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House of Representatives

The House met at 10 a.m.

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

''Devote your hearts and souls to seeking the Lord your God.''

To the leaders of the nations, to those who were about to help Solomon build one of the wonders of the ancient world, the great temple of Jerusalem, King David addressed these words.

To prepare themselves for the great task they were about to undertake, David exhorted: ''Devote your hearts and souls to seeking the Lord, your God.''

As Members of Congress, before you undertake your tasks for this Nation, before your discussions which will affect this country and have reactions around the world, before you try to help people of your district with any lasting effect, I plead with you: ''Devote your hearts and your souls to seeking the Lord, your God.''

Do not presume you know God or the Lord's plan or purpose for you or for this Nation. To seek the Lord is your first task, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Michigan (Ms. KILPATRICK) come forward and lead the House in the Pledge of Allegiance.

Ms. KILPATRICK of Michigan led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute requests on each side.

IMMIGRATION REFORM

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

Ms. FOXX. Mr. Speaker, this country has a long history of accepting immigrants from all over the world and offering them the potential to pursue a better life. America offers the rights, liberties, and dignity not seen anywhere else in the world.

Now the need for immigration reform has come to the forefront of our country and it is time to remove a carrot that dangles in front of the faces of illegal immigrants. As long as there is the promise of easy illegal employment, immigrants will continue to disregard our laws and penetrate our borders. We must enforce strict laws on employers who use illegal labor in order to discourage illegals coming to America looking for a free ride.

Mr. Speaker, we must do all that is possible to stop illegal immigration, and I remain committed to enacting measures that will effectively solve this problem.

VOTING RIGHTS REAUTHORIZATION ACT

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

Mr. JEFFERSON. Mr. Speaker, today this body will take up reauthorizing critical provisions of the historic Voting Rights Act for another 25 years.

Every year new cases of voter intimidation are reported to the Department of Justice, and every year changes to voting laws threaten to curtail the power of minority voters. In my home State of Louisiana, the State legislature has faced objections to proposed election law changes every year since this historic bill was signed.

Mr. Speaker, my own mother had to pass a literacy test to vote just a few years before the Voting Rights Act became law, so it has special personal meaning for me. Yet, since its passage, challenges to minority voting rights continue in my home State and across the South.

It has been 41 years since President Johnson signed the original legislation that restored faith in our democracy and gave truth to President Lincoln's demand for a government of the people. After Hurricane Katrina, minorities in Louisiana face new obstacles in exercising our right to vote. The Voting Rights Act is just as relevant today as it was in 1965.

The struggle is not over, and we must not stop now. I urge my colleagues to reauthorize the Voting Rights Act now and in the spirit in which it was intended.

DHS CUTS ANTITERRORISM FUNDS FOR NEW YORK CITY

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

Mrs. KELLY. Mr. Speaker, I rise once again in opposition to the recent decision by the Department of Homeland Security to cut antiterrorism funds for New York City and Washington by 40 percent, while increasing spending for many smaller cities that are far less prone to terrorist attacks.

This week's revelation by the DHS Inspector General about the serious flaws in the National Asset Database

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further underscores this irrational judgment by the DHS. Not only is DHS taking money away from the Nation's largest and most populated city, while another recent terror plot against New York came to light just last week, but its antiterrorism database listed the States of Indiana and Wisconsin with more potential terrorist targets than New York.

This New Yorker finds it painfully ironic that the DHS said that one of the reasons for the cut in funding is our lack of landmarks necessary to protect New York. Well, if that statement is not illogical enough, consider this. Among the items in its National Asset Database that the DHS does find necessary are a petting zoo in Alabama, a popcorn factory in Indiana, and Mule Day. And here is a picture of the Mule Day Parade in Tennessee.

As a New Yorker, it is certainly fair to question the rationale for our funding reduction if these are the priorities in other States which are receiving New York's money instead.

VOTING RIGHTS ACT

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

Ms. KILPATRICK of Michigan. Mr. Speaker, over 51 years ago this month, President Lyndon Baines Johnson signed the Voting Rights Act. America is a better country because of the Voting Rights Act.

The right to vote is the most fundamental thing our American citizens have to participate fully in American democracy. The Voting Rights Act is our Nation's most crucial and critical civil rights victory. The law commemorates the lives of those who marched, died and participated that we all might be better Americans and live and vote in the democracy that we love.

It is important today, as we debate the Voting Rights Act, that America pay particular attention. This law was good then, this law is good now, and it is needed for our future so that Americans might rise up and live in God's best interest.

Remember, today, urge your colleagues, call your Congressperson, tell them to vote to reauthorize the Voting Rights Act for 25 more years.

COMPETITION LOWERS HEALTH CARE COSTS

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

Mr. MURPHY. Mr. Speaker, did you know that a 25-year-old male in good health can purchase a policy for health insurance for $960 in Kentucky and the same policy costs about $5,800 in New Jersey? Did you know that a policy priced at $1,600 in Iowa is $2,600 in Washington State? And did you know that that same policy costs about $4,000 in Massachusetts?

One reason for this disparity is that families have little or no choice when it comes to selecting health care insurance. Where there is no competition, there is very little that drives cost down. Each State has its own health insurance mandates, and some of them are good, but there are about 1,800 of them all across the Nation, including provisions for acupuncturists, massage therapists, and hair replacements.

Many of these mandates may be helpful, but when you add up the cost, they can put health care out of the reach of families. Congress should establish a trial program allowing consumers and families to purchase health insurance policies from other States. Let us give families a choice instead of more costs.

I urge my colleagues to learn more about competition in health insurance by looking at my Web site at Murphy.house.gov. America needs us to go to work on this.

U.S. PEACE AND DIPLOMACY

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

Mr. KUCINICH. Mr. Speaker, nearly 4 years ago, this administration came before us and promoted their idea of peace and democracy in the Middle East. Their vehicle for accomplishing this? A unilateral first strike against Iraq and the subsequent occupation.

Let us reflect on this policy this morning. In Iraq, over 2,500 American soldiers have died, tens of thousands injured, over 100,000 innocent Iraqi civilians killed, and countless injured. We are mired in a civil war there, and violence is growing every day.

In Iran, international efforts at diplomacy have been undermined by our Iraq policy. This administration seems determined to repeat the disaster of Iraq in Iran, most recently by trying to link Iran to the attacks on Israel.

As a broader regional war breaks out between Israel and Lebanon, spurred on by Hezbollah, instead of trying to find ways to end the conflict by rescuing negotiations between the Palestinians and Israel, this administration, which has an unfortunate talent for war, is making statements which will contribute to escalation.

Israel urgently needs diplomatic assistance. The only way the U.S. can reclaim its role as a mediator is to speak and act like a mediator. You can bomb the world to pieces, but you can't bomb the world to peace.

LONE STAR VOICE: MARIBETH BURGESS RAY

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

Mr. POE. Mr. Speaker, our individual heritage of the past is important, but our future as Americans is more important. Many Americans trace their past through Ellis Island. Mrs. Maribeth Burgess Ray of Baytown, Texas, recently went there, and she says:

''While at Ellis Island, I found a profound statement. An article had a picture of a mother and her two sons. The newcomers' attire was that of the country from which they had fled. The statement was, 'If the ones who flee do not change their appearance and speech, they only bring what they fled from to America, thus changing America into the country that they were fleeing from.'''

Today, we forget what America is and what it stands for. If what you are fleeing from is so bad, leave it behind and adapt to what it is you are looking for. Let us keep America America, with the beautiful quilt of immigrants that make it up, but let us not turn America into something it is not. Don't let our borders be penetrated by the baggage that some refuse to leave behind.

Mr. Speaker, people who come to America should assimilate and just become Americans.

And that's just the way it is.

□ 1015

MULTILINGUAL BALLOTS

(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, when I was born, my grandparents could not express themselves in the constitutional right to vote. Today we have an opportunity to affirm the very basic values of America, and that is to reaffirm every American's right to vote without barrier or bar.

And so I rise to explain the King amendment which has given the wrong impression, and that is the amendment that would eliminate multilingual ballots for citizens. I ask my good friend what he would do for the young soldier who is an immigrant, who is a legal permanent resident and has offered his life in battle in Iraq and Afghanistan and who has managed to make legal permanent residents and then citizens of his own family who have a language barrier because of just recently coming to this country, maybe conversant enough to become citizens, but not enough to read a ballot.

This amendment is unconstitutional and un-American, and I hope that we will together, Republicans and Democrats, uphold the values of America.

SICK ATTEMPT TO RAISE CAMPAIGN CASH

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

Mrs. MILLER of Michigan. Mr. Speaker, politics unfortunately, can be

a very tough business, and the low road is often taken by political adversaries in an effort to gain power.

But the video released by the Democratic Campaign Committee hit a new low. This cynical attempt to raise campaign cash actually uses photographs of those who made the ultimate sacrifice. It shows photos of coffins draped with the American flag. Those coffins, of course, are occupied by American soldiers.

Mr. Speaker, our incredibly brave men and women in uniform did not make the ultimate sacrifice so that the DCCC could raise campaign cash. They made that sacrifice in defense of freedom and liberty and democracy. The Democratic leadership should be ashamed, and every Democratic Member of this House should be ashamed and call upon their leadership to remove this video which is an affront to our fallen soldiers and to their families.

It is appalling that the Democrats have sunken to such a new low as to employ doctored photos and tasteless videos in their pursuit of power. The American people and our fallen heroes deserve more.

MESSAGE FROM THE SENATE

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

H.R. 2872. An act to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which concurrence of the House is requested:

S. Con. Res. 96. Concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. Con. Res. 108. Concurrent resolution authorizing the printing of a revised edition of a pocket version of the United States Constitution, and other publications.

PROVIDING FOR CONSIDERATION OF H.R. 9, FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 910 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 910

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. 9) to amend the Voting Rights Act of 1965. 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 90 minutes equally divided and controlled by the Majority Leader and the Minority Leader or their designees. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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 (Mr. LAHOOD). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the rule provides 90 minutes of general debate, evenly divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and it also provides one motion to recommit with or without instructions.

Mr. Speaker, I think it is appropriate to begin by quoting the 15th amendment to the United States Constitution: ''The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.''

As enshrined by the 15th amendment, there really is no more fundamental right in our democratic system than the right to vote. However, the history of the United States is marked with occasions where minorities were in multiple ways, and by multiple ways, blocked from having their voices heard at the ballot box.

One of the great advancements in our American democracy was and is the Voting Rights Act. This historic legislation was the first comprehensive Federal statute to enforce minorities' constitutional right to vote. The provisions of the 1965 Voting Rights Act provided swift relief to those citizens who were victims of discriminatory voting tactics and provided them access in a concrete and effective way to the voting booth.

