, to quote Lincoln again, "Public sentiment is everything. With public sentiment, nothing can fail; without it nothing can succeed." Right now I look around me and I see a Congress and a country distracted, and nothing could be deadlier to our security and our hopes for a better future.

To some extent this is understandable. America is, and has every right to be, tired of conflict. In 1917, for the first time, we went "over there" to make the world safe for democracy. In 1941, in Churchill's evocative phrase, the new world stepped forth, yet again, to the rescue and liberation of the old. Then after 1945 we stayed on to wage the long twilight struggle that came to be called the cold war.

Then, in 1989, a miracle. We stopped holding our breaths. The Berlin Wall came down and the Soviet Union disappeared. The hair trigger nightmare of the nuclear armed world seemed to recede. We came off of the figurative tip-toes on which we had been standing for nearly 50 years. We had grown so accustomed to it that when the Cold War ended, we scarcely realized just how nerve wracking, and what a strain, it had all been.

Now here we are again. More war, more sacrifice, more death. It is not a pleasant picture—but it offers this. It offers hope. It offers an alternative to yet another in a long line of obscene and perverted visions that seem to be forever conjured in the minds of men.

Mr. Speaker, I have dared to say today something that very few of us seem willing to say. We could lose this war. There is nothing in the stars that says we must prevail. In history, freedom is the exception, not the rule. So I say to my colleagues, we must press on in Iraq. We must fight wisely, but we must not falter.

Most of all we must stand together. That way, when our children and grandchildren look back at this moment in history, they will say that at the threatened nightfall the blood of their fathers ran strong.

TIME MAGAZINE ARTICLE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. ISRAEL. Mr. Speaker, I would like to share the following article from Time Magazine with my colleagues in the House. I believe it contains some important insights into what we really need to focus on during the long war.

[From Time Magazine, June 25, 2006]

FORGET FLAG BURNING

(By Major General Robert Scales (Ret.))

Some in Congress appear to be taking a sabbatical from the long war on terrorism to introduce a constitutional amendment banning the burning of the flag. The debate over such an amendment may or may not be worth having, but one thing is clear: at a time when the country is at war, now is not the time for such tertiary considerations.

I understand reverence for the flag. It comes naturally to soldiers. We commit our lives to serving intangibles, swearing oaths to a piece of parchment or saluting an expanse of cloth decorated with stars and stripes. We understand symbolism because symbolism is what in large measure compels us to do a job that might result in our demise.

The American flag symbolizes freedom. The Constitution we soldiers are pledged to defend guarantees freedom of expression even when freedom of expression includes the right to deface the flag, however obnoxious that act may be. Of course, I'm old enough to remember flag burning when flag burning was "cool." I was in Hawaii, on R. and R., halfway through my tour in Vietnam. My wife and I were watching television when student war protesters in California—none of whom had the slightest chance of facing violent death in combat—illuminated their campus by torching Old Glory. I was appalled by the sight. A short time later, Walter Cronkite informed the world that my unit, the 101st Airborne, was beginning an offensive in the A Shau Valley. I left for Vietnam the next day to confront an enemy that undoubtedly would have punished those protesters had they burned the North Vietnamese flag in Hanoi.

But that was then. The image of the flag that soldiers see today is different. Instead of flags aflame, we see flags covering coffins of soldiers and Marines returning the hard way from Iraq and Afghanistan. Pushing forward a constitutional amendment is labor-intensive work. I'm concerned how such a diversion during wartime might appear to those who are still serving in harm's way.

Please don't get me wrong. I have many friends in Congress, patriots all. Each one of them has been to Iraq and Afghanistan many times. Although he refuses to advertise the fact, one was wounded there during an inspection tour last year. My concern relates not to the sincerity of Congress but to the perceptions among our young men and women that their overseers are suddenly distracted at a time when attention to their needs has never been more necessary.

Our soldiers want to be assured that Congress is doing all it can to reduce losses in what Lincoln ruefully termed the ''terrible arithmetic'' of war. They want to know that Congress is doing all it can to give them the weapons they need to maintain the fighting advantage over the enemy. They are concerned that their equipment is wearing out under constant use. They and their families are worried that not enough soldiers are in the pipeline to replace them.

We know from letters and conversations that our young soldiers returning from combat are concerned about the future of their institutions. They want to know who is focused on reshaping our Army and Marine Corps so that both services will be better able to fight the long fight against radical Islam. How will Congress fund the future? Where will the new weapons and equipment come from? They are also worried about more personal issues like housing and health care for themselves and their families.

Dan Brown was my First Sergeant in Vietnam. I was new to war. He had served in two. He gave me a piece of advice then that Congressmen intent on changing the subject should heed: ''In combat the main thing is to keep the main thing the main thing. Otherwise, you die.'' The main thing today for Congress and the Nation should be the war in Iraq. Soldiers are sworn to defend the right to free speech with their lives even if ''speech'' is expressed in despicable ways. What they want in return is the assurance that our lawmakers will hold their interests dear.

So the message from most of us soldiers is clear: Debate a flag-burning amendment if you wish. But don't create the perception among our young men and women in combat that there are more important issues than their welfare at the moment. Wait a while. At least for their sake, wait until the last flag-draped coffin comes home.

RECOGNIZING BRIAN LESEMAN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brian Leseman, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Brian has been very active with his troop, participating in many scout activities. Over the many years Brian has been involved with scouting, he has not only earned numerous merit badges but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Brian Leseman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RESIGNATION OF THE HONORABLE NORMAN Y. MINETA, SECRETARY OF TRANSPORTATION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. RAHALL. Mr. Speaker, Norman Mineta last week announced his resignation from the President's Cabin as Secretary of Transportation—the longest serving Transportation Secretary in the history of the Department. His departure comes gracefully and on his own terms, just as were his more than three decades in public service to the American people.

Norm's public service can't be condensed into a press release or simple statement of appreciation. His years of service to the country he loves—on behalf of his California constituents and in the arena of transportation—are unparalleled for their impact and effectiveness. The past 30-plus years have proven Norm a giant in his field and a true friend to those of us that served with and learned from him.

On occasion Norm joined me in the mountains of southern West Virginia, each time increasing his understanding of our unique landscape and transportation needs. In his years as a Member of Congress and as Transportation Secretary he did a great deal to improve the infrastructure of southern West Virginia and, indeed, the lives of southern West Virginians.

I am certain Norm will continue his outstanding record of service as a private citizen in the years to come and I congratulate my friend on his decision and wish him, his wife Deni and his two children, David and Stuart, the very best.

TRIBUTE TO NUCOR STEEL-JACKSON INC.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, the United States of America has always stood for economic opportunity and freedom. And in recent generations our nation has strived to provide an even better model for equality of opportunity. The work has been long and arduous, and it has not been without its setbacks.

We have struggled in the schools, the halls of government, in the workplace to make equality of opportunity something that is written on our hearts as well as in our laws.

Some of the most successful undertakings in the struggle for equality have been in our mills, and foundries and factories. Mississippi's manufacturing sector has provided generations of our citizens the opportunity to enter the middle class and realize The American Dream.

Manufacturing jobs have traditionally provided above average wages and the medical and other benefits that strengthen families and society. These jobs have also provided Mississippi workers with the satisfaction that comes from seeing their work transform raw goods and materials into finished products of usefulness and value.

Since 1998 the United States has lost more than 3.3 million manufacturing jobs. Here in Mississippi the manufacturing job loss approaches 60,000, and this has undercut the strength and resilience of our state's economy. The erosion of our state's manufacturing sector presents a significant barrier to our state's long-term economic progress.

Mississippians are especially mindful of the need for economic strength and resilience as we rebuild from the devastation of last year's hurricane. The world has witnessed the stunning economic setbacks wrought by Hurricane Katrina, but they have also witnessed the strength of our spirit and our resolve to rebuild Mississippi better and stronger than before.

If we are to accomplish this we must create a sound economic foundation for manufacturing. This means we face several additional important tasks as we continue to rebuild. We must ensure that international trade agreements—either in their drafting or their enforcement—do not discriminate against Mississippi manufacturers because they adhere to the world's highest environmental, health and safety standards. We must redouble our efforts to root out and halt all unfair trading practices among our trading partners because these practices place Mississippi manufacturers at a significant and unfair disadvantage.

One American manufacturer is leading a national grass-roots effort to bring back the level playing field to global trade and the global economic arena in which our manufacturers compete. Nucor Corporation is underwriting and leading an unprecedented series of grass roots town hall meetings across the country to inform voters and inspire action among elected officials at every level of government.

These meetings have been held in states across America and have drawn as many as 4,000 citizens. Nucor Steel—Jackson, Inc., which employs 250 workers in Mississippi, is hosting the eleventh Nucor Town Hall Meeting on June 29, 2006 in Jackson, Mississippi. It is noteworthy that in a political age where we often focus on personalities and scandal that this meeting will feature in-depth presentations and discussions of substantive issues.

Voters and elected officials are provided an important forum to look at the underlying causes of our massive job losses and to propose policies and actions that can reverse the trend and put American manufacturing back on track.

Rebuilding Mississippi in the wake of the hurricanes has proved a daunting challenge, but we have demonstrated the spirit and resolve to get the job done. We also face the long-term challenge to restore manufacturing to its rightful status as a cornerstone of our economy. We offer our appreciation to Nucor Steel—Jackson for their leadership as we face this challenge and make our commitment to Mississippi's future.

CONGRATULATING THE ST. JOSEPH-OGDEN GIRLS SOFTBALL TEAM ON WINNING THE CLASS A STATE CHAMPIONSHIP

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in honor of the St. Joseph-Ogden Spartans, the 2006 Class A State Softball Champions. The Spartans concluded their season on June 3, 2006 with a 1–0 victory in the girls' softball State Championship in East Peoria.