Since it was enacted, the Voting Rights Act has enfranchised millions of racial, ethnic, and language minority citizens to have access to that sacred right that is voting by breaking down barriers and permitting increased minority participation in elections for candidates at all levels of government.

After 41 years of breaking down walls, walls to participation in our democratic process, the Voting Rights Act would soon expire if not reauthorized. With this in mind, the Committee on the Judiciary began hearings to determine whether the legislation is still needed. The committee held 12 hearings on the reauthorization of the Voting Rights Act, listening to testimony from State and local elected officials, scholars, lawyers, representatives from the voting and civil rights communities. The testimony and evidence presented before the committee brought to light the fact that even though we have made great strides to stop the discriminatory practices of the past, there still is ample evidence that minorities today face discriminatory practices at the ballot box.

Mr. Speaker, in my community for decades we saw the voting power of minorities diluted to the point that they were for many years unable to elect the representatives of their preference. The Voting Rights Act helped correct that wrong, helped enfranchise countless citizens into our democratic political system. The underlying legislation will reauthorize the expiring provisions of the Voting Rights Act for 25 years.

I would like to point out one provision which I think is very important, especially to my community, as well as communities throughout the country. The bill extends section 203, the existing language assistance requirements that provide that election materials be provided in select languages in covered jurisdictions. These provisions of the Voting Rights Act require that non-English voting materials be made available in jurisdictions where 5 percent of the citizen voting age population consists of a single language, limited English proficient minority and in which there is a literacy rate below the national average, or more than 10,000 citizens who meet those criteria reside. These provisions, brought out in the hearings, cover approximately 12 percent of the counties in the United States. It certainly has benefited the counties that I am honored to represent.

The bilingual language assistance provisions play a critical role in assisting both native-born and naturalized citizens to fully participate in our democratic form of government. Older residents, Mr. Speaker, who have been legal residents of the United States for many years when they apply for citizenship, they are exempt when they take their citizenship exam to become United States citizens. They are exempt under our law from the English requirements. In other words, they take those elderly legal residents of the United States who have been here for many, many years, they are allowed to take, if they so wish, the naturalization exam to become a United States citizen in the language of their origin.

In addition, many native-born citizens have limited English skills because they primarily speak other languages and they require assistance. These citizens should be given the opportunity to understand the ballot. Whether it is a simple, but critically important, choice between two or among candidates or a complicated ballot initiative, those citizens of the United States should have the opportunity to fully participate, fully understand what they are voting on and that way be active participants in our democratic system. That is what the legislation does.

Mr. Speaker, H.R. 9 was introduced by Chairman SENSENBRENNER, Speaker HASTERT, Minority Leader PELOSI, and reported out of the Committee on the Judiciary by an overwhelming vote of 33–1. It is good legislation, and I am very proud to be bringing it to the floor today.

I hope and expect that we are going to see a very significant bipartisan show of support for this legislation today. I think it is fair and appropriate to commend Chairman SENSENBRENNER for his determination and his leadership and strength of character in moving forward this legislation. And also the ranking member, Mr. CONYERS, for his hard work, diligence, and leadership as well on this legislation. I know they put long hours into this process with determination, perseverance, and extraordinary good faith.

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

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 8 minutes, and I thank my friend from Florida for yielding me this time.

Mr. Speaker, before going into the substance of what we are doing today, I would like to make note that a few weeks ago in the Rules Committee when we were originally contemplating this bill, I offered an amendment to the rule that would have extended general debate to 4 hours, ensuring that all Members, Republican and Democrat, were afforded the opportunity to have their voices heard on the House's actions today. My amendment, however, was defeated along a straight party line, and I did not offer it again yesterday.

However, the majority provided 2 hours of general debate in the last rule on their other circumstances, and they also provided 2 hours of general debate on their politically driven flag-burning amendment.

□ 1030

If the flag is the symbol of democracy, then the Voting Rights Act is the very foundation on which that flag flies. It is both troubling and telling that the majority is unwilling to extend today's debate beyond 90 minutes.

Mr. Speaker, as debate on this historic bill commences, I am reminded of President Kennedy's words delivered to Congress in 1962 with the first draft of what would later become both the Civil Rights and Voting Rights Acts. President Kennedy wrote, and I quote, ''In this year of the emancipation centennial, justice requires us to ensure the blessing of liberty for all Americans and their posterity, not merely for reasons of economic efficiency, world diplomacy and domestic tranquility, but above all, because it is right.''

For African Americans, there exists a no more seminal piece of law, other than the Civil Rights Act, than the Voting Rights Act. Today, more than 40 years after its initial passage, Congress is again faced with an historic decision to reauthorize this mandate.

Americans have come together over the years to denounce systematic segregation and racism. Indeed, we have come a long way. But we cannot become complacent and take for granted the liberties and rights which this law provides and affords.

Today's discussion cannot only be about preserving the right to vote for those of us who already enjoy it. It has to be about ensuring that Americans from all walks of life and countries of origin are provided with these very same rights.

There are some in this body who may argue or imply that the Voting Rights Act is no longer needed. They may call for an end to the act's preclearance and bilingual ballot requirements. Others may go so far as to suggest that English proficiency be a precondition to voting.

For them, this is not a debate about fairness. It is about ideology. With all due respect, Mr. Speaker, ideology has no place in today's debate.

The Voting Rights Act was enacted to break down the walls built by Jim Crow, not build them back up. There is no difference between a poll tax, a literacy test or an English proficiency requirement as a precondition to voting. All are draconian and targeted efforts to block a specific group of people from voting and, I might add, people who are registered voters and citizens of the United States.

Each attempt by a Republican Member to precondition minimum language requirements with the right to vote, in my judgment, breathes new life into a form of Jim Crow. Each attempt by a Republican Member to dilute the influence of minority voters mocks longstanding legislative and judicial precedent and mandates. When this happens, we are reminded why this law still today is so critically needed.

We will hopefully extend the Voting Rights Act by 25 years today. We should extend it beyond 100 years because some of the problems will probably continue to exist that long.

The harsh reality remains that the suppression and disenfranchisement of minority voters is still tolerated today. We saw it in Florida in 2000. We saw it in Ohio in 2004, and we will probably see it again in 2006 in November and in 2008 in some other State where people require a victory regardless of the means to their end.

We should fear those who dismiss concerns, deny such problems exist, and claim ignorance and naivete as reasons for the years of neglect. These are the answers given by those who have sat idly by throughout history when the rights and privileges of the weak and poor have been trampled on by the powerful. These were the very answers given by those who opposed the Civil Rights and Voting Rights Acts more than 40 years ago. We will hear from their 21st century ideological soulmates later today when we debate mean-spirited and morally dubious amendments.

I stand before you as a victim of decades of injustice rooted in racial segregation. Through these eyes, I bore witness to the absolute tyranny of those who stop at nothing to stop blacks from achieving statutory equality and the right to vote. Through these eyes, I have also seen hate and racism give way to tolerance and fairness.

When history judges our actions today, it will question whether or not we met the expectations levied by those who have come before us. Did we break down barriers or did we build up walls?

Did we start a chapter in American history aimed at addressing the challenging of multiculturalism, prejudicial discrimination, and blatant xenophobia, or permit the continued manifestation of these sad realities in our country?

For years, Mr. Speaker, many of us have fought tirelessly to honor the memories of civil rights advocates who came before us. It is their shoulders on which I stand and my colleagues stand today, the shoulders of Fannie Lou Hamer and Rosa Parks and Coretta Scott King and Sojourner Truth and Frederick Douglass and Nat Turner and so many courageous others, white and black. It is their successes which we seek to emulate; their words through which we attempt to tie the past with the present and inspire for the future.

Colleagues, do not use today as an opportunity to congratulate ourselves.

Today is not a day of jubilation. New faces have been added to the struggle, and that struggle continues. Any attack on their right to vote is an attack on ours.

I urge my colleagues to support the underlying legislation and reject any attempt to amend it. We should do this not for the partisan benefit, but because, as John Kennedy said, ''It is right.'' Voting rights is right.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my colleague and good friend on the Rules Committee, Dr. GINGREY of Georgia.

Mr. GINGREY. Mr. Speaker, I thank the distinguished vice chairman of Rules for yielding.

Mr. Speaker, I rise today in support of the rule, and I would ask my colleagues to join me in supporting it.

I am pleased that our committee allowed the opportunity to consider four very important amendments that will fine tune the underlying legislation, ensuring that it is equally applied to all States and addresses the world as it is in 2006, rather than 1964.

Mr. Speaker, I would like to express my support for the amendment offered by my colleagues from Georgia, Representatives NORWOOD and WESTMORELAND. These amendments would ensure the constitutionality of the underlying bill. And I would also like to encourage everyone to support two very good amendments offered by Representative KING of Iowa and Representative GOHMERT of Texas.

The underlying bill, as drafted now, aims to address voting patterns and the world in 1964. Mr. Speaker, a lot has changed in 40-plus years. Every State has seen changes in population and voter participation, and we should have a law that fits the world of 2006.

In 1964, my home State of Georgia not only was behind other States in voter participation, but also employed discriminatory tactics to suppress minority voting rights. And therefore, Georgia was justifiably subject to Voting Rights Act, section 5. However, in 2006, the landscape of voter participation and the number of minority individuals holding elective office is dramatically different.

In 1970, Mr. Speaker, there were 30 black elected officials in Georgia. In 2000, there were 582 black elected officials. With respect to types of elective office, African Americans have held and continue to hold some of the highest leadership positions in the Georgia legislature, county governments and municipal governments.

Today, Georgia's attorney general and labor commissioner, both Statewide elected offices, are currently held by African Americans. Georgia has four African Americans in our congressional delegation, tied with California, New York and, yes, Mr. Speaker, Illinois, for the highest number. Three of seven seats on the Georgia supreme court, including the position of chief justice, are held by African Americans.

In fact, in Georgia the percentage of registered voters and voter turnout are higher, let me repeat, higher among blacks than whites. So, Mr. Speaker, I would put Georgia's record up against any, and I believe that Georgia, like every other State in this Union, must be treated equally with a Voting Rights Act that addresses the problems of 2006, not 1966. And the Voting Rights Act must apply the same standards to each and every State.

Again, Mr. Speaker, I want to encourage my colleagues to support this fair and equitable rule. I also ask my colleagues to keep an open mind as we debate four fair, commonsense amendments after today's general debate. I believe we need to support these amendments and send to the Senate a Voting Rights Act for the 21st century.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2¾ minutes to the distinguished minority whip from Maryland, my good friend, STENY HOYER.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this bill and in opposition to the four amendments which I perceive to be weakening. In particular, I want to commend Congressman WATT, Congressman SENSENBRENNER, the chairman of the committee and, of course, the ranking member, Mr. CONYERS, for the extraordinary work that they have done to come together on a bipartisan piece of legislation, reauthorizing key provisions of the Voting Rights Act.

Let me add, too, the Members of the Congressional Black Caucus and the Hispanic Caucus and the Pacific Caucus deserve our thanks for their instrumental work on this bill and on these issues.

This legislation is a recognition that our democratic system is not perfect. While our Nation has made tremendous strides in its ongoing quest to guarantee the ideals of our Constitution, the specter of discrimination still haunts us and our people.

And thus, we, the Members of this Congress, have a special responsibility today to be vigilant in perfecting and protecting the most fundamental expression of equality in any democracy, the right to vote.

We must never forget our rights, though God-given, have been hard won. Brave American citizens have been subjected to intimidation, violence and, yes, even death, to secure the rights that are theirs under the Constitution.

Our colleague, Congressman JOHN LEWIS, is a living testament to that bravery. Forty-one years ago, JOHN and his fellow marchers were brutally attacked when they simply tried to cross the Edmund Pettus Bridge in Selma, Alabama, on their way to Montgomery to register to do what every American believes is a birthright, to vote.

The Declaration of Independence says that ''We hold these truths to be self-evident, that all men are created equal and endowed by their Creator with certain unalienable rights.'' That is what it says. This legislation is about making it so.

The people who walked across the Edmund Pettus bridge and in millions of places and had the courage to challenge rank injustice in their peaceful actions still inspire us today.

Our Nation did the right thing 41 years ago. It is important for us to do the right thing today.

I urge my colleagues, vote for the underlying bipartisan bill and against those amendments which were offered, which will weaken our commitment.

We must keep faith with the promise and requirements of our Constitution. We must reauthorize these key provisions of the Voting Rights Act.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my good friend, the distinguished gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, the Voting Rights Act of 1965 stands as one of the most important pieces of legislation ever passed by this Chamber in its distinguished history. Today, the House has a distinctive opportunity to reauthorize the expiring portions of this landmark legislation for another 25 years.

The Voting Rights Act ensures that every American, regardless of race or ethnicity, has the franchise to take part in our democracy, and it is a direct response to new allegations of discrimination in our Nation.

Over the course of this year the House Judiciary Committee conducted 12 hearings on claims of discrimination in our democratic process.

□ 1045

The committee compiled over 8,000 pages of testimony and heard stories of disenfranchisement from across the Nation. Mr. Speaker, although our Nation continues to stand as the beacon of freedom and democracy in the world, we can never lose sight of the need to protect the rights of our citizens to take part in the democratic process that has guided our Nation throughout our history.

The provisions of H.R. 9 will reaffirm our Nation's commitment to protecting the rights of all Americans to elect their candidates of choice so that every American is equally represented under the law. This is a good bill, Mr. Speaker. It is a bipartisan bill. And I call on all my colleagues to support this rule and final passage of the legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to my colleague on the Rules Committee and my good friend from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding me this time.

Mr. Speaker, the Voting Rights Act is a historic piece of legislation, one

that seeks to ensure that all our citizens can participate in this democracy. And I want to commend Chairman SENSENBRENNER and Ranking Member CONYERS for their work in crafting a bipartisan agreement to reauthorize this act.

As Senator KENNEDY often says, civil rights remains the unfinished business of America. Today, Mr. Speaker, should be a day for us to come together to celebrate the accomplishments of the Voting Rights Act, to affirm the fact that it works, and to remind ourselves that our work is not yet complete.

Instead, what the Republican leadership has done is to guarantee that much of this debate will be divisive and ugly. They have decided that it is more important to placate a small faction of their base than to embrace a thoughtful, bipartisan agreement. And that is shameful. This House should be doing everything possible to prevent discrimination and to promote voting equality.

At the end of the day, Mr. Speaker, I hope we will pass this bill without any of the poison pill amendments allowed by this rule. These amendments will only weaken the Voting Rights Act in spirit and in practice.

It has been just a few decades since many States and localities had discriminatory regulations on the books, things like poll taxes, literacy tests, and others. And, sadly, discrimination still exists in America. It is essential that today we not turn back the clock, that we not lose our focus, that we not declare ''mission accomplished.''

Mr. Speaker, it says a lot about the Republican leadership in this House and their priorities that a carefully considered, thoughtful bipartisan agreement was not good enough. It did not have to be this way, and I urge my colleagues to reject any attempt to weaken the basic civil rights of the American people.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my good friend, a champion for human rights wherever it is threatened in the world and here in the United States as well, Mr. CHABOT of Ohio.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for his kind words. I appreciate that.

Mr. Speaker, I want to take this opportunity to talk about the importance of passing this rule today to consider H.R. 9, the renewal of the Voting Rights Act.

I have the honor of serving as the chairman of the Subcommittee on the Constitution; and since October of 2005, our subcommittee has held 12 hearings, heard from 47 witnesses, and compiled over 12,000 pages on the Voting Rights Act. Obviously this is an important issue, and our committee has devoted more time to this legislation than on any other matter since I became the chairman of the Constitution Subcommittee 6 years ago.

The right to vote is one of the most fundamental and essential rights we have as citizens. And the passage and renewal of the Voting Rights Act, in my opinion, is absolutely vital.

H.R. 9 is a good bill, and I commend Chairman SENSENBRENNER and the other members of the full Judiciary Committee, and especially the members of the Subcommittee on the Constitution, for their work on the drafting of this legislation. I am also confident that the bill will withstand constitutional scrutiny. The Supreme Court always looks very closely at the record created by Congress when reviewing Voting Rights Act claims.

Because of this analysis, we took the time to carefully review and draft the bill. In addition to reviewing the temporary provisions of the Voting Rights Act for another 25 years, it will also address two detrimental Supreme Court cases that are inconsistent with the congressional intent and purpose of the Voting Rights Act: the Bossier Parish and Georgia v. Ashcroft cases. The bill will prevent discriminatory voting laws from being passed and will ensure that minority voters continue to elect the preferred candidate of their choice. The bill will extend the Federal observer program but retire the outdated Federal examiner program.

I also wanted to talk about the bipartisanship of H.R. 9. I have been a member of the Judiciary Committee for 12 years now, and I will be honest, there is not a lot that is agreed upon in that committee by Republicans and Democrats, by conservatives and liberals. That is just the nature of most of the issues we take up in that committee. But we do agree on the importance of voting rights, and because of that commitment, H.R. 9 passed the committee by a vote of 33–1. Thirty-three to one.

I look forward to hearing from my fellow supporters of this legislation and would personally like to thank Mr. NADLER for his dedication and his commitment and sitting through the extensive hearings that we had to create this particular bill. And I want to also thank Chairman SENSENBRENNER, Mr. WATT, and Mr. CONYERS and urge my colleagues to vote for passage of this rule and ultimately passage of the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my colleague on the Rules Committee, the distinguished gentlewoman from California (Ms. MATSUI), my friend.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, the idea of one person, one vote, regardless of race, background, or gender, is a fundamental principle of this Nation. The practical application, however, is another matter. American history is a testament to this fact. Despite the 15th amendment to the Constitution, our history is filled with efforts to prevent people from voting. Literacy tests, poll taxes, threats, and even violence, as my colleague and dear friend Congressman JOHN LEWIS can attest.

The hundreds of thousands of men and women of the civil rights movement also bear witness to the fact that through effort and sheer determination, we can close the gap between the principle as enshrined in the Constitution and the reality: the 1965 Voting Rights Act.

As President Johnson once said: ''The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.''

Now we are here for the renewal of the Voting Rights Act. Democrats and Republicans crafted a bipartisan bill. Supporters were prepared to pass it weeks ago. But the majority leadership was thwarted by opposition within their own party. Regrettably, the Voting Rights Act, despite its storied history, apparently remains controversial among a faction of the majority party.

The members of my caucus support full consideration of issues and amendments. But it is disheartening that to permit a floor debate on the Voting Rights Act reauthorization, a number of my Republican colleagues demanded consideration of extremely inflammatory amendments, ones which would essentially eviscerate the Voting Rights Act.

Most Members of this Chamber, Democrats and Republicans alike, believe the Voting Rights Act long ago proved itself to be a force for good in this country. It is disappointing that some still need convincing.

I am particularly troubled by the amendment on the need for bilingual ballots, especially on the heels of the divisive House and Senate debates over immigration. That is why it is important to focus on one salient fact: three quarters of those who use the language assistance provision are native-born Americans and the rest are legally naturalized citizens. So this amendment aims to restrict the rights of fully law-abiding citizens of the United States.

Since being signed into law four decades ago, this landmark legislation has successfully been used to confront discrimination at the voting booth. But we still need the tools and resources of the Voting Rights Act. It bridges the gap between the principle of one man, one vote and the reality and will relegate that gap to the history books.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding.

The reauthorization of one of our country's seminal laws, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act, ensures that we continue to protect the voice of our Nation's minorities.

The unprovoked attacked on March 7, 1965, by State troopers on peaceful marchers crossing the Edmund Pettus Bridge in Selma, Alabama, en route to

the State capital in Montgomery, provided a vivid demonstration of the need for Federal legislation. Despite the existence of the 15th amendment, sadly, many Southern States simply ignored the amendment by passing egregious laws such as the poll tax, literacy tests, and blatantly discriminatory redistricting.

The Voting Rights Act passed due to the leadership of President Lyndon Johnson and Republicans and Democrats in Congress who overcame these efforts to deny minorities the right to vote.

My wife and I had the distinct privilege of marching last year in the 40th anniversary march in Selma. It was an extraordinary experience for us and a reminder of how far our country has come in the last 40 years and how far we still have to go in our civil rights movement. The march even included many figures in the civil rights movement, including Congressman JOHN LEWIS of Georgia, who was beaten and almost left for dead when he attempted to cross the bridge leading the original Selma march.

Today, the party of Abraham Lincoln has a unique opportunity to contribute to the progress that has been made in advancing civil rights and narrowing the gap in minority voting rights.

Before relinquishing the floor, I want to address one controversial provision in this legislation, section 203, which provides voting assistance in other languages. While I am a strong supporter of making English our country's official language, we need to recognize that when it comes to voting, particularly for ballot initiatives, some citizens can speak English but not read it. These are American citizens who own the right to vote, but may need the assistance provided in section 203.