It had been an arduous season for the Spartans, defeating number two-ranked Beecher and number one ranked Taylor Ridge en route to a 31–6 season. The victory was the 665th in just 839 games for their head coach, Randy Wolken; a perfect finish for a team that had overcome so many challenges throughout the season.

Though they had reached the final four last year, the Spartans entered these playoffs huge underdogs. But strong defense and leadership helped the team to far exceed expectations, even for many of its players, culminating in its surprise State Championship.

The citizens of this district and I are very proud of the St. Joseph-Ogden Spartan softball team, and we look forward to continued success in the future. Let us honor the Spartans' tremendous accomplishments this season.

Mr. Speaker, I ask my colleagues to join me today in recognizing the St. Joseph-Ogden Spartans, the 2006 Class A Softball State Champions.

RECOGNIZING STEVE LYNCH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Steve Lynch, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Steve has been very active with his troop, participating in many scout activities. Over the many years Steve has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Steve Lynch for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO THE SISTERS OF MERCY

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. AKIN. Mr. Speaker, I rise today to join my colleagues in honoring the Sisters of Mercy in my hometown, St. Louis, Missouri on the 150th anniversary of their arrival to the United States. Throughout their long years of service the Sisters have tirelessly devoted themselves to sacrificial living—assisting the poor, the sick, and the uneducated throughout Missouri communities.

This tradition of service began on June 27, 1856, when the Sisters of Mercy arrived in St. Louis to open St. Francis Xavier Parish School at the request of then Archbishop Peter J. Kenrick. The Sisters later expanded their ministry beyond the school walls, establishing an orphanage, instituting an industrial school for single-parent children, beginning a Sunday school course for African American women, and continuously visiting the poor, sick, and imprisoned. The Sisters in these ministries frequently incurred personal sacrifices, but this did not deter them from their good works.

In spite of their worthy efforts, the Sisters of Mercy frequently encountered obstacles throughout their service including shortages of food and clothing, as well as insufficient funding. With undying faith and dedication, however, the Sisters were able to overcome these challenges. In their many years of service, the Sisters of Mercy have worked at five high schools and more than 20 parish elementary schools. Additionally, the Sisters have been active in healthcare since 1871, when they converted their original school into a hospital that continues to provide medical care today. After 150 years of service to students, families, the sick, and the underprivileged, the Sisters of Mercy have demonstrated their great commitment to the St. Louis community. Today we recognize their efforts with the best of our admiration and gratitude.

TRIBUTE TO HUNGARIAN VICTIMS OF COMMUNIST TERROR

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. SMITH of New Jersey. Mr. Speaker, a few days ago, President Bush traveled to Hungary to participate in events marking the 50th anniversary of the Hungarian Uprising. I commend the President for making this trip and for recognizing the sacrifices made on the streets of Budapest in the name of liberty and justice.

Fifty years ago, at the height of the Cold War, Central Europe, was a prisoner, and Moscow was its jailer. Confronted with overwhelming Soviet domination, the Hungarian response was to reaffirm the core values of democracy: individual freedom and national independence.

On October 23, 1956, these two powerful forces—tyrannica1 communism and the principles of democracy—met and clashed in the middle of Europe. Within the Soviet Empire, the 1956 Hungarian Revolution presented an alternative to a deceptively dangerous idea, the idea that the best solution to a war-ravaged world is to eliminate political, cultural, religious, economic and national differences by imposing a single, universal "truth." This idea represented the incontestable dogma of communism.

At the heart of the clash was Imre Nagy who assumed the post of Prime Minister even announced Hungary's intention to withdraw from the Warsaw Pact. But, when the Soviet Union crushed Hungary's bid for freedom during those day in October, Imre Nagy and his colleagues were arrested, convicted in secret trials, and eventually executed as "traitors" on June 16, 1958. To prevent the inevitable expressions of support for Nagy and what he stood for, he and the others executed with him were buried by the Moscow-backed regime in Budapest in unmarked graves.

The significance of his and countless other Hungarians' sacrifice is etched onto the political map of the 21st century and echoed in the recent developments throughout the world. As President Bush observed, "The lesson of the Hungarian experience is clear: liberty can be delayed, but it cannot be denied." That is the real moral of the events of 1956 and the subsequent human sacrifices of Imre Nagy and his fellow freedom fighters.

As we remember and mourn those who gave their lives defending freedom those fifty years ago, I would like especially to remember the towering courage of a reluctant hero and a great Hungarian patriot, Imre Nagy.

PAYING TRIBUTE TO LIEUTENANT COLONEL R. WYN ELDER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Lieutenant Colonel R. Wyn Elder as he assumes command of the 4th Airlift Squadron based out of McChord Air Force Base.

Lieutenant Colonel Elder graduated from the University of Virginia in 1990 and soon thereafter began a distinguished military career. After completing the Aircraft Maintenance & Munitions Officer Course as a Distinguished Graduate, he was assigned to Nellis AFB in Nevada. He served in several different capacities at the squadron and group levels, including Officer-in-Charge, and Munitions Flight and Assistant Officer-in-Charge of the F–16 and A–10 Aircraft Maintenance Units belonging to the United States Air Force Fighter Weapons School, 422d Operational Test and Evaluation Squadron. In April 1994, Lieutenant Colonel Elder was selected for Undergraduate Pilot Training at Vance AFB. After completing his training as a Distinguished Graduate, he served as the Executive Officer, 17th Airlift Squadron, Charleston AFB, South Carolina. During this period, Lieutenant Colonel Elder commanded missions as part of Operations Allied Force, Southern Watch, Joint Guardian and Joint Endeavor. Thereafter, Lieutenant Colonel Elder spent two years attached to the White House Military Office as a Presidential Advance Agent. In this capacity, he served as the point man for Air Force One flights throughout the world, including the first U.S. presidential trip to Slovenia. Most recently,

Lieutenant Colonel Elder was selected for admission to the School of Advanced Air and Space Studies (SAASS). He graduated from SAASS in June of 2004 and was assigned to the position of Special Assistant to the Commander, U.S. Joint Forces Command, in Norfolk, Virginia. Lieutenant Colonel Elder is a senior pilot with over 2200 hours of flight time in the T–38, C–17, and T–1 aircraft.

In addition to his varied professional and academic experiences, Lieutenant Colonel Elder has earned numerous accolades, including: the Defense Meritorious Service Medal, the Meritorious Service Medal, the Joint Service Commendation Medal, the National Defense Service Medal, the Armed Forces Expeditionary Medal, and the Kosovo Campaign Medal.

Mr. Speaker, I am proud to honor Lieutenant Colonel R. Wyn Elder. I thank him for his years of exemplary service and congratulate him on his new command. I wish him the best in this new endeavor.

TRIBUTE TO WILLIAM CHRISTOPHER VILLAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. MILLER of Florida. Mr. Speaker, I rise today to share with you the story of a remarkable young man from Milton, Florida. William Christopher Villar, by all surface accounts, was your typical 22 year old. He was attending community college with the hopes of one day obtaining a degree in business. He was working at a job that he loved and he had recently gotten engaged to his long time sweetheart, Heather Dieterich. His life was unfolding the way we hope that all of our children's lives will eventually unfold.

Certainly, it was not these things, or even the fact that, as a young man, he was actively involved with his church that made him atypical. And it was not the fact that he was a star on the basketball court—making the All-Conference and All-State teams his senior year at Central High School in Santa Rosa County—a high school he entered after being home schooled for a number of years. Quite simply, it was his selflessness and his unyielding love for his family that set him apart.

Chris was the oldest of three boys. As such, he was fiercely protective of his younger brothers. There is a story the family tells about an accident that happened 12 years ago that illustrates this best: Chris and Jacob, his youngest brother, were riding in the back seat of their father's car when the driver of an RV, coming over the peak of the 1–10 bridge between Santa Rosa and Escambia counties, failed to slow down for a disabled vehicle. The RV slammed into the Villars' car with enough force to peel the roof back. While we, thankfully, will never have to learn what could have happened that day—we do know that Chris, in an instinctive moment, grabbed his two year old brother Jacob—perched high in his car seat—and threw his own 10 year old body over him to save him. He didn't think of himself.

By and large, the people who knew him all said the same things about him: He was a good boy and he had been raised right. That is a compliment we hear far too infrequently these days, but it is a testament to his parents. It should make them proud.

I wish I could tell you that the story ends there—that this exceptional boy will one day become an exceptional man, an exceptional husband and an exceptional dad. Unfortunately, on the evening of Thursday, June 15th, Christopher Villar's life came to a tragic end when a car driven by a drunk driver crashed through the roof of his family's home. I am not going to talk about the details of the accident, other than to say that it was an avoidable tragedy and a sickening reminder of the dangers of driving while under the influence. But I will talk about something that happened in the moments before. Chris, like so many of us, had been enjoying the NBA playoffs with his family. He was a New York Knicks fan but pulled for the Heat in this series to pick at his younger brother, Matt. They were ribbing about it, as brothers are wont to do, when a loud noise was heard in the front yard. Whether it was the sheer instinct of a protective older brother, the hand of God, or both, Chris pushed Matt away from himself and toward the middle of his room just as the car crashed through the ceiling. In an instant, it was over. If any good can be found in this tragedy, it is that one life was lost instead of two. Once again, Chris hadn't thought of himself.

Mr. Speaker, these words do nothing to ease the pain the friends and family of William Christopher Villar are feeling today. Their void is a void that no words can fill. I share them with you because this remarkable young man deserves to be remembered, not for the tragic accident that took his life, but for the positive impact he had on the lives of others.