I applaud the leadership of Chairman SENSENBRENNER and Congressman WATT, and all the Members on both sides of the aisle who have brought this landmark bill to the floor and urge support of this rule.

We need to defeat all amendments and pass this historic legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to my good friend, the gentleman from Texas (Mr. DOGGETT).

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

Mr. DOGGETT. Mr. Speaker, while young Americans die abroad in the name of democracy, some in this Congress scheme to undermine democracy at home by not renewing key provisions in the Voting Rights Act. They even seek a voter literacy test.

Blind to abuses here, one Congressman recently declared that ''I don't think we have racial bias in Texas anymore.'' This shows not only insensitivity and indifference, it shows why we need to renew completely, without weakening amendments, the Voting Rights Act.

President Lyndon B. Johnson had the will and the courage to secure passage of this fundamental guarantee even though he understood the price that he and the Democratic Party would pay. Now it is not only the law but the Administration's will to enforce that law that is at stake. Overruling professionals at the U.S. Department of Justice, political appointees disregarded obvious Voting Rights Act violations in both the DeLay gerrymandering of Texas and the Georgia voter identification law. The professional employees were vindicated by the courts, but a third of the lawyers in the Voting Section of the Civil Rights Division have left.

Renewing democracy abroad begins with renewing democracy at home.

The Washington Post published a series of articles that document the politicization of the Civil Rights Division of the Department of Justice under the Bush Administration: November 27, 2005, December 2, 2005, December 10, 2005, and January 23, 2006.

[From the Washington Post, Dec. 2, 2005]

JUSTICE STAFF SAW TEXAS DISTRICTING AS ILLEGAL

(By Dan Eggen)

Justice Department lawyers concluded that the landmark Texas congressional redistricting plan spearheaded by Rep. Tom DeLay (R) violated the Voting Rights Act, according to a previously undisclosed memo obtained by The Washington Post. But senior officials overruled them and approved the plan.

The memo, unanimously endorsed by six lawyers and two analysts in the department's voting section, said the redistricting plan illegally diluted black and Hispanic voting power in two congressional districts. It also said the plan eliminated several other districts in which minorities had a substantial, though not necessarily decisive, influence in elections.

''The State of Texas has not met its burden in showing that the proposed congressional redistricting plan does not have a discriminatory effect,'' the memo concluded. The memo also found that Republican lawmakers and state officials who helped craft the proposal were aware it posed a high risk of being ruled discriminatory compared with other options.

But the Texas legislature proceeded with the new map anyway because it would maximize the number of Republican federal lawmakers in the state, the memo said. The redistricting was approved in 2003, and Texas Republicans gained five seats in the U.S. House in the 2004 elections, solidifying GOP control of Congress.

J. Gerald ''Gerry'' Hebert, one of the lawyers representing Texas Democrats who are challenging the redistricting in court, said of the Justice Department's action: ''We always felt that the process . . . wouldn't be corrupt, but it was. . . . The staff didn't see this as a close call or a mixed bag or anything like that. This should have been a very clear-cut case.''

But Justice Department spokesman Eric W. Holland said the decision to approve the Texas plan was vindicated by a three-judge panel that rejected the Democratic challenge. The case is on appeal to the U.S. Supreme Court.

''The court ruled that, in fact, the new congressional plan created a sufficient number of safe minority districts given the demographics of the state and the requirements of the law,'' Holland said. He added that Texas now has three African Americans serving in Congress, up from two before the redistricting.

Texas Republicans also have maintained that the plan did not dilute minority votes and that the number of congressional districts with a majority of racial minorities remained unchanged at 11. The total number of congressional districts, however, grew from 30 to 32.

The 73-page memo, dated Dec. 12, 2003, has been kept under tight wraps for two years. Lawyers who worked on the case were subjected to an unusual gag rule. The memo was provided to The Post by a person connected to the case who is critical of the adopted redistricting map. Such recommendation memos, while not binding, historically carry great weight within the Justice Department.

Under the Voting Rights Act of 1965, Texas and other states with a history of discriminatory elections are required to submit changes in their voting systems or election maps for approval by the Justice Department's Civil Rights Division.

The Texas case provides another example of conflict between political appointees and many of the division's career employees. In a separate case, The Post reported last month that a team was overruled when it recommended rejecting a controversial Georgia voter-identification program that was later struck down as unconstitutional by a court.

Mark Posner, a longtime Justice Department lawyer who now teaches law at American University, said it was ''highly unusual'' for political appointees to overrule a unanimous finding such as the one in the Texas case.

''In this kind of situation, where everybody agrees at least on the staff level . . . that is a very, very strong case,'' Posner said. ''The fact that everybody agreed that there were reductions in minority voting strength, and that they were significant, raises a lot of questions as to why it was'' approved, he said.

The Texas memo also provides new insight into the highly politicized environment surrounding that state's redistricting fight, which prompted Democratic state lawmakers to flee the state in hopes of derailing the plan. DeLay and his allies participated intensively as they pushed to redraw Texas's congressional boundaries and strengthen GOP control of the U.S. House.

DeLay, the former House majority leader, is fighting state felony counts of money laundering and conspiracy—crimes he is charged with committing by unlawfully injecting corporate money into state elections. His campaign efforts were made in preparation for the new congressional map that was the focus of the Justice Department memo.

One of two DeLay aides also under indictment in the case, James W. Ellis, is cited in the Justice Department memo as pushing for the plan despite the risk that it would not receive ''preclearance,'' or approval, from the department. Ellis and other DeLay aides successfully forced the adoption of their plan over two other versions passed by Texas legislators that would not have raised as many concerns about voting rights discrimination, the memo said.

''We need our map, which has been researched and vetted for months,'' Ellis wrote in an October 2003 document, according to the Justice Department memo. ''The preclearance and political risks are the delegation's and we are willing to assume those risks, but only with our map.''

Hebert said the Justice Department's approval of the redistricting plan, signed by Sheldon T. Bradshaw, principal deputy assistant attorney general, was valuable to Texas officials when they defended it in court. He called the internal Justice Department memo, which did not come out during

the court case, ''yet another indictment of Tom DeLay, because this memo shows conclusively that the map he produced violated the law.''

DeLay spokesman Kevin Madden called Hebert's characterization ''nonsensical political babble'' and echoed the Justice Department in pointing to court rulings that have found no discriminatory impact on minority voters.

''Fair and reasonable arguments can be made in favor of the map's merits that also refute any notion that the plan is unfair or doesn't meet legal standards,'' Madden said. ''Ultimately the court will decide whether the criticisms have any weight or validity.''

Testimony in the civil lawsuit demonstrated that DeLay and Ellis insisted on last-minute changes during the Texas legislature's final deliberations. Ellis said DeLay traveled to Texas to attend many of the meetings that produced the final map, and Ellis himself worked through the state's lieutenant governor and a state senator to shape the outcome.

In their analysis, the Justice Department lawyers emphasized that the last-minute changes—made in a legislative conference committee, out of public view—fundamentally altered legally acceptable redistricting proposals approved separately by the Texas House and Senate. ''It was not necessary'' for these plans to be altered, except to advance partisan political goals, the department lawyers concluded.

Jerry Strickland, a spokesman for Texas Attorney General Greg Abbott, said he did not have any immediate comment.

The Justice Department memo recommending rejection of the Texas plan was written by two analysts and five lawyers. In addition, the head of the voting section at the time, Joseph Rich, wrote a concurring opinion. Rich has since left the department and declined to comment on the memo yesterday.

The complexity of the arguments surrounding the Voting Rights Act is evident in the Justice Department memo, which focused particular attention on seats held in 2003 by a white Democrat, Martin Frost, and a Hispanic Republican, Henry Bonilla.

Voting data showed that Frost commanded great support from minority constituents, while Bonilla had relatively little support from Hispanics. The question to be considered by Justice Department lawyers was whether the new map was ''retrogressive,'' because it diluted the power of minority voters to elect their candidate of choice. Under the adopted Texas plan, Frost's congressional district was dismantled, while the proportion of Hispanics in Bonilla's district dropped significantly. Those losses to black and Hispanic voters were not offset by other gains, the memo said.

''This result quite plainly indicates a reduction in minority voting strength,'' Rich wrote in his concurring opinion. ''The state's argument that it has increased minority voting strength . . . simply does not stand up under careful analysis.''

[From the Washington Post, Jan. 23, 2006]

POLITICS ALLEGED IN VOTING CASES

(By Dan Eggen)

The Justice Department's voting section, a small and usually obscure unit that enforces the Voting Rights Act and other federal election laws, has been thrust into the center of a growing debate over recent departures and controversial decisions in the Civil Rights Division as a whole.

Many current and former lawyers in the section charge that senior officials have exerted undue political influence in many of the sensitive voting-rights cases the unit handles. Most of the department's major voting-related actions over the past five years have been beneficial to the GOP, they say, including two in Georgia, one in Mississippi and a Texas redistricting plan orchestrated by Rep. Tom DeLay (R) in 2003.

The section also has lost about a third of its three dozen lawyers over the past nine months. Those who remain have been barred from offering recommendations in major voting-rights cases and have little input in the section's decisions on hiring and policy.

''If the Department of Justice and the Civil Rights Division is viewed as political, there is no doubt that credibility is lost,'' former voting-section chief Joe Rich said at a recent panel discussion in Washington. He added: ''The voting section is always subject to political pressure and tension. But I never thought it would come to this.''

Attorney General Alberto R. Gonzales and his aides dispute such criticism and defend the department's actions in voting cases. ''We're not going to politicize decisions within the department,'' he told reporters last month after The Washington Post had disclosed staff memoranda recommending objections to a Georgia voter-identification plan and to the Texas redistricting.

The 2005 Georgia case has been particularly controversial within the section. Staff members complain that higher-ranking Justice officials ignored serious problems with data supplied by the state in approving the plan, which would have required voters to carry photo identification.

Georgia provided Justice with information on Aug. 26 suggesting that tens of thousands of voters may not have driver's licenses or other identification required to vote, according to officials and records. That added to the concerns of a team of voting-section employees who had concluded that the Georgia plan would hurt black voters.

But higher-ranking officials disagreed, and approved the plan later that day. They said that as many as 200,000 of those without ID cards were felons and illegal immigrants and that they would not be eligible to vote anyway.

One of the officials involved in the decision was Hans von Spakovsky, a former head of the Fulton County GOP in Atlanta, who had long advocated a voter-identification law for the state and oversaw many voting issues at Justice. Justice spokesman Eric W. Holland said von Spakovsky's previous activities did not require a recusal and had no impact on his actions in the Georgia case.