RECOGNIZING THE LIBERTY TRIBUNE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I rise to congratulate the Liberty Tribune and their staff on the monumental accomplishment of 160 years of journalistic excellence in the community of Liberty, Missouri. I am proud to celebrate this accomplishment today, and prouder still to note the Liberty Tribune is the second-oldest weekly newspaper west of the Mississippi River still in continuous publication.

From their modest beginnings, founded by 19-year-old Robert H. Miller, the Liberty Tribune has always called the town square their home. Mr. Miller founded the Tribune through the financial contributions of Dr. William Jewell, namesake of the nationally recognized William Jewell College.

The Liberty Tribune has covered and been a part of historically significant news in their community from the very beginning. The Tribune boasts the only embedded reporter during Alexander Doniphan's march to the Mexican-American War. They covered the persecution of Mormon founder Joseph Smith and the first crime committed by legendary outlaw Jesse James. The Liberty Tribune has been bringing all the news of the day to the citizens of Liberty since 1846 and they show no signs of stopping. Today the Bradley family of St. Joseph, proud owners of the Tribune's parent company the News-Press Gazette, carry on the tradition of dedicated news coverage for the citizens of Liberty, Missouri.

I am proud to represent the Liberty Tribune and their excellent contributions to the people of Northwest Missouri. I have no doubt this tradition of excellence will continue for another 160 years.

HONORING MARTIN FAGA IN RETIREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Martin Faga, who is retiring from his post at the MITRE Corporation. I have known Marty Faga since my days in the Fairfax County Board of Supervisors, when he was a congressional staffer and civic activist in Lee Boulevard Heights.

President and Chief Executive Officer of MITRE Corporation, Mr. Faga received his master and bachelor of science degrees in electrical engineering from Lehigh University in 1964 and 1963.

Before joining MITRE, Mr. Faga served from 1989 until 1993 as Assistant Secretary of the Air Force for Space, where he was responsible for overall supervision of Air Force space matters. At the same time, he served as Director of the National Reconnaissance Office (NRO), responsible to the Secretary of Defense and the Director of Central Intelligence for the development, acquisition and operation of all U.S. satellite reconnaissance programs.

Mr. Faga joined MITRE in 1993 as Vice President of MITRE's Center for Integrated Intelligence Systems, one of the three units operating under the Department of Defense Federally Funded Research and Development Centers. He later served as Senior Vice President, General Manager, and Executive Vice President. Since 2000 he has been MITRE Corporation's President and Chief Executive Officer.

Mr. Faga's career has included distinguished service as a staff member of the Permanent Select Committee on Intelligence of the House of Representatives, where he headed the program and budget staff; as an engineer at the Central Intelligence Agency; and as an R&D officer in the Air Force. He has served on the Commission for the Protection and Reduction of Government Secrecy, the Jeremiah Panel to review the mission and organization of the NRO, several Defense Science Board Task Forces, and the National Commission for the Review of the NRO. Additionally, he has been appointed by President Bush to the President's Foreign Intelligence Advisory Board and to the Public Interest Declassification Board.

Awards and honors bestowed upon Mr. Faga include the National Intelligence Distinguished Service Medal, the Department of Defense Distinguished Public Service Medal, the Air Force Exceptional Civilian Service Medal, the NASA Distinguished Service Medal, and in 2004, he was awarded the Intelligence Community Seal Medallion.

Mr. Speaker, in closing, I ask my colleagues to join me in applauding Martin Faga and congratulating him on his retirement after a distinguished career dedicated to ensuring the national security of the United States of America.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mrs. McCARTHY. Mr. Speaker, due to travel restrictions I was unable to vote on H.R. 4843, the Veterans Compensation Cost-of-Living Adjustment Act of 2006. If I were here I would have voted in favor of the legislation.

A cost of living adjustment is the least we can do for our veterans. They, and their families, sacrifice a lot to protect our freedoms and rights. Our nation has a responsibility to take care of our veterans.

Surviving spouses of veterans whose deaths were service-connected and their children will benefit from the increase. We must remember when a soldier dies it is our responsibility to take care of their family. It is our duty.

I am hopeful that this is the first of other increases for our veterans. We would all like to see more funding for healthcare and other programs but unfortunately the House leadership doesn't place the emphasis on funding as strongly as I do.

TRIBUTE TO ROBERT A. MACPHERSON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Ms. WOOLSEY. Mr. Speaker, I rise with pride today to honor my constituent Robert A. Macpherson, recipient of the 2006 Federal Highway Administration's Excellence in Right of Way Award in the Leadership category. This biennial national award is given to one individual who has demonstrated excellence in leadership and made outstanding innovations in the field of right of way.

The prestigious award was presented to Mr. Macpherson by the American Association of State Highway and Transportation Officials and FHWA Right of Way and Utilities. This honor recognizes Mr. Macpherson's significant contributions to his profession that have helped to streamline the process of real property acquisition, making it easier to acquire property while protecting the rights of owners and tenants.

Mr. Macpherson has been a dedicated employee of the California Department of Transportation for over 40 years. During his tenure with the department he has served the people of California in many capacities, most recently as the District 4 Deputy Director for Right of Way and Right of Way Engineering and Surveys.

In addition to his longtime service to the California Department of Transportation, Mr. Macpherson has volunteered for the Boy Scouts of America for over 25 years. He is the father of four and resides in San Rafael with his wife of 46 years.

Mr. Speaker, Mr. Macpherson is a shining example of the benefits that hard working and creative individuals can contribute not only to the state of California but to the country. It is my pleasure to honor him for the receipt of the 2006 Federal Highway Administration's Excellence in Right of Way Award. I have no doubt that he will continue to serve his community as an example of effective and dedicated leadership.

RECOGNIZING NATIONAL HIV TESTING DAY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. BISHOP of New York. Mr. Speaker, I rise on the occasion of National HIV Testing Day.

Mr. Speaker, more than one million Americans are currently living with HIV/AIDS. Of those, an estimated 320,000 people do not even realize that they carry the virus. Another 40,000 new transmissions are occurring every year in the United States, about half of which result from individuals who are unaware they are infecting others.

Today, June 27, 2006, is National HIV Testing Day, which gives us an opportunity as a Nation to pause to acknowledge the terrible toll that HIV is taking on America and to recommit ourselves to the eradication of this terrible disease. Most importantly, perhaps, National HIV Testing Day is an occasion on which we reiterate our commitment to testing vulnerable Americans for HIV as a first step towards providing counseling, offering treatment and bringing an end to the spread of AIDS.

Mr. Speaker, I am proud to note that one of the nation's leading manufacturers of HIV rapid test kits, Chembio Diagnostics, is located in Medford, New York, which happens to be in my district. For years, Chembio has been a major provider of HIV test kits across the globe, and recently they secured FDA approval to sell their test kits in the United States. For those employees in my district who engage in the important business of promoting testing for HIV, this day is of particular significance.

In his 2006 State of the Union address, President Bush proposed to direct $93 million to the purchase and distribution of rapid HIV test kits for use in areas of the country with the highest rates of newly discovered HIV cases and the highest suspected rates of undetected cases. In response, we recently appropriated $63 million for this program. I strongly support the President's new testing initiative and the increased importance placed upon testing as part of the continuum of care and treatment we provide for HIV/AIDS patients in this country.

For too long, testing has been an afterthought rather than a priority. I sincerely hope this is an area where we can find bipartisan agreement and move swiftly to provide more resources to prevent the spread of AIDS in the coming year and beyond. Accordingly, Mr. Speaker, I strongly encourage my colleagues to join me in observation of National HIV Testing Day and in recognition of Chembio's break-through achievement in this critically important, life-saving field.

ORDINARY MAN, EXTRAORDINARY DAD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. POE. Mr. Speaker, "Just a truck driver and daddy from Florida" is how Mark Lunsford describes himself. Being a single father, he worked many long, hard miles on the road to provide a good life for his children. He is just an average Joe. He has always loved his kids with every fiber of his being and he always made sure they were safe.

Nine-year-old Jessica, or "Jessie" as her daddy calls her, lived with Mark and his parents, where she could be closely watched and protected, even when he was on the road. She was a bright, energetic child who loved her grandparents, adored her father, and had been spared of the darkness of society. That beautiful innocence, however, was violently shattered in the dark of night on February 23, 2005.

Unbeknownst to Mark and his parents, a serial-convicted sex offender lurked right across the street. This vile snake laid in wait, slithered into the Lunsford home, and abducted little Jessica from her own bed. He took her safety, he took her innocence, and in the end, he took her life. Sadly, one month later, the devastating discovery of Jessica Lunsford occurred.

As any father would be, Mark was inconsolable at the news of his daughter's death. Mark realized, however, that he had to prevent another father from feeling this immense grief and another child from experiencing such violence. Mark immediately began working with the Florida State Legislators in enacting legislation aptly named, "Jessica's Law." "Jessica's Law" requires a minimum sentence of 25 years incarceration for first time sexual offenders of children. The law also requires that these predators must be monitored for life, if they are released from prison.

A man who never imagined that he would be involved in politics, Mark became Jessica's voice throughout State governments. His fatherly instincts drove his passion to protect our Nation's children from these dangerous sexual predators lurking among us. During the last 15 months, due to his dedication, "Jessica's Law" has been enacted in 16 States, with 9 additional States enacting legislation similar to Jessica's Law." He is soft-spoken about his achievements and accomplishments, maintaining his victories are "Only Jessie's." He has stated to me on many occasions, he will not stop until every State enacts "Jessica's Law." Her memory is his strength.

On Tuesday, June 20, 2006, Mark was awarded the equivalent of the Nobel Prize in public and community service—The Jefferson Award. Specifically, he was awarded the Jacqueline Kennedy Onassis Award for Outstanding Public Service Benefiting the Local Community. This award was named after Jefferson Award co-founder, and former First Lady, Jacqueline Kennedy, and is considered to be one of the most prestigious of all of the Jefferson Awards.

Mr. Speaker, as a father and grandfather to 6 girls, Mark's devastating loss hits very close to home. I have the privilege of knowing Mark and consider him one of my good friends. He

was a man who never imagined such a horrific tragedy could befall his daughter, and that his family could be victimized so cruelly; however, he refused to stand there and do nothing. He became an advocate; he became Jessica's voice. This ordinary man became an extraordinary dad and I am truly honored to pay him this tribute.

That's just the way it is.

HONORING JOSEPH H. HALLISSEY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. DINGELL. Mr. Speaker, I rise today to pay honor to and celebrate the storied career of Joseph H. Hallissey. His 60 years of remarkable leadership, in positions at the YMCA, Hallissey Travel, the Dearborn Public Schools, and the Henry Ford Community College, more than distinguish Mr. Hallissey as a truly impassioned and accomplished citizen.

After serving his country as an officer in the United States Air Force from 1950 to 1953, Mr. Hallissey excelled in his time at the YMCA, as well as in his years as a travel agent during which time he served as President, Trustee, and General Congress Chairperson for the American Society of Travel Agents. Mr. Hallissey was honored as Travel Agent of the Year by the 30,000 member American Society of Travel agents, and ''Travel Person of the Year'' for his efforts in founding the Institute of Certified Travel Agents in Detroit.

While Mr. Hallissey was indeed an invaluable aid to those who wished to escape for a short time, his work in that area was, and continues to be, equaled only by his ceaseless effort to better the lives of those around him. Through the years he has served on numerous committees supporting public education, the Dearborn Public Schools, and Henry Ford Community College, and co-chaired seven campaigns generating hundreds of millions of dollars in revenue for these institutions. He has also served on the Board of Directors and fundraising campaigns for countless community organizations, among them: Centurions of Dearborn, Dearborn Chamber of Commerce, Dearborn Goodfellows, Dearborn Rotary Club, Fairlane Club, Henry Ford Hospital, and Interservice Club Council of Dearborn.

Mr. Hallissey and his lovely wife Veronica have been recognized for their longstanding support of public education by having the Dearborn Public Schools' Miller Element School Library Resource Center and the Henry Ford Community College North Hall dedicated in their honor. Mr. Hallissey's commitment to public education was also clearly expressed as he excelled during his career as Coordinator of Community Relations and Ventures in Partnership Coordinator for the Dearborn Public Schools, as well as in his career as Director of the Henry Ford Community College Office of Development. He also serves as chairperson for the Scholarship Committee of the University of Michigan Alumni Club of the Greater Detroit and reviews hundreds of scholarship applications annually.

Admittedly, I am not the first of those who have found it fit to admire Mr. Hallissey's compassionate contributions. He has been honored by many organizations for his community volunteer efforts, receiving the Dearborn Chamber of Commerce ''Citizen of the Year'' Award, the Dearborn Rotary Distinguished Community Service Award, the Dearborn Inter-Service Club Council ''Member of the Year'' Award, the Henry Ford Community College Distinguished Service Award on two occasions in 1976 and 1991, and the Henry Ford Community College President's award. Joseph Hallissey's commitment to bettering the lives of those around him, and endless efforts to create a vibrant, outreaching educational community, will not soon be forgotten. I would like to thank Joseph Hallissey for his ceaseless and industrious humanitarian accomplishments over the past 60 years, and would ask that all my colleagues rise to wish him the best for a long and rewarding retirement.

FOR JOB WELL DONE DURING CITIZENSHIP DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in order to thank our staff and volunteers for their hard work and dedication in holding one of our most successful Citizenship Days.

Citizenship Day is an event that our office has held for the past 12 years. It is an event that assists legal residents in becoming Citizens. Since 1994 this event has been one of the most rewarding experiences I've had since becoming a Member of Congress. To be able to assist someone in their dream of becoming a citizen of this great Nation is truly amazing. This year we were able to assist over 320 people process their applications for citizenship.

In order to become a citizen, one must go through a series of stages to fully complete their application forms. Our office assists these very people by setting up a one-stop application processing opportunity. We set up various stages where applicants were able to get assistance in filling out the application form, take the necessary pictures, purchase a cashiers check for the application fee, speak with and receive quality control of their application from an immigration attorney, and the postal service provided the opportunity to send their citizenship application by certified mail.

None of this would have been possible without the help of our wonderful volunteers that took time from their families to be with us on this great day.

Mr. Speaker, I would like to thank the members of the U.S. Citizenship and Immigration Services (USCIS), J.P. Morgan Chase, NALEO, LULAC, the U.S. Postal Service and Mamacita's Restaurant for their dedication to the community and for the intricate role they played in assisting many of our residents fulfill their dreams of becoming U.S. Citizens.

I would also like to give a special thanks to the following volunteers that made this day such a success: Constable Victor Trevino and his officers, Ms. Theresa Turnini, Mr. Charles R. Flores, Ms. Herlinda Garcia, Mr. Francisco B. Rodriguez III, Mrs. Margaret Rodriguez, Ms. Josephine Mendoza, Mr. John Martinez, Mr. Rafael Palafox, Ms. Juana Wilson, Ms. Anna Nunez, Ms. Mary Closner, Ms. Amanda Stewart, Ms. Rose B. Garcia, Mr. Anselmo Davila, Mr. Guadalupe Flores Jr., Ms. Frances Munoz, Ms. Veronica Sanchez, Ms. Xiaochun Zhou, Mr. Jaime Elizondo, Ms. Sylvia Ramirez-Martinez, Ms. Sylvia Espadin, Ms. Natasha Jabbar, Ms. Thelma Valle, Miss Perla Gonzalez, Ms. Sophie Hu, Mr. Joe Vail, Ms. Teresa Murguia, Miss Krystal Hernandez, Ms. Frances Hernandez, Mr. Francisco Valle, Ms. Veronica Avalos, Ms. Ursula Featherston, Ms. Rosalinda Salazar, Ms. Carmen Galle, Ms. Martina Garza, Ms. Patrese Ruffin-Bush, Ms. Patricia Perez, Mr. Adrian Espadin, Mr. Edward Gonzalez, Dr. Melissa Najera, Ph.D., Mr. Cassandra Juarez, Ms. Clarissa Juarez, Mr. John Gavidia, Ms. Esther Arrendell, Mr. Jimmy Jackson, Mr. Jose Henriquez, Ms. Santa Herrera, Ms. Martha Bulbai, Mrs. Kristen Quan, Ms. Ada Smoot, Mr. Eduardo Garcia, Ms. Cristina Valdez, Ms. Claudia Rodas, Mr. Eric Rodas, Ms. Ivonne Moreira, Ms. Jenny Marquez, Ms. Terasina Niles, Ms. Erika Faz, Mr. Kirk Savarese, Ms. Jeanette Niles, Ms. Tania Buitron, Ms. Veronica Sainz, Ms. Belinda Castro Ms. Sylvia Halfhill and Ms. Sandy Heathman.

For too long we have been hearing that immigrants are a detriment to our society. Well I'm here to tell you that most immigrants are just like our forefathers who established this great Nation of ours. They are just like the millions of immigrants who have come before them longing for a better life, longing to become American citizens, longing for the American Dream.

PAYING TRIBUTE TO SUE LOWES

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my dear friend, Gwendolyn Sue Lowes, as she prepares to move from Henderson, Nevada to Tyler, Texas. Sue has worked in my District Office since I was elected to the House of Representatives in 2002, and has been an invaluable asset and outstanding example of what a person ought to be.

Sue was born on October 12, 1946 in Breckenridge, Texas. She graduated from McCollum High School in San Antonio, Texas. After high school, Sue attended San Antonio Junior College and began working for Traveler's Insurance. She spent more than thirty years in the insurance business. She worked for the prominent San Antonio insurance firm of Cato & Cato for nineteen years and was known among her colleagues and clients as a bright, cheerful, talented person who always went the extra mile to get the job done. After leaving San Antonio, Sue and her husband Ted lived in Florida and Northern California. They moved to Las Vegas in 1992 and began working at my insurance office in 1993. Sue came to my staff with an outstanding reputation in the insurance field. During the ten years she spent at my Farmer's office, she always maintained an extraordinary work ethic, a positive attitude and a friendly demeanor.

In 2003, Sue joined my Congressional staff and has been an incredible asset to my staff and my constituents. Sue balances a variety of duties with grace and skill. She greets

every constituent with a smile. She is a proactive person who actively seeks opportunities to improve her performance and the performance of the office as a whole. She is a loyal, hardworking and selfless person who always meets a challenge with a positive attitude. Sue has coordinated the Military Academy nominations for the students in my district since 2003. She has done an outstanding job recruiting community members to serve on the Academy Selection Committee, organizing outreach to local high school students and developing relationships with each of our great Military Academies in order to facilitate the nomination process. Sue truly makes a difference in the lives of those who have had the privilege of working with her.

Although Sue has an outstanding record of professional performance, she is most outstanding because of who she is. Sue is a devoted wife, mother and grandmother. She has two children, Margaret Jean ''Maggie'' and John Perry, and three grandchildren. She and her husband have been happily married for eighteen years. Sue is a well-rounded individual who actively pursues her talents and interests. She is an accomplished athlete, an excellent cook, an avid hiker and a talent at many other hobbies. Throughout her life, Sue's warmth, kindness and zest for life have enabled her to nurture strong relationships with her family and friends. Sue is loved and respected by all who know her because of her wisdom, her compassion and her supportive nature.