Holland denied a request to interview van Spakovsky, saying that department policy ''does not authorize the media to conduct interviews with staff attorneys.'' Von Spakovsky has since been named to the Federal Election Commission in a recess appointment by President Bush.

In written answers to questions from The Post, Holland called allegations of partisanship in the voting section ''categorically untrue.'' He said the Bush administration has approved the vast majority of the approximately 3,000 redistricting plans it has reviewed, including many drawn up by Democrats.

Holland and other Justice officials also emphasize the Bush administration's aggressive enforcement of laws requiring foreign-language ballot information in districts where minorities make up a significant portion of the population. Since 2001, the division has filed 14 lawsuits to provide comprehensive language programs for minorities, including the first aimed at Filipino and Vietnamese voters, he said.

''We have undertaken the most vigorous enforcement of the language minority provisions of the Voting Rights Act in its history,'' Holland said.

Some lawyers who have recently left the Civil Rights Division, such as Rich at the Lawyers' Committee for Civil Rights Under Law and William Yeomans at the American Constitution Society, have taken the unusual step of publicly criticizing the way voting matters have been handled. Other former and current employees have discussed the controversy on the condition of anonymity for fear of retribution.

These critics say that the total number of redistricting cases approved under Bush means little because the section has always cleared the vast majority of the hundreds of plans it reviews every year.

The Bush administration has also initiated relatively few cases under Section 2, the main anti-discrimination provision of the Voting Rights Act, filing seven lawsuits over the past five years—including the department's first reverse-discrimination complaint on behalf of white voters. The only case involving black voters was begun under the previous administration and formally filed by transitional leadership in early 2001.

By comparison, department records show, 14 Section 2 lawsuits were filed during the last two years of Bill Clinton's presidency alone.

Conflicts in the voting-rights arena at Justice are not new, particularly during Republican administrations, when liberal-leaning career lawyers often clash with more conservative political appointees, experts say. The conflicts have been further exacerbated by recent court rulings that have made it more difficult for Justice to challenge redistricting plans.

William Bradford Reynolds, the civil rights chief during the Reagan administration, opposed affirmative-action remedies and court-ordered busing—and regularly battled with career lawyers in the division as a result. During the administration of George H.W. Bush, the division aggressively pushed for the creation of districts that were more than 60 percent black in a strategy designed to produce more solidly white and Republican districts in the South.

These districts were widely credited with boosting the GOP in the region during the 1994 elections.

Rich, who worked in the Civil Rights Division for 37 years, said the conflicts in the current administration are more severe than in earlier years. ''I was there in the Reagan years, and this is worse,'' he said.

But Michael A. Carvin, a civil rights deputy under Reagan, said such allegations amount to ''revisionist history.'' He contended that the voting section has long tilted to the left politically.

Carvin and other conservatives also say the opinions of career lawyers in the section frequently have been at odds with the courts, including a special panel in Texas that rejected challenges to the Republican-sponsored redistricting plan there. The Supreme Court has since agreed to hear the case.

''The notion that they are somehow neutral or somehow ideologically impartial is simply not supported by the evidence,'' Carvin said. ''It hasn't been the politicos that were departing from the law or normal practice, but the voting-rights section.''

In Mississippi in 2002, Justice political appointees rejected a recommendation from career lawyers to approve a redistricting plan favorable to Democrats. While Justice delayed issuing a final decision, a panel of three GOP federal judges approved a plan favorable to a Republican congressman.

The division has also issued unusually detailed legal opinions favoring Republicans in at least two states, contrary to what former staff members describe as a dictum to avoid unnecessary involvement in partisan disputes. The practice ended up embarrassing

the department in Arizona in 2005, when Justice officials had to rescind a letter that wrongly endorsed the legality of a GOP bill limiting provisional ballots.

In Georgia, a federal judge eventually ruled against the voter identification plan on constitutional grounds, likening it to a poll tax from the Jim Crow era. The measure would have required voters to pay $20 for a special card if they did not have photo identification; Georgia Republicans are pushing ahead this year with a bill that does not charge a fee for the card.

Holland called the data in the case ''very straightforward,'' and said it showed statistically that 100 percent of Georgians had identification and that no racial disparities were evident.

But an Aug. 25 staff memo that recommended opposing the plan disparaged the quality of the state's information and said that only limited conclusions could be drawn from it.

''They took all that data and willfully misread it,'' one source familiar with the case said. ''They were only looking for statistics that would back their view.''

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my good friend and distinguished leader from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to express my support for reauthorizing the Voting Rights Act.

Before the passage of the Voting Rights Act of 1965, thousands of citizens were denied their constitutional right to vote on the basis of race. While the system has vastly improved, the need for the Voting Rights Act remains.

A sacred right possessed by Americans is the right to choose their government. That is why it is so important to pass the bill today, to preserve the rights for all citizens. We have a moral obligation to ensure that no citizen is ever denied their right to vote based on race, creed, or color.

I am grateful for the strong leadership of Chairman SENSENBRENNER, who has never wavered in his commitment to the Voting Rights Act over his entire career.

I thank the gentleman for yielding me this time.

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Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1¼ minutes to the gentleman from New York (Mr. OWENS), who will be leaving us, but will leave us with wonderful words, my friend.

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

Mr. OWENS. Mr. Speaker, the Voting Rights Act is just one great step forward toward the movement of our Nation toward a more perfect Union. This is a creation of Lyndon Johnson, a politician, a President of unparalleled practical genius, who fashioned this to bring to the table those people who had serious grievances.

We gave the world constitutional democracy. It is a great leap forward for civilization. We can continue to lead civilization by improving on this model.

Half the democracies of the world, by the way, right now, do have provisions in their constitutions for representation of minorities. We have spent $9 billion, at least $9 billion, some of you can correct me if it is more, $9 billion in Kosovo, and Kosovo is still struggling under a mandate to provide a constitution which guarantees representation to the minority Serbs. Albanians are the majority there now, and the Serbs need to be represented.

In Iran, they have a provision which allows for the representation of Armenians and Jews. In Burundi, the Tutsi minority is guaranteed 40 percent of the seats in parliament. Across the world, these provisions are made because they are practical provisions. They bring people to the table and involve them in the process.

The only way we are going to solve the problem in Iraq is to make certain we have something similar to a Voting Rights Act to guarantee representation for all the minorities in Iraq.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from south Florida (Mr. MARIO DIAZ-BALART), someone whom I love like a brother.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I am excited to be here supporting the reimplementation of the Voting Rights Act.

Let me give a little bit of recent history. You have heard a lot about past history. In the State where I am from, in Florida, redistricting was always a way that was used to discriminate against minorities and to stop minorities from the opportunity to elect candidates of their choice.

We all know that there is a substantial African American population in Florida and a substantial Hispanic American population in Florida, and yet, and I do not want to sound partisan, but the reality is that one party controlled the State legislature for 122 years. During that entire time, not once did they deem it necessary or important to create one African American congressional district, one district for African Americans so they could elect a candidate of their choice.

Finally, in redistricting before the 1992 elections, after a lot of haggling, and I was involved in that redistricting and other Members who were then in the State legislature who are now in Congress were also involved, finally the then-majority party, the Democratic Party, finally saw the wisdom to create one district where African Americans could elect a candidate of their choice for Congress and one district only where Hispanic Americans could elect a candidate of their choice.

We had to sue the State of Florida. We had to go to Federal court to get more districts where Hispanics and African Americans could elect candidates of their choice, and because of the Voting Rights Act and because some of us sued the majority party in those days, which was the Democrats, the courts agreed and created districts where three African American Members of Congress were elected, serving in this wonderful body. One of them is leading the effort on that side of the aisle for the implementation of this Voting Rights Act again, and two districts where Hispanic Americans could elect candidates of their choice.

We are not talking ancient history. We are talking the need is still there today. It is there. The need is still there today in Florida, as a matter of fact.

We saw recently a group, mostly from outside of Florida, spending millions of dollars, hundreds of thousands of dollars in Florida trying to get something on the ballot. A group that supports multimember districts for the State of Florida, which have been proven to be discriminatory. The threat is still there. The need is still there.

That is why I am so grateful to Chairman SENSENBRENNER for his leadership on this issue not only now, but also in the past. I thank Mr. SENSENBRENNER.

It is a privilege to be here. I think it is an historic day because we have the opportunity to extend this important act for many, many years. It is right for the country, not only for minorities, but for democracy and for the entire country.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased that my colleague took cognizance of the fact that Florida still needs help; and I would remind him that it is a Republican majority there now.

Mr. Speaker, how much time remains for each side?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 12¼ minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 8 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from North Carolina (Mr. BUTTERFIELD), a former voting rights attorney.

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

Mr. BUTTERFIELD. Mr. Speaker, let me first thank the leadership on both sides of the aisle for their bipartisan work on this great, historic legislation.

Mr. Speaker, this legislation was enacted weeks after I finished high school in eastern North Carolina. At that time, there were no black elected officials and no prospect of electing minorities to office.

There was the literacy test and at-large elections and staggered terms and numbered seats. These were all devices that were used to disenfranchise the African American community. The Voting Rights Act has made a difference.

Section 2 has enabled minority communities to require significant changes in election procedure through legal action.

Section 5 has been the safety valve that has prevented jurisdictions from

changing their procedures to further dilute the minority vote.

In my congressional district, in 1965, there were no black elected officials. Today, Mr. Speaker, I count 302. It was the Voting Rights Act that made it happen.

I support the rule, Mr. Speaker, and I support the underlying legislation. I urge my colleagues to defeat the amendments and pass this legislation into law.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to my good friend from Georgia (Mr. NORWOOD).

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

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, I certainly thank Chairman DREIER for making my amendment in order under this rule. I rise today in support of this rule, in support of the VRA, and against H.R. 9 as it presently is written.

We should all understand that in 1965, 40 years ago, when the VRA was written, part of it was intended to be permanent law and part of that bill was meant to be temporary.

The Voting Rights Act was needed in 1965, and it was a good bill. It enabled all citizens to be able to vote unencumbered. I strongly believe in that.

Now, 40 years later, we are not trying to remove the temporary part of this bill, meaning 4, 5 and on, but later this morning we are going to try to amend section 4 of the Voting Rights Act so that it may be updated, modernized and actually brought into the 21st century.

Only section 4 of the temporary part of the Voting Rights Act are we trying to amend. Section 4 of the VRA is the formula or the trigger mechanism that determines which jurisdiction, whether it be city, county or State, that has broken the rules and, therefore, is to be put in the penalty box of section 5. This is the section that puts jurisdictions under the heavy hand of the Justice Department, the preclearance section of the bill.