Mr. Speaker, it is a privilege to honor Sue Lowes for her extraordinary commitment to our community, state and nation, and for achieving excellence in all aspects of her life. She has been a wonderful friend for nearly fourteen years and she is truly an admirable person. She will be greatly missed in my office, but I wish her the very best as she goes back to Texas to begin the next phase of her life.

TRIBUTE TO DAKOTA STEWART WEST

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today, in great pride and pleasure, to inform the House of a wonderful event that has taken place in my family.

On June 20, 2006, my stepdaughter Emily and her husband Allen West, of Nashville, Tennessee, gave birth to their first child, a daughter. I am proud to report that Dakota is a happy, healthy baby girl. Cynthia and I, along with Allen's parents George and Julie, are delighted with this joyful addition to our family. She reminds us again that, as Art Buchwald once said, ''The best things in life aren't things.''

Looking into the face of this beautiful new person causes me to marvel again at God's miracle of life and to celebrate Dakota's safe arrival. She also elicits from me the renewed responsibility that I, and we in Congress have, to see that she and her generation will live in freedom, in a safe and prosperous nation and world.

Mr. Speaker, I ask that you and all of our colleagues join me in wishing all the best to Dakota Stewart West.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

SPEECH OF

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. COLE of Oklahoma. Mr. Speaker, during consideration of H. Res. 877, the rule for consideration of the House report for H.R. 5631, the Department of Defense appropriations bill for the fiscal year 2007, on June 20, 2006, I improperly referred to the Ranking Member of the Department of Defense Appropriations Subcommittee as Mr. SABO of Minnesota. I would like the record to show that I meant to refer to the Ranking Member of the Department of Defense Appropriations Subcommittee as Mr. MURTHA of Pennsylvania.

34TH ANNIVERSARY OF TITLE IX

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I am honored to rise on this auspicious occasion to celebrate the 34th anniversary of Title IX—the landmark legislation to ensure equal access to sports opportunities for young men and women. At the outset, I commend and thank all of the men and women that have contributed to its success over the past 34 years—empowering women to make responsible decisions and to contribute positively to society.

Mr. Speaker, on this anniversary, I must express my concern over the Title IX loophole created by the Department of Education on March 17, 2005. This loophole undermines this important civil rights legislation. Rather than continuing the mandate on institutions to maintain equality in men's and women's sports, the change shifted the burden to female students to show their interest in and entitlement to participation opportunities, effectively allowing schools to justify disparities in treatment. This loophole—which was established without notice or opportunity for public comment—is having a devastating impact on women's sports.

Mr. Speaker, if the fabric of society is only as strong as the threads that hold it together, then surely the duty of government must be to reinforce those threads, not to pull them apart. Yet allowing colleges to gauge interest in women's sports based on a single e-mail survey does exactly that—it unravels the fabric. It sends the message to girls that the ability to play sports is somehow unnatural. No one questions a boy who wants to play soccer; no one asks him to fill out a survey. So why do girls have to jump over hurdles to enjoy the same activity? Hurdles must remain in track and field where they belong, not in civil rights legislation. That is exactly the battle Title IX was designed to end, and it did . . . until March 17, 2005.

Mr. Speaker, in 1971, 1 in 27 high school girls participated in athletics. Now it's 1 in 3. The explosion in athletic opportunities open to young women has generated enormous interest. The ratings for the women's final at Wimbledon, the most watched women's sporting event, are generally the same as the men's. In 1996, it was the U.S. women's soccer and basketball teams that captured Olympic gold. Interest follows opportunity, not vice versa.

Mr. Speaker, I call on this Congress to demonstrate our commitment to our Nation's young women. We know that playing sports improves self-esteem, teamwork skills, and psychological well-being. We know that 82 percent of executive businesswomen played organized sports after elementary school. What we don't know is why the current Administration, in light of overwhelming evidence touting the benefits of athletics, has made it easiest for colleges and high schools to shirk their responsibility to women.

Mr. Speaker, this is why I, along with fellow members of the House of Representatives, are working to protect Title IX. In addition to urging the President to withdraw the new rules, I am an original sponsor of House Resolution 735 expressing that these changes are inconsistent with longstanding Department policies and fundamental principles of equality. I will continue to fight to address these inequalities that threaten to reverse 34 years of progress.

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

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of this conference report.

It was my pleasure to serve as a conferee on the Fiscal Year 2006 Coast Guard authorization bill.

I am a strong supporter of the Coast Guard men and women who valiantly serve our nation.

Through their hard work and dedication, 33,000 people were saved in the aftermath of Hurricane Katrina.

This will not be the last time that we will turn to the Coast Guard for help.

Congress must provide the Coast Guard with the support it needs to perform its security and life-saving missions.

The Coast Guard's current assets are deteriorating quickly, and the Administration has clearly failed to realize that there is a problem.

The Administration's request for the Deepwater program, which will provide the Coast Guard with more modern equipment, was $32 million less than last year.

Congress, recognizing the problem, authorized funds in this bill that will help accelerate the purchasing of Deepwater assets.

I had hoped that even more funds would be authorized for the Deepwater program. In the Homeland Security Committee's mark-up of H.R. 4954, the SAFE Ports Act, I supported an amendment offered by Rep. Donna Christensen (D–VI) that would have provided enough funds to complete the Deepwater program in ten years rather than the current twenty years. I wish that provision had been accepted in this bill.

Nonetheless, the funding level in this bill is a good first step.

Finally, this bill establishes a review process before an Administrative Law Judge for individuals denied a Transportation Worker Identification Credential (TWIC).

TWIC cards will be required for all port workers.

If a person is denied a TWIC, he or she will not able to work.

Therefore, it is critically important that a neutral party be involved in deciding whether or not an individual should be denied this card.

Every person deserves the opportunity to work and the government cannot arbitrarily inhibit this right.

I thank the other conferees on both sides of the aisle for working with me on this conference report, and I recommend my colleagues support it.

TRIBUTE TO THE CHARLES W. MORGAN WHALESHIP

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. SIMMONS. Mr. Speaker, it is an honor for me to represent Connecticut's Second District, which is home to many historical sites, including Mystic Seaport, which is known as the Museum of America and the Sea.

Since the 1600s, the Mystic region has been a center of shipbuilding. The Golden Age of America's maritime enterprises was between 1784 and 1919. During those years more than 600 ships were constructed along the Mystic River. One of those ships was the Charles W. Morgan and I rise today to commend Mystic Seaport and those citizens who came forward years ago to ''purchase shares'' of that wonderful old ship so it could be preserved and restored for public display.

From 1841 to 1921 the Charles W. Morgan traveled the seas in pursuit of profit. Certain voyages lasted four years and her adventures took her and her crews to the Atlantic, Pacific and Arctic oceans. After 37 voyages the ship had earned her shareholders more than $1 million.

In 1941, Mystic Seaport acquired this proud ship and by he 1970s it was clear that restoration was required to protect it from the corrosion of time and the elements. As was the case during its voyages, private citizens again came forward to buy shares into the ship and today the investment in the Charles W. Morgan has once again paid great dividends. On July 15, Mystic Seaport will celebrate the history and survival of this magnificent vessel, which is the last surviving wooden whaleship in America.

On July 15, descendants of the ship's crew members and those who participated in the ship's refurbishment will gather at the seaport to celebrate the Morgan and its wonderful history. This is a milestone in our maritime history and for my district. The restoration of the ship will continue and its history will continue to be shared. The next generation will have the opportunity to visit this living museum which tells tales of adventure and of America's relationship with the sea.

Man faces the future armed with the past. That is why it is essential that we honor our history and preserve it. History is who we are, what we are and why we are. The Charles W. Morgan is an important artifact of American history. I thank all those who worked to ensure that it would be preserved as a reminder of America's greatness, of our historic determination to embrace challenges and our indomitable spirit to explore and to dream.

Daily Digest

HIGHLIGHTS

Senate rejected S.J. Res. 12, Flag Anti-Desecration Resolution.

Senate

Chamber Action

Routine Proceedings, pages S6499–S6589

Measures Introduced: Seventeen bills and four resolutions were introduced, as follows: S. 3570–3586, S. Res. 521–523, and S. Con. Res. 106. **Page S6560**

Measures Reported: S. 2430, to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study, with an amendment in the nature of a substitute. (S. Rept. No. 109–270) **Page S6559**

Measures Rejected:

Flag Anti-Desecration Resolution: By 66 yeas to 34 nays (Vote No. 189), two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, Senate failed to pass 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, agreeing to the committee amendment, after taking action on the following amendment proposed thereto: **Pages S6503–15, S6515–47**

Rejected:

By 36 yeas to 64 nays (Vote No. 188), Durbin Amendment No. 4543, in the nature of a substitute. **Pages S6536–46**

Measures Passed: Celebrating Twin Cities of Bristol: Senate agreed to S. Res. 522, celebrating the 150th anniversary of the cities of Bristol, Tennessee and Bristol, Virginia. **Page S6588**

Commending Oregon State Baseball Team: Senate agreed to S. Res. 523, commending the Oregon State University baseball team for winning the 2006 College World Series. **Page S6589**

John Milton Bryan Simpson U.S. Courthouse: Senate passed S. 801, to designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the ''John Milton Bryan Simpson United States Courthouse''. **Page S6589**

Carroll A. Campbell, Jr. Federal Courthouse: Senate passed S. 2650, to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the ''Carroll A. Campbell, Jr. Federal Courthouse''. **Page S6589**

Coast Guard Authorization—Conference Report: Pursuant to the order of June 22, 2006, Senate agreed to the conference report to accompany 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. **Page S6516**

Subsequently, the adoption of the conference report was vitiated. **Page S6589**

Messages From the House: **Page S6558**

Measures Referred: **Page S6558**

Executive Communications: **Pages S6558–59**

Executive Reports of Committees: **Pages S6559–60**

Additional Cosponsors: **Pages S6560–61**

Statements on Introduced Bills/Resolutions: **Pages S6561–86**

Additional Statements: **Pages S6557–58**

Amendments Submitted: **Pages S6586–87**

Authorities for Committees to Meet: **Pages S6587–88**

Privileges of the Floor: **Page S6588**

Record Votes: Two record votes were taken today. (Total—189) **Page S6546**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 8 p.m., until 9:30 a.m., on Wednesday, June 28, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6589.)