The trigger section occurs when less than 50 percent of citizens of voting age do not vote in Presidential elections. To determine if you will be under section 5 of the VRA, the elections used are 1964, 1968 and 1972, elections 40 years ago, presidential elections between Goldwater and Johnson. Only those who violated section 4 during those 8 years are under preclearance today. H.R. 9 wants to extend that 25 more years, using 40-year-old data, applied to the same jurisdictions, no matter how good their voting record is today.

H.R. 9, it does not seem to matter that many other jurisdictions around the country have also violated section 4 of the Voting Rights Act, even in this century. Those violations are not looked at generally by anyone.

My amendment, that we will have later today, changes that and updates section 4 to use the election years of 1996, 2000 and 2004. It will be incumbent upon the Attorney General, and he is so instructed, or she, to look at all jurisdictions in all States, and this information is to be reviewed after each Presidential election, using the latest three Presidential elections.

If you violate section 4, you are and you should go to the penalty box, which is the preclearance section. If you are in the penalty box and have not violated section 4 in the last three Presidential elections, you get to come out of the penalty box. It is that fair, it is that just, and it is just that simple.

Listen carefully now. The authors of H.R. 9 are going to give you many reasons why my lovely State of Georgia should stay in the penalty box, even though we have one of the absolute best voting records in the country of electing black Georgians and black voting and black registration, but I bet we do not hear them talk about that.

The truth is that under my amendment all Georgia jurisdictions stay under preclearance. Under my amendment all Georgia jurisdictions, meaning counties, stay under preclearance, except 10 counties out of 159, even though all of Georgia will be treated as if we are still under section 5.

They are not going to mention that 837 jurisdictions today in 16 States are under preclearance, but if my amendment were to pass, over 1,000 jurisdictions in this country will be under preclearance in at least 39 States.

I think that black Georgians who have protections under the law should give those same protections to black Tennesseeans.

Mr. Speaker, I am going to talk about this all day. I appreciate the time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentlewoman from Michigan (Ms. KILPATRICK), my good friend.

Ms. KILPATRICK of Michigan. Mr. Speaker, I want to thank Chairman SENSENBRENNER and Ranking Member CONYERS, from my great State of Michigan, for your leadership, sir, thank you very much, and to thank the Speaker and NANCY PELOSI for bringing this legislation to the floor.

The Voting Rights Act of 1965, 41 years ago, has made America a stronger nation. Today, I rise in support of the rule that brings it to the floor and allows us to have this debate.

The preclearance portion of the amendments that we will be debating today allows the courts to go into jurisdictions that have a history of discrimination of voter irregularity, of violations. We must preserve that preclearance portion of the Voting Rights Act.

It is important today, it was important 41 years ago, and it allows our voting systems and all Americans to have access to clean, fair voting procedures so that the process and America's greatness can continue.

So I rise in support of the Voting Rights Act itself. It must be renewed, the provisions that we will be talking about today; and I ask that all America call your congressman or congresswoman and tell them today to vote ''yes'' in reauthorizing the Voting Rights Act.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to my good friend the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, today, I rise in strong support of H.R. 9, the Voting Rights Act, as passed by the Judiciary Committee, and in strong opposition to any amendments which would attack Americans' right to vote.

The right to vote is the foundation of our democracy. The Voting Rights Act has advanced the rights of all Americans. Latinos and other minority voters have greater voice today because of the Voting Rights Act.

In 2004, a record number of 7.5 million Latinos cast a ballot for President, compared to 2 million in 1976.

We must continue protecting the rights, including section 203, which provides tax-paying U.S. citizens with limited English proficiency with needed language assistance. Section 203 ensures that all citizens have a right to cast an informed ballot and integrates non-English-proficient citizens into a system of democracy. It protects voters from discrimination and ensures a fair and equal voting process for all voters.

I urge all of my colleagues to support the reauthorization of the Voting Rights Act, as passed by the Judiciary Committee, and I oppose any amendments.

□ 1115

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would inquire as to the remaining time.

The SPEAKER pro tempore. The gentleman has 3 minutes.

Mr. HASTINGS of Florida. How much time do I have, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 9¼ minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, the passing of the 1965 Voting Rights Act is a crowning achievement of Congress and the civil rights movement. Some say that we no longer need a Voting Rights Act, that 41 years is enough.

Others want to water down key expiring provisions in order to weaken the act. Yes, we have made considerable progress in the last 41 years. However, much work needs to be done. The sad fact is that in every national election since Reconstruction, in every election since the Voting Rights Act passed in 1965, American voters have faced calculated and determined efforts by persons and groups whose goal is to deny

them the most fundamental right, and that is the right to vote.

Gone are the days of poll taxes and literacy tests. Today, however, intimidation, threats, innuendo and deception are still used to discourage voter turnout. The list of strategies used to deny Americans their right to vote is long and varied. Please vote for this bill, attack and reject the amendments.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I stand in support of H.R. 9, the Voting Rights Act. August 7, 2006, will mark the 41st anniversary of the Voting Rights Act of 1965. The Voting Rights Act has been one of the most effective civil rights laws in granting access to the ballot boxes for all Americans.

Congress enacted the Voting Rights Act in response to persistent and purposeful discrimination through literacy tests, poll taxes, intimidation, threats and violence.

The Voting Rights Act has enfranchised millions of racial, ethnic, and language minority citizens by eliminating discriminatory practices and removing other barriers to their political participation.

I want to make one point. I have been to Iraq and Afghanistan on many occasions in my capacity on the intelligence committee. U.S. soldiers of all races, religions are fighting every day in harsh climates to risk their own lives to bring basic freedoms to other people, and they are being told that they are doing what is right: fighting for freedom, justice, and liberty.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to my classmate and good friend, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, we should be proud, because in this country we look back at our history so that we may move forward wisely into the future. The Voting Rights Act is proof positive that America learns from its history.

Today, more Americans from every corner of our Nation, whatever their race, creed, or color may exercise their right to vote. But, Mr. Speaker, I said more, not all, Americans can exercise that right. Just 2 weeks ago, the United States Supreme Court confirmed that fact when it rejected Texas's redistricting map because it disenfranchised thousands of Latino voters.

Mr. Speaker, we know why we have the Voting Rights Act. We know what history has taught us. We believe that we must look to the future, and we must not only reaffirm our belief in the Voting Rights Act, but reaffirm it completely and absolutely. We must reject the amendments which would undermine what has been a tremendous accomplishment in America's history of moving all people in America forward to exercise their right to vote.

Support this bill. Defeat the amendments. Let's move forward with the Voting Rights Act.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Ohio (Mrs. JONES), a former judge.

Mrs. JONES of Ohio. Mr. Speaker, the death of my oldest sister a week ago Sunday took me back to Clanton, Alabama, the roots of my family. Clanton is about 40 miles from Selma, Alabama, and it made me remember all of the things that my family had been through not having the opportunity to vote.

I stand here today saying to you that the Voting Rights Act must be reauthorized. And I will say to those of you who want to use 2000 and 2004 as cites for why we should do reclearance on voting, should not use those years, because we all know what happened in 2000 and 2004.

Mr. Speaker, I bring to the attention of my colleague from Georgia that only recently a Federal court and a State court found that the identification requirements set forth by the State of Georgia are just like having a poll tax, and that we cannot let Georgia out of preclearance.

Vote in support of the Voting Rights Act.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, it is very important that we understand, and I want to direct my remarks to the remarks of my distinguished colleague from Georgia, Congressman NORWOOD, who is a very good friend.

But, unfortunately, Congressman NORWOOD is dead wrong in his amendment and his approach. When he talks about Georgia's record, he is dead wrong with that record.

While, yes, we have made some progress in Georgia, I am a living testimony to that, the fundamental question of the Voting Rights Act is not if there has been progress made. The question is will that progress be in risk of being undone if we do not have the Voting Rights Act?

And no State gives clearer evidence that progress will be undone than my own State of Georgia. Georgia leads this Nation in the violations of the Voting Rights Act in the last 25 years. No more glaring example than what is currently now whistling through the newspapers and whistling through this Nation, and that is the voter ID bill that has been passed in Georgia. Twice it has come up and twice it has been ruled as discriminatory.

Yes, we have made progress. But my dear friend from Georgia, we have a much longer progress to go, and we desperately need to keep section 5 covered.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS) who has been a leader in this fight for a substantial number of years.

Ms. WATERS. Mr. Speaker, Members, today this country will witness a debate on the floor of Congress that will remind America of the continuing struggle of African Americans and minorities to seek justice in our country.

I have a hard time explaining to my constituents and African Americans all over this country why we must reauthorize the Voting Rights Act. They say to me, well, we thought we had done away with poll taxes; we thought we had done away with intimidation. Well, let me just say, we have all kinds of obstacles being placed in our way. It is the same game with a different name.

So we stand here today to protect the fight and the struggle of our ancestors who insisted that we take part in this democracy and we have the right to vote. And despite the new tricks and the new laws and the new procedures, we must say to those who continue to try, you must go before the Justice Department and get preclearance before you can initiate laws and practices that would place obstacles in our way.

This is a good debate for America today. I stand in the struggle to protect our right to vote.

Mr. HASTINGS of Florida. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. 3¼ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from Florida (Ms. CORRINE BROWN), who is also my classmate and one of the three African Americans that was elected as a result of the Voting Rights Act, the first in 129 years in our State of Florida.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise in strong support of a clean voting rights bill. Let me say that those people that question whether we need a voting rights bill or not, I have to remind you of Florida 2000, where in my district 27,000 votes in my precinct were thrown out. 27,000. And you know they say the President won by 535.

But we have a long list of voting rights violations, and it goes on and on. But there is one that stands out in my mind. Florida Governor Jeb Bush spent $4 million of taxpayer money to purge a list of 40,000 suspect felons from the rolls across the State, with zero consideration of accuracy. Later we found out that these people were eligible to vote; but when they went to vote, they were turned away.

Another reason, as my colleague said, I was one of the first African Americans elected to Congress in 129 years. Let us pass the Voting Rights Act and not have another Supreme Court coup d'etat in America.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, as I said earlier today, this is not a period for jubilation. We do not have to come here and congratulate ourselves for the reason that suggests that history is our best judge.

I also said that through these eyes I have seen the tyranny of racism. And through these eyes I have seen this great Nation change and become more tolerant. But to suggest that we have arrived at a point where we no longer would need the Voting Rights Act and measures that protect minorities would be foolhardy.

The harsh reality remains that the suppression and disenfranchisement of minority voters is still tolerated. We saw it, as Ms. BROWN just said, in 2000. We saw it, as Ms. TUBBS JONES just said, in 2004 in Ohio. And the likelihood is that we will see it in 2006 and 2008 in some other State where it seems that those in the majority require a victory regardless of the means to their end.

We should fear those who dismiss concerns, deny such problems exist, and claim ignorance and naivete as to the reasons for years of neglect. These are the answers given by those who sat idly by throughout history when the rights and privileges of the weak and poor have been trampled on by the power.

When history judges our actions today, it will question whether or not we met the expectations levied by those who have come before us: Did we break down barriers or build up walls? Did we adhere to the Biblical admonition that we are our brother's keeper?

GENERAL LEAVE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 910 and insert extraneous material thereon.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I am very proud to have brought forth this legislation today. It is historic legislation. The Voting Rights Act was one of the great advancements of American democracy, something that we all should, and I think we do, feel very proud about. And we are bringing it forth today, we are extending it for 25 more years, because more work needs to be done, even though there has been extraordinary progress in the last 40 years in this country.

I want to thank again Chairman SENSENBRENNER. I admire him. I think he has done an extraordinary job facing great pressures. Of course he is such a man of character, the pressure does not even get to him.

□ 1130

I admire him for that and many other qualities. Again, I thank Ranking Member CONYERS and all those who have worked hard to bring this legislation forward. I think we are all cognizant of the historic nature of what we as the House of Representatives are doing today.

And so I would urge support for this rule, which is fair. It makes in order some amendments that I oppose, but I think it is appropriate that the House be able to debate even items that many of us in the Rules Committee don't agree with. But we are going to have a fair debate today.

Mr. DREIER. Mr. Speaker, last week, we celebrated the 230th anniversary of the revolutionary declaration that gave birth to our country. All of us here, and Americans from coast to coast, fan recite the first "self-evident truth" proclaimed in that historic document. That "all men are created equal."

Mr. Speaker, given this truth, it is one of our Nation's great tragedies that a struggle for equality had to take place at all. And more tragic still that it led to so much suffering and bloodshed.

The United States fought a civil war to abolish the heinous system of slavery. The United States ratified the 15th Amendment in 1870 to prohibit denying the right to vote on the basis of race or color. Yet, inequality persisted. Jim Crow laws perpetuated the most unequal treatment of blacks, and disenfranchisement of blacks at the voting booth was commonplace. Without mercy, subjugation by race continued in many parts of the country.

Out of tremendous hardship and unjustness rose a powerful and peaceful force for civil rights in the 1960s. These American heroes included Martin Luther King Jr. and our colleague from Georgia, JOHN LEWIS. Their cause—forcing our Nation to live up to its founding ideals—moved millions and gained strength despite racism, threats and murder.

Mr. Speaker, on March 7, 1965, Mr. LEWIS led 600 people in a peaceful protest in Selma, Alabama. Their plan was to march to Montgomery. As many of us can recall with disgust and shame, they didn't make it. And in their blood and courage was borne the national call for the 1965 Voting Rights Act—to once and for all correct 95 years of failure to uphold the 15th Amendment.

Today, we will honor the civil rights movement, we will honor our God-given right to be treated equally and we will protect the most basic exercise of our democracy by extending the Voting Rights Act.

This is a bipartisan, bicameral piece of legislation that received nearly unanimous support at the Committee level. I want to thank the leadership, both Republican and Democrat, and Chairman SENSENBRENNER for their work to ring this to the floor.

While there would be every reason to hope and expect that this extension would not be required 41 years after the original, the Judiciary Committee, in their hours of hearings, found that the bill was needed—and needed to be updated.

To protect minority voters, H.R. 9 upholds and strengthens the "pre-clearance" provisions for districts to change their voting rules. And it allows jurisdictions that have demonstrated lawful and fair voting practices to become "uncovered" by the VRA.

Today we will also have the opportunity to vote on an amendment that would support our common language by printing ballots in English. This is a worthwhile debate to have. It is in no way contradictory to the intent of the bill.

Basic comprehension of English is a requirement of citizenship for immigrants and essential to reach for and achieve the American dream—whether someone was born here or not.

I am proud to represent Americans of many, many national origins in my home state of California. But we are all united by our freedoms, our government and our language. It only serves to reinforce our unity and our common bonds to have our ballots printed in our national language.

I want to make very clear that for anyone who might need help in the voting booth, it is lawful and encouraged to have someone assist you.

Mr. Speaker, I am hopeful that today's proceedings on the floor will not devolve into members casting aspersions on the motives of one party or the other.

The progress we have made on civil rights over the last four decades has been significant. If we are to confront inequalities that lie before us—and if we are to confront the inequalities that lie ahead of us—we must remain united and we must remain bipartisan.

I can assure members who might harbor any doubts, there is nothing less than a total commitment on behalf of the leadership on this side of the House to pass H.R. 9—to ensure voting rights for every single American, from Maine to California. To suggest otherwise is offensive and divisive.

While we labor to share the right of voting with millions around the globe so they can know a life of liberty and equality, it is our duty to protect the voting rights of our own citizens.

President Lyndon Johnson, in his moving and powerful address to Congress just 8-days after the brutality at Selma, said: "Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty we have to ensure that right."

Mr. Speaker, we will uphold that duty today. I urge support of the rule and the underlying legislation.

Mr. BACA. Mr. Speaker, I rise today in opposition to H. Res. 910, the rule for the Voting Rights Reauthorization.

I rise in opposition to this rule because it allows the Voting Rights Act to be weakened by amendments that would strip important provisions from the bill.

Democrats and Republicans passed a Voting Rights Act Reauthorization that strengthens and extends the Act's legacy for our future generations out of the Judiciary committee.

Democrats and Republicans recognize that this Act is relevant to the situations of millions of Americans.

In my district, the Inland Empire, a third of the residents don't speak English as their primary language.

In my personal experience, my father, who was born, raised, worked and raised a family in America, did not speak English well—yet he deserved, as all Americans do, the right to vote.

We must renew the Voting Rights Act—we must not allow these provisions to expire and thus disenfranchise hard-working Americans who want to do their civic duty.

If America is to remain the democracy that has made it strong, all voters must have the opportunity to cast a ballot they can understand.

But the King amendment allowed under this rule strikes the sections re-authorizing the Section 203 bilingual ballot requirements.

Section 203 of the Voting Rights Act has made our Nation's democratic ideals a reality by ensuring that eligible voters, regardless of language ability, may participate on a fair and equal basis in elections.

Three-quarters of those who are covered by the language assistance provision are native-born United States citizens. The rest are naturalized U.S. citizens.

It is well documented that language assistance is needed and used by voters.

For instance, the U.S. Department of Justice has reported that in one year, registration rates among Spanish- and Filipino-speaking American citizens grew by 21 percent and registration among Vietnamese-speaking American citizens increased over 37 percent after San Diego County started providing language assistance.

In Apache County, Arizona, the Department's enforcement activities have resulted in a 26-percent increase in Native American turnout in 4 years, allowing Navajo Code talkers, veterans, and the elderly to participate in elections for the first time.

This amendment would effectively disenfranchise language minority voters through the appropriation process.

Section 203 has always received bipartisan support from both Democrats and Republicans in Congress and the White House.

Section 203 of the VRA requires that U.S. minority citizens who have been subjected to a history of discrimination be provided language assistance to ensure that they can make informed choices at the polls.

It does not offer voting assistance to illegal or non-naturalized immigrants.

I urge my colleagues to oppose this rule and pass the strong and relevant Voting Rights Act that America needs.

Mr. Speaker, cognizant of the historic nature of what we are doing and strongly supportive of the legislation that we are bringing to the floor today, I yield back the balance of my time and 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.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill (H.R. 9) to be considered shortly.

The SPEAKER pro tempore (Mr. LINCOLN DIAZ-BALART of Florida). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 910 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. 9.

□ 1132

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. 9) to amend the Voting Rights Act of 1965, with Mr. LAHOOD 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 Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 45 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Mr. Chairman, I rise in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

H.R. 9 amends and reauthorizes the Voting Rights Act for an additional 25 years, several provisions of which will expire on August 6, 2007, unless Congress acts to renew them.

I was proud to lead Republican efforts to renew expiring provisions of the Voting Rights Act in 1982, and I am pleased to have authored this important legislation to do the same thing a quarter century later.

The Voting Rights Act was enacted in 1965 to address our country's ignoble history of racial discrimination and to ensure that the rights enunciated in our Constitution become a practical reality for all.

Since its 1965 enactment, the VRA has been reauthorized in 1970, 1975, 1982, and 1992, each time with strong bipartisan support. The right to vote is fundamental in our system of government, and the importance of voting rights is reflected by the fact that they are protected by five separate amendments to the Constitution, including the 14th, 15th, 19th, 24th, and 26th amendment.

However, history reveals that certain States and localities have not always been faithful to the rights and protections guaranteed by the Constitution, and some have tried to disenfranchise African American and other minority voters through means ranging from violence and intimidation to subtle changes in voting rules. As a result, many minorities were unable to fully participate in the political process for nearly a century after the end of the Civil War.

The VRA has dramatically reduced these discriminatory practices and transformed our Nation's electoral process and makeup of our Federal, State, and local governments. Since its enactment, the VRA has been instrumental in remedying past injustices by ensuring that States and jurisdictions with a history of discrimination address and correct those abuses, and, in some instances, stopping them from happening in the first place.

Section 5 prohibits States with documented histories of racial discrimination in voting from changing election practices and processes without first submitting the changes to the Department of Justice or the District Court for the District of Columbia. Section 5 has helped ensure minority citizens in these covered jurisdictions to have an equal opportunity to participate in the political process.

As a result of section 5 and other provisions of the Voting Rights Act, minority participation and elections as well as the number of minorities serving in elected positions has increased significantly, and many of our colleagues who are here today are personal embodiments of those changes.

Last summer, I along with Judiciary Committee Ranking Member CONYERS and Congressional Black Caucus Chairman WATT pledged to have the VRA's temporary provisions reauthorized for an additional 25 years. Over the last 7 months, the Judiciary Committee on the Constitution examined the VRA in great detail, focusing on those provisions set to expire in 2007.

In addition to gathering evidence of ongoing discriminatory conduct, the subcommittee examined the impact that two Supreme Court decisions, the Bossier II and Georgia v. Ashcroft decisions, have had on section 5's ability to protect minorities from discriminatory voting changes particularly in State and congressional redistricting initiatives.