Committee Meetings

(Committees not listed did not meet)

STEM CELL RESEARCH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing 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), after receiving testimony from Senator Santorum; James F. Battey, Jr., Director, National Institute on Deafness and Other Communication Disorders, and Chair, National Institutes of Health Stem Cell Task Force, National Institutes of Health, Department of Health and Human Services; Stephen Strom, University of Pittsburgh Department of Pathology, Pittsburgh, Pennsylvania; and Alan I. Leshner, American Association for the Advancement of Science, Washington, D.C.

APPROPRIATIONS: INTERIOR

Committee on Appropriations: Subcommittee on Interior and Related Agencies approved for full Committee consideration H.R. 5386, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute.

APPROPRIATIONS: ENERGY AND WATER DEVELOPMENT

Committee on Appropriations: Subcommittee on Energy and Water approved for full Committee consideration H.R. 5427, making appropriations for energy and water development for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute.

APPROPRIATIONS: HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Homeland Security approved for full Committee consideration H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute.

NORTH KOREA

Committee on Armed Services: Committee met in closed session to receive a briefing on recent North Korean ballistic missile developments from Brian Green, Deputy Assistant Secretary for Forces Policy, Patricia Sanders, Executive Director, Missile Defense Agency, and Brad Ahlskog, Senior Intelligence Officer, Korean Branch, Defense Intelligence Agency, all of the Department of Defense.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nomination of Michael L. Dominguez, of Virginia, to be Deputy Under Secretary of Defense for Personnel and Readiness, and a list of 979 nominations in the Army, Navy, Air Force, and Marine Corps.

SAFETEA–LU IMPLEMENTATION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation concluded an oversight hearing to examine the current state of progress and future outlook relating to SAFETEA–LU implementation, including changes SAFETEA–LU made to the New Starts program, changes SAFETEA–LU made to the JARC program, and issues that may be important as FTA moves forward with implementing the Act, after receiving testimony from Sandra Bushue, Deputy Administrator, Federal Transit Administration, Department of Transportation; Katherine Siggerud, Physical Infrastructure, Government Accountability Office; and William W. Millar, American Public Transportation Association, Washington, D.C.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee continued markup of H.R. 5252, to promote the deployment of broadband networks and services, but did not complete action thereon, and will meet again on Wednesday, June 28.

ROCKY MOUNTAIN OIL AND GAS PRODUCTION

Committee on Energy and Natural Resources: Committee concluded a hearing to examine implementation of the Energy Policy Act provisions on enhancing oil and gas production on Federal lands in the Rocky Mountain Region, after receiving testimony from Kathleen Clarke, Director, Bureau of Land Management, Department of the Interior; Mary Flanderka, Wyoming Office of the Governor, Cheyenne; Jeffrey Eppink, Advanced Resources International, Inc., and Tom Reed, Trout Unlimited, both of Arlington, Virginia; and Duane Zavadil, Independent Petroleum Association of Mountain States, Denver, Colorado.

NOMINATION

Committee on Finance: Committee concluded a hearing to examine the nomination of Henry M. Paulson, Jr., of New York, to be Secretary of the Treasury, after the nominee, who was introduced by Senator Schumer, testified and answered questions in his own behalf.

OFFICE OF PERSONNEL MANAGEMENT

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia concluded 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, after receiving testimony from David M. Walker, Comptroller General of the United States, Government Accountability Office; and Linda M. Springer, Director, Office of Personnel Management.

PRESIDENTIAL SIGNING STATEMENTS

Committee on the Judiciary: Committee concluded a hearing to examine the purpose, history, and legal significance of presidential signing statements, which are mainly issued when a President signs new legislation into law, after receiving testimony from Michelle E. Boardman, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice; Charles J. Ogletree, Jr., Harvard Law School Charles Hamilton Houston Institute for Race and Justice, Cambridge, Massachusetts; Christopher S. Yoo, Vanderbilt University Law School, Nashville, Tennessee; and Bruce Fein, Fein & Fein LLC, and Nicholas Quinn Rosenkranz, Georgetown University Law Center, both of Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

HEALTHCARE GLOBALIZATION

Special Committee on Aging: Committee concluded a hearing to examine if medical tourism can reduce health care costs relating to the globalization of health care, after receiving testimony from Arnold Milstein, Mercer Health & Benefits, San Francisco, California; Bonnie Grissom Blackley, Blue Ridge Paper Products Inc., Canton, North Carolina; Rajesh Rao, IndUShealth, Inc., Raleigh, North Carolina; Bruce Cunningham, University of Minnesota Department of Plastic Surgery, Minneapolis, on behalf of the American Society of Plastic Surgeons; and Howard Staab and Maggi Ann Grace, both of Carrboro, North Carolina.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 5 public bills, H.R. 5688–5692; and 4 resolutions, H. Con. Res. 436–438 and H. Res. 894, were introduced. **Pages H4679–80**

Additional Cosponsors: **Pages H4680–81**

Reports Filed: A report was filed today as follows:

H.R. 4125, to permit the Administrator of General Services to make repairs and lease space without approval of a prospectus if the repair or lease is required as a result of damages to buildings or property attributable to Hurricane Katrina or Hurricane Rita (H. Rept. 109–532). **Page H4679**

Speaker: Read a letter from the Speaker wherein he appointed Representative Wilson of New Mexico to act as Speaker pro tempore for today. **Page H4559**

Recess: The House recessed at 9:08 a.m. and reconvened at 10:00 a.m. **Page H4562**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Freedom to Display the American Flag Act of 2005: H.R. 42, to ensure that the right of an individual to display the flag of the United States on residential property not be abridged; **Pages H4574–76**

Seasoned Customer CTR Exemption Act of 2006: H.R. 5341, amended, to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions; and **Pages H4576–82**

Recognizing National Homeownership Month and the importance of homeownership in the United States: H. Res. 854, to recognize National Homeownership Month and the importance of homeownership in the United States. **Pages H4282–86**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on yesterday, Monday, June 26th:

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, by a (2/3) yea-and-

nay vote of 413 yeas with none voting ''nay'', Roll No. 320; and **Page H4587–88**

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, by a (2/3) yea-and-nay vote of 408 yeas with none voting ''nay'', Roll No. 321. **Page H4588**

Flood Insurance Reform and Modernization Act of 2006: The House passed H.R. 4973, to restore the financial solvency of the national flood insurance program by a yea-and-nay vote of 416 yeas to 4 nays, Roll No. 325. **Pages H4589–H4617**

Agreed to:

Oxley amendment (No. 1 printed in H. Rept. 109–530) contains a number of technical and conforming changes, including: clarification that the provisions governing the phasing-in of actuarial rates for nonresidential and non-primary residence properties will apply on the date on which the director of FEMA submits a required report to Congress, as opposed to the date of this legislation's enactment; clarification that the $1 million cap on penalties for non-enforcement of mandatory flood insurance purchase requirements will not apply to a regulated institution or enterprise, for a calendar year, if in any 3 of the past 5 calendar years that institution or enterprise was assessed a penalty of $1 million; clarifications regarding the requirements for states to request FEMA participation in state-run disaster claims mediation programs and certain other provisions of the bill related to the claims mediation process; clarification of the timeline for FEMA's inclusion of certain features on updated floodplain maps; and clarification of the FEMA Director's authority regarding his ability to issue interim post-disaster flood elevation building requirements; **Pages H4598–99**

Burton amendment (No. 2 printed in H. Rept. 109–530) codifies existing notification regulations and further requires written notification, by first-class mail, to each property owner affected by a proposed change in flood elevations, prior to the 90-day appeal period. Notification would include an explanation of the appeal process and contact information for responsible officials; **Pages H4599–H4601**

Garrett amendment (No. 3 printed in H. Rept. 109–530) requires any purchaser of a pre-FIRM primary residential home to pay phased-in actuarial flood insurance prices using the same phase-in structure that non-residential and non-primary homes are currently subject to in the legislation, after the enactment of the bill; **Pages H4601–02**

Taylor of Mississippi amendment (No. 4 printed in H. Rept. 109–530) instructs the Inspector General of DHS to conduct an investigation of the Hurricane Katrina damage claims adjusted by the insurance companies that contract with the National Flood Insurance Program under the ''Write-Your-Own'' program to determine whether, and to what extent, the companies improperly assigned damages to flooding covered by NFIP that should have been paid by the windstorm coverage provided by the insurance companies. The Inspector General would be required to report the findings to Congress no later than 6 months after enactment; **Pages H4602–03**

Pickering amendment (No. 6 printed in H. Rept. 109–530) corrects an inequity in current law by exempting all purchases or transfers of property by any means, and not just purchases via a loan as under current law, from the 30-day waiting period for purposes of flood insurance coverage; **Page H4603**

Matsui amendment (No. 7 printed in H. Rept. 109–530) amends Section 16 of the bill to ensure that, when practical, FEMA utilizes emerging weather forecasting technologies in updating its flood maps. This will ensure that FEMA has the highest quality information when it works to determine the level of risk for vulnerable geographies. It would not impose any additional financial mandates on the NFIP. In addition, the amendment would make sure the program has the best information possible, while emphasizing the importance of this emerging technology; **Pages H4603–04**

Johnson, Eddie Bernice, of Texas amendment (No. 8 printed in H. Rept. 109–530) creates a program to educate communities about the update to the flood insurance program rate map; **Pages H4604–06**

Jackson-Lee of Texas amendment (No. 5 printed in H. Rept. 109–530) adds a provision into the GAO study on the status of the national flood insurance program for certain pre-FIRM properties that seeks to identify any inconsistencies in eligibility standards for pre-FIRM coverage; **Page H4604**

Matsui amendment (No. 9 printed in H. Rept. 109–530) directs GAO to conduct a study on potential methods, practices and incentives that would increase the degree to which low-income property owners living in high-risk locations participate in the national flood insurance program. This study should be reported to Congress no later than 1 year after enactment of this legislation; **Pages H4606–07**

Ruppersberger amendment (No. 10 printed in H. Rept. 109–530) requires the FEMA Director to issue regulations and revise materials that are provided to policy holders using ''plain language'' and ''easy to understand terms and concepts''; **Page H4607**

Jindal amendment (No. 11 printed in H. Rept. 109–530) clarifies that ''demolish and rebuild'' should be a mitigation option available under the regular Flood Mitigation Assistance (FMA) program. The ''demolish and rebuild'' option is specifically allowed under the Severe Repetitive Loss Program created by the 2004 reform act and FEMA has interpreted the difference to mean it cannot approve the measure under FMA; **Pages H4607–08**

Davis, JoAnn, of Virginia (No. 12 printed in H. Rept. 109–530) directs FEMA to utilize ''a methodologically valid approach for sampling files selected for operational reviews and quality assurance claims reinspections.'' A 2005 GAO study highlighted FEMA's oversight failures, stating that, ''FEMA cannot . . . determine the overall accuracy of claims settled for specific flood events or assess the overall performance of insurance companies and their adjusters in fulfilling their responsibilities for the NFIP'' (GAO–06–183T National Flood Insurance Program). The amendment improves the oversight and accountability of the National Flood Insurance Program (NFIP); and **Page H4608**

Davis, JoAnn, of Virginia (No. 13 printed in H. Rept. 109–530) extends the proof of loss filing deadline to 180 days and would prohibit NFIP from denying claims solely for failing to meet the deadline and makes this change retroactive to September 18, 2003. **Pages H4608–09**

Rejected:

Rohrabacher amendment (No. 14 printed in H. Rept. 109–530) that sought to provide that, in a case in which a Federally funded flood control project causes an area to become at greater risk of flooding than it otherwise would have been, residents in that area shall be provided flood insurance using the price formula that would have applied had the offending flood control project not been built, or if no flood insurance would otherwise have been required, they shall be provided flood insurance at no cost. The determination of this status would be made by the Director of the National Flood Insurance Program (by a recorded vote of 98 ayes to 327 noes, Roll No. 322); **Pages H4609–11, H4614**

Pearce amendment (No. 15 printed in H. Rept. 109–530) that sought to immediately end all flood insurance subsidies on nonresidential, vacation, and second homes (by a recorded vote of 76 ayes to 347 noes, Roll No. 323); and **Pages H4611–12, H4615**

Miller of Michigan amendment (No. 16 printed in H. Rept. 109–530) that sought to instruct the Director of the National Flood Insurance Program, upon the completion of the study by the International Joint Committee of the Upper Great Lakes, to request the Army Corps of Engineers to complete a new flood map for the region to help the NFIP develop 100-year and 500-year flood plains. The amendment also prohibits flood evaluations in the upper Great Lakes to be increased until the aforementioned is completed (by a recorded vote of 416 ayes to 4 noes, Roll No. 325).

Pages H4612–14, H4615–16

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H4617**

H. Res. 891, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question without objection.

Pages H4565–68, H4587–88

Agreed that the Clerk will effect a technical correction in the engrossment of the resolution.

Page H4617

Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2007: The House began consideration of 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. Further consideration is expected to continue tomorrow, Wednesday, June 28th. **Pages H4617–38, H4639–65**

Agreed to limit the number of amendments made in order for debate and the time limit for debate on each amendment during further proceedings.

Pages H4638–39

Agreed to:

Wolf amendment to increase funding (by offset) for the Missing Alzheimer Program by $1,000,000;

Pages H4639–40

Reichert amendment to increase funding (by offset) for Justice Assistance Grants by $25,000,000;

Pages H4642–44

Boswell amendment to increase funding (by offset) for the Criminal Records Upgrade Program by $1,500,000; **Page H4644**

Brown-Waite, Ginny of Florida amendment to increase funding (by offset) for the Violence Against Women Act by $10,000,000; **Pages H4644–45**

Johnson of Connecticut amendment to increase funds (by offset) for the FBI's Innocent Images Program by $3,300,000; **Pages H4651–52**

Barrow amendment to increase funding (by offset) for the State Criminal Alien Assistance Program by $25 million; **Page H4657**

Obey amendment to increase funding (by offset) for the Legal Services Corporation by $25,000,000 (by a recorded vote of 237 ayes to 185 noes, Roll No. 326); **Pages H4640–42, H4662**

Velázquez amendment that sought to increase funds (by offset) for the direct and guaranteed loan programs by $40,000,000 (by a recorded vote of 214 ayes to 207 noes, Roll No. 327); and

Pages H4645–48, H4662–63

Kennedy of Minnesota amendment that sought to increase funding (by offset) to the Edward Byrne Memorial Justice Assistance Grant program by $50 million (by a recorded vote of 291 ayes to 129 noes, Roll No. 330). **Pages H4657–61, H4664–65**

Rejected:

Nadler amendment that sought to increase funds (by offset) for the FBI by $40,000,000 (by a recorded vote of 176 ayes to 243 noes, Roll No. 328); and **Pages S4649–50, H4663–64**

Stearns amendment (No. 22 printed in the Congressional Record of June 26th) that sought to increase funding (by offset) for expenses necessary of the Federal Prison System by $500,000 (by a recorded vote of 163 ayes to 257 noes, Roll No. 329). **Pages H4653–54, H4664**

Withdrawn:

Millender-McDonald amendment that was offered and subsequently withdrawn which sought to increase funding (by offset) for the Department of Justice Drug Court Programs by $5 million. **Page H4661**

Point of Order sustained against:

The proviso, beginning on pages 15, line 18 thru page 16, line 4,4652–53 constituted legislation in an appropriations bill; **Pages H4652–53**

Mollohan amendment that sought to increase funding for State and local law enforcement authorization grants; and **Pages S4655–56**

Kennedy of Minnesota amendment that sought to increase funding for the Edward Byrne Memorial Justice Assistance Grant program by $532 million. **Pages S4656–57**

H. Res. 890, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 224 yeas to 188 nays, Roll No. 319, after agreeing to order the previous question without objection. **Pages H4568–74, H4586–87**

Amendments: Amendments ordered printed pursuant to the rule appear on page H4681.

Quorum Calls—Votes: Four yea-and-nay votes and seven recorded votes developed during the proceedings of today and appear on pages H4587, H4587–88, H4588, H4614, H4615, H4615–16, H4616, H4662, H4662–63, H4663–64, H4664, and H4664–65. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at midnight.

Committee Meetings

VETERANS AFFAIRS DATA SECURITY

Committee on Appropriations: Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies, held a hearing on Veterans Affairs Data Security. Testimony was heard from R. James Nicholson, Secretary of Veterans Affairs and public witnesses.

GROUND EQUIPMENT/ROTORCRAFT RESET STRATEGIES

Committee on Armed Services: Held a hearing on Army and Marine Corps reset strategies for ground equipment and rotorcraft. Testimony was heard from the following officials of the Department of Defense: GEN Peter J. Schoomaker, USA., Chief of Staff, U.S. Army; and GEN Michael W. Hagee, USMC, Commandant, U.S. Marine Corps.

MAKING INTERNET SAFE FOR CHILDREN

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Making the Internet Safe for Kids: The Role of ISPs and Social Networking Sites.'' Testimony was heard from public witnesses.

Hearings continue tomorrow.

HI-TECH INFORMATION/CONTENT PROTECTION

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled ''The Audio and Video Flags: Can Content Protection and Technological Innovation Coexist?'' Testimony was heard from public witnesses.

CLINICAL LAB QUALITY

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing entitled ''Clinical Lab Quality: Oversight Weaknesses Undermine Federal Standards.'' Testimony was heard from Leslie Aronovitz, Director, Health Division, GAO; Thomas Hamilton, Director, Survey and Certification Group, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

COMMUNITY DEVELOPMENT PROGRAMS

Committee on Government Reform: Subcommittee on Federalism and the Census held a hearing entitled ''Moving the CDBG Program Forward: A Look at the Administration's Reform Proposal. Where Do We Go From Here?'' Testimony was heard from the following officials of the Department of Housing and Urban Development: Pamela Hughes Patenaude, Assistant Secretary, Office of Community Planning and Development; and Todd M. Richardson, Senior Analyst, Office of Policy Development and Research; and the following officials of GAO: Stanley J. Czerwinski, Director, Intergovernmental Relations, Strategic Issues; and Michael Springer, Assistant Director, Strategic Issues.

SEXUAL ASSAULT AND VIOLENCE AGAINST WOMEN IN THE MILITARY AND AT THE ACADEMIES

Committee on Government Reform: Subcommittee on National Security, Emerging Threats, and International Relations held as hearing entitled ''Sexual Assault and Violence Against Women in the Military and at the Academies.'' Testimony was heard from the following officials of the Department of Defense: Kaye Whitley, Acting Director, Sexual Assault Prevention and Response Office; VADM Rodney P. Rempt, USN, Superintendent, U.S. Naval Academy; BG Robert L. Caslen, Jr., USA, Commandant, U.S. Military Academy; and BG Susan Y. Desjardins, USAF, Commandant, U.S. Air Force Academy; RADM Paul J. Higgins, USCG, Director, Health and Safety, U.S. Coast Guard, Department of Homeland Security; Beth Davis, former U.S. Air Force Academy Cadet; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported, as amended, the following bills: H.R. 5682, To exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India; H.R. 4014, Millennium Challenge Reauthorization Act of 2005.

The Committee also favorably considered the following measures and adopted a motion urging the Chairman to request that they be placed on the Suspension calendar: H.R. 5680, Ethiopia Freedom, Democracy, and Human Rights Advancement Act of 2006; H. Res. 700, amended, Supporting an upgrade in Israel's relationship with NATO to that of a leading member of NATO's Individual Cooperation Program, as a first step toward Israel's inclusion in NATO as a full member with all corresponding rights, privileges, and responsibilities; H. Res. 844, amended, Congratulating the International AIDS Vaccine Initiative on 10 years of significant achievement in the search for an HIV/AIDS vaccine; H. Res. 860, amended, Calling on the Government of Germany to take immediate action to combat sex trafficking in connection with the 2006 FIFA World Cup; and H. Con. Res. 435, amended, Congratulating Israel's David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement.

AFRICA MAKING SAFE BLOOD AVAILABLE

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing on Making Safe Blood Available in Africa. Testimony was heard from Representative Fattah; the following officials of the Department of State: Caroline Ryan, M.D., Senior Technical Advisor, Deputy Director, Programs Services, Office of the Global Aids Coordinator; and Robert E. Ferris, M.D., Medical Officer, Bureau for Global Health, U.S. Agency for International Development; Jerry A. Holmberg, Senior Advisor for Blood Policy, Office of Public Health and Science, Department of Health and Human Services; and public witnesses.

The Subcommittee also held a briefing on this subject. The Subcommittee was briefed by Neelam Dhingra, M.D., Coordinator, Blood Transfusion Safety, Essential Health Technologies, World Health Organization.

OVERSIGHT—FEDERAL LANDS ENERGY DEVELOPMENT

Committee on Resources: Subcommittee on Water and Power and the Subcommittee on Forests and Forest Health held a joint oversight hearing on Meeting Electricity Demand in the West through Responsible Development of Energy Rights-of-Way on Federal lands. Testimony was heard from David H. Meyer, Deputy Director, Office of Electricity Delivery and Energy Reliability, Department of Energy; Laura Nelson, Energy Policy Advisor, Office of Governor Jon Huntsman, State of Utah; and public witnesses.

ENERGY RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION ACT OF 2006

Committee on Science: Ordered reported, as amended, H.R. 5656, Energy Research, Development, Demonstration, and Commercial Application Act of 2006.

S CORPORATIONS

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing entitled ''S Corporations—Their History and Challenges.'' Testimony was heard from Thomas M. Sullivan, Chief Counsel for Advocacy, SBA; and public witnesses.

IMMIGRANT EMPLOYMENT VERIFICATION

Committee on Small Business: Subcommittee on Workforce, Empowerment, and Government Programs held a hearing entitled ''Immigrant Employment Verification and Small Business.'' Testimony was heard from Representative Calvert; Robert Divine, Acting Deputy Director, U.S. Citizenship and Immigration Services, Department of Homeland Security; and public witnesses.

EISENHOWER INTERSTATE HIGHWAY SYSTEM CELEBRATING ANNIVERSARY

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit and Pipelines,

hearing Celebrating 59 Years: The Eisenhower Interstate Highway System. Testimony was heard from Richard Capka, Administrator, Federal Highway Administration, Department of Transportation; and public witnesses.

RAIL SAFETY INITIATIVES

Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on current FRA Rail Safety Initiatives. Testimony was heard from Joseph Boardman, Administrator, Federal Railroad Administration, Department of Transportation; and public witnesses.

OVERSIGHT—VA RURAL HEALTH CARE

Committee on Veterans' Affairs: Subcommittee on Health held an oversight hearing to examine the Department of Veterans Affairs efforts to provide high quality health care to veterans in rural communities. Testimony was heard from Jonathan B. Perline, M.D., Under Secretary, Health, Department of Veterans Affairs; and public witnesses.

Joint Meetings

ECONOMIC EXPANSION

Joint Economic Committee: Committee concluded a hearing to examine prospects for economic expansion in the United States, after receiving testimony from Edward P. Lazear, Chairman, Council of Economic Advisers; and Mickey D. Levy, Bank of America, and Brad Setser, Roubini Global Economics, LLC, both of New York, New York.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 28, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Legislative Branch, to resume hearings to examine the progress of the Capitol Visitor Center construction, 10:30 a.m., SD–138.

Committee on Armed Services: to hold a closed meeting to discuss training and equipping Iraqi security forces, 3:15 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: business meeting to consider the nomination of James S. Simpson, of New York, to be Federal Transit Administrator, Department of Transportation, Time to be announced, Room to be announced.

Committee on Commerce, Science, and Transportation: business meeting to continue 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 the nomination of Marc Spitzer, of Arizona, to be a Member of the Federal Energy Regulatory Commission, 10:30 a.m., SD–366.

Subcommittee on Water and Power, 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, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold an oversight hearing on Environmental Protection Agency regional inconsistencies, 9:30 a.m., SD–628.

Committee on Finance: business meeting to mark up 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, 10 a.m., SD–215.

Committee on 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, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 3570, to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, S. 3546, to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, 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 the nomination of Jonann E. Chiles, of Arkansas, to be a Member of the Board of Directors of the Legal Services Corporation, 10 a.m., SD–430.

Committee on 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, 10 a.m., SD–342.

Committee on Indian Affairs: to hold an oversight hearing to examine Native American Housing Programs, 9:30 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine hedge funds and independent analysts, 9:30 a.m., SD–226.

Full Committee, 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, 2 p.m., SD–226.

House

Committee on Armed Services, hearing on the status of security and stability in Afghanistan, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing on The First Tee and Schools: Working to Build Character Education, 10:30 a.m, 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing on Mental Illness and Brain Disease: Dispelling Myths and Promoting Recovery Through Awareness and Treatment, 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, to continue hearings entitled ''Making the Internet Safe for Kids: The Role of ISPs and Social Networking Sites,'' 2 p.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled ''Investor Protection: A Review of Plaintiffs' Attorney Abuses in Securities Litigation and Legislative Remedies,'' 10 a.m., 2128 Rayburn.

Subcommittee on Housing and Community Opportunity, hearing entitled ''Is America's Housing Market Prepared for the Next Natural Catastrophe?'' 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing entitled ''Availability and Effectiveness of Programs To Treat Victims of the Methamphetamine Epidemic'' 2 p.m., 2154 Rayburn.

Subcommittee on Government Management, Finance and Accountability, hearing entitled ''OMB's Financial Management Line of Business Initiative: Do Recent Changes to the Implementation Guidance Clarify the Rules?'' 2 p.m., 2247 Rayburn.

Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, hearing entitled ''DHS Intelligence and Border Security: Delivering Operational Intelligence,'' 10 a.m., 311 Cannon.

Committee on International Relations, Subcommittee on Asia and the Pacific, hearing on East Timor: Instability and Future Prospects, 1:30 p.m., 2200 Rayburn.

Subcommittee on Western Hemisphere, hearing on Hurricane Reconstruction and Preparedness, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 2389, Pledge Protection Act of 2005; H.R. 1956, Business Activity Tax Simplification Act of 2005; and H.R. 5323, Proud to Be an American Citizen Act, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on National Parks, hearing on the following bills; H.R. 2692, Acadia National Park Improvement Act of 2005; H.R. 3871, To authorize the Secretary of the Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. Certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; and H.R. 5145, to authorize the National War Dogs Monument, Inc. to establish a national monument in honor of military working dog teams, 10 a.m., 1334 Longworth.

Committee on Rules, to consider H.R. 4761, Domestic Energy Production through Offshore Exploration and Equitable Treatment of State Holdings Act of 2006, 4 p.m., H–313 Capitol.

Committee on Small Business, Subcommittee on Tax, Finance and Exports, hearing entitled ''The Effects of the High Cost of Natural Gas on Small Businesses and Future Energy Technologies,'' 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following: U.S. Army Corps of Engineers Survey Resolutions; GSA Capital Investment and Leasing Program Resolutions; S. 362, Marine Debris Research, Prevention, and Reduction Act; H.R. 4650, National Levee Safety Program Act of 2005; H.R. 5681, Coast Guard Authorization Act of 2006, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing on What VA IT Organizational Structure would have best prevented VA's ''Meltdown'' in Information Management, 10:30 a.m., 334 Cannon.

Committee on Ways and Means, hearing on Health Savings Accounts, 10:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, to consider the following: ''Report: 'al Qaeda: The Many Faces of an Islamic Extremist Threat,'" 2:45 p.m., H–405 Capitol.

Joint Meetings

Joint Committee on the Library: business meeting to consider pending committee business, 3 p.m., H–140, Capitol.

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, 11 a.m., 2359 RHOB.

Next Meeting of the SENATE

9:30 a.m., Wednesday, June 28

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 2 hours), Senate may consider the United States-Oman Free Trade Agreement, if available.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 28

House Chamber

Program for Wednesday: Consideration of suspension as follows: (1) H. Res. 881—Congratulating the National Hockey League Champions, the Carolina Hurricanes, on their victory in the 2006 Stanley Cup Finals. Continue consideration of H.R. 5672—Science, State, Justice, Commerce, and Related Agencies Appropriations Act for Fiscal Year 2007 (Open Rule).

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