Based upon the committee's record, and let me put the books of the hearings of this committee's record on the table, it is one of the most extensive considerations of any piece of legislation that the United States Congress has dealt with in the 27½ years that I have been honored to serve as a Member of this body. All of this is a part of the record that the Committee on the Constitution headed by Mr. CHABOT of Ohio has assembled to show the need for the reauthorization of the Voting Rights Act.

H.R. 9 includes language that makes it clear that a voting change motivated by any discriminatory purpose cannot be precleared, and clarifies that the purpose of the preclearance requirements is to protect the ability of minority citizens to elect their preferred candidates of choice. These changes restore section 5 to its original purpose, enabling it to better protect minority voters.

In addition, H.R. 9 reauthorizes section 203 for an additional 25 years, ensuring that legal, taxpaying, language-impaired citizens are assisted in exercising their right to vote. And, in my opinion, this is particularly important in elections where ballot questions are submitted to the voters. The committee record that formed the basis for this legislation demonstrates that, while the VRA has been successful in

protecting minority voters who are historically disenfranchised in certain parts of the country, our work is not yet complete. Racial discrimination in the electoral process continues to exist and threatens to undermine the progress that has been made over the last 40 years.

In fact, the extensive record of continued abuse compiled by the committee over the last year, which I have put on the table here today, echoes that which preceded congressional reauthorization of the VRA in 1982, and which led me to make the following observations during the committee's consideration of the VRA reauthorization legislation then:

''Testimony is quite clear that this act has been the most successful civil rights act that has ever been passed by the Congress of the United States. The overwhelming preponderance of the testimony was that the Voting Rights Act has worked. It has provided the franchise to numerous people who were denied the right to vote for one reason or another. It has provided a dramatic increase in the number of minority-elected officials in covered jurisdictions. I think that very clearly demonstrates the need for an extension. The hearings also very clearly showed that the creativity of the human mind is unlimited when it comes to proposing election law changes that are designed to prevent people from voting.''

By extending the VRA for an additional 25 years, H.R. 9 ensures that the gains made by minorities are not jeopardized. Like the preceding reauthorization efforts, this bill has strong support from Republicans and Democrats alike, including that of Speaker HASTERT and Minority Leader PELOSI. H.R. 9 is also supported by many prominent religious and civil rights organizations.

Mr. Chairman, among the keepsakes of my public service that I most cherish is one of the signing pens President Ronald Reagan used when enacting the 1982 Voting Rights Amendments into law. When considering their vote on the legislation now before the House, I would urge my colleagues to reflect upon President Reagan's eloquent remarks on this occasion:

''Yes, there are differences over how to attain the equality we seek for all our people. And sometimes amidst all the overblown rhetoric, the differences seem to be bigger than they are. But actions speak louder than words. This legislation proves our unbending commitment to voting rights. It also proves that differences can be settled in a spirit of good will and good faith.

As I've said before, the right to vote is the crown jewel of American liberties, and we will not see its luster diminished. The legislation that I'm signing demonstrates America's commitment to preserving this essential right. I'm proud of the Congress for passing this legislation, and I'm proud to be able to sign it.'' Ronald Reagan, in August of 1982.

Mr. Chairman, I am proud to stand here with my colleagues, as I did then, to ensure that voting rights remain protected for an additional 25 years. Let Congress again make America proud by passing this historical and vital legislation without amendment.

REMARKS ON SIGNING THE VOTING RIGHTS ACT AMENDMENTS OF 1982

JUNE 29, 1982.—Well, I am pleased today to sign the legislation extending the Voting Rights Act of 1965.

Citizens must have complete confidence in the sanctity of their right to vote, and that's what this legislation is all about. It provides confidence that constitutional guarantees are being upheld and that no vote counts more than another. To so many of our people—our Americans of Mexican descent, our black Americans—this measure is as important symbolically as it is practically. It says to every individual, ''Your vote is equal; your vote is meaningful; your vote is your constitutional right.''

I've pledged that as long as I'm in a position to uphold the Constitution, no barrier will come between our citizens and the voting booth. And this bill is a vital part of fulfilling that pledge.

This act ensures equal access to the political process for all our citizens. It securely protects the right to vote while strengthening the safeguards against representation by forced quota. The legislation also extends those special provisions applicable to certain States and localities, while at the same time providing an opportunity for the jurisdictions to bail out from the special provisions when appropriate. In addition, the bill extends for 10 years the protections for language minorities.

President Eisenhower said, ''The future of the Republic is in the hands of the American voter.'' Well, with this law, we make sure the vote stays in the hands of every American.

Let me say how grateful I am to these gentlemen up here, the Members of the House and Senate from both sides of the aisle, and particularly those on the Senate Judiciary Committee, for getting this bipartisan legislation to my desk.

Yes, there are differences over how to attain the equality we seek for all our people. And sometimes amidst all the overblown rhetoric, the differences tend to seem bigger than they are. But actions speak louder than words. This legislation proves our unbending commitment to voting rights. It also proves that differences can be settled in a spirit of good will and good faith.

In this connection, let me also thank all the other organizations and individuals—many who are here today—who worked for this bill. As I've said before, the right to vote is the crown jewel of American liberties, and we will not see its luster diminished.

The legislation that I'm signing is the longest extension of the act since its enactment and demonstrates America's commitment to preserving this essential right. I'm proud of the Congress for passing this legislation. I'm proud to be able to sign it.

And without saying anything further, I'm going to do that right now.

[At this point, the President signed the bill.]

It's done.

Note: The President spoke at 12:15 p.m. at the signing ceremony in the East Room at the White House.

STATEMENT OF ADMINISTRATION POLICY, JULY 13, 2006

H.R. 9—FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

The Administration is strongly committed to renewing the Voting Rights Act, and therefore supports House passage of H.R. 9. The Voting Rights Act is one of the most significant pieces of civil rights legislation in the Nation's history, and the President has directed the full power and resources of the Justice Department to protect each citizen's right to vote and to preserve the integrity of the Nation's voting process. The Administration is pleased the House is taking action to renew this important legislation. The Administration supports the legislative intent of H.R. 9 to overturn the U.S. Supreme Court's 2003 decision in Georgia v. Ashcroft and its 2000 decision in Reno v. Bossier Parish School Board.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
May 3, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, we write to express our strong support for H.R. 9, The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. LCCR deeply appreciates your leadership and the leadership of Representatives John Conyers (D–MI) and Mel Watt (D–NC) in sponsoring this important legislation. H.R. 9 is critical to ensuring the continued protection of the right to vote for all Americans.

The Voting Rights Act (VRA) is considered by many to be our nation's most effective civil rights law. Congress enacted the VRA in direct response to evidence of significant and pervasive discrimination taking place across the country, including the use of literacy tests, poll taxes, intimidation, threats, and violence. By outlawing the tests and devices that prevented minorities from voting, the VRA put teeth into the 15th Amendment's guarantee that no citizen can be denied the right to vote because of the color of his or her skin. The VRA was initially passed in 1965 and has been renewed four times by bipartisan majorities in the U.S. House, and signed into law by both Republican and Democratic presidents. In the 41 years since its initial passage, the VRA has enfranchised millions of racial, ethnic, and language minority citizens by eliminating discriminatory practices and removing other barriers to their political participation. In doing so, the VRA has empowered minority voters and has helped to desegregate legislative bodies at all levels of government.

Throughout the 109th Congress, during ten oversight hearings that considered the ongoing need for the VRA, the House Judiciary Subcommittee on the Constitution found significant evidence that barriers to equal minority voter participation remain. The oversight hearings examined three of the VRA's key provisions that are set to expire in August of 2007: Section 5, which requires that certain jurisdictions with a history of discrimination in voting obtain federal approval prior to making any changes affecting voting, thus preventing the implementation of discriminatory practices; Section 203, which requires certain jurisdictions to provide language assistance to citizens who are limited-English proficient; and Sections 6 through 9, which authorize the federal government to send observers to monitor elections for compliance with the VRA.

The evidence gathered by the subcommittee revealed continuing and persistent discrimination in jurisdictions covered by Section 5 and Section 203 of the VRA. The oversight hearings found that a second generation of discrimination has emerged that serves to abridge or deny minorities their equal voting rights. Jurisdictions continue to attempt to implement discriminatory electoral procedures on matters such as methods of election, annexations, and polling place changes, as well as through redistricting conducted with the purpose or the effect of denying minorities equal access to the political process. Likewise, the oversight hearings demonstrated that citizens are often denied access to VRA-mandated language assistance and, as a result, the opportunity to cast an informed ballot.

H.R. 9 is a direct response to the evidence of discrimination that was gathered by the subcommittee. It addresses this compelling record by renewing the VRA's temporary provisions for 25 years. The bill reauthorizes and restores Section 5 to its original congressional intent, which has been undermined by the Supreme Court in Reno v. Bossier Parish II and Georgia v. Ashcroft. The Bossier fix restores the ability of the Attorney General, under Section 5 of the Act, to block implementation of voting changes motivated by a discriminatory purpose. The Georgia fix clarifies that Section 5 is intended to protect the ability of minority citizens to elect their candidates of choice. Section 203 is being renewed to continue to provide language-minority citizens with equal access to voting, using more frequently-updated coverage determinations based on the American Community Survey Census data. The bill also keeps the federal observer provisions in place, and authorizes recovery of expert witness fees in lawsuits brought to enforce the VRA.

The right to vote is the foundation of our democracy and the VRA provides the legal basis to protect this right for all Americans. We know that you are committed to timely Congressional action to renew and restore this vital law and we commend you for your leadership in introducing and sponsoring The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. If you or your staff has any further questions, please feel free to contact Nancy Zirkin, LCCR Deputy Director, or Julie Fernandes, LCCR Senior Counsel, at (202) 466–3311.

Sincerely,

Leadership Conference on Civil Rights.
9to5, National Association of Working Women.
A. Phillip Randolph Institute.
AARP.
Advancement Project.
American Association of People with Disabilities.
American Association of University Women.
American Civil Liberties Union (ACLU).
American Federation of Government Employees.
American Federation of Labor and Congress of Industrial Organizations.
American Federation of State, County and Municipal Employees.
American Foundation for the Blind.
American Jewish Committee.
American-Arab Anti-Discrimination Committee.
Americans for Democratic Action.
Anti-Defamation League.
Asian American Justice Center.
Asian American Legal Defense and Education Fund.
Asian and Pacific Islander American Vote (APIA Vote).
Asian Pacific American Labor Alliance.
Asian Pacific American Legal Center.
Center for Civic Participation.
Common Cause.
Community Service Society.
Cuban American National Council (CNC).
Dēmos: A Network of Ideas and Action.
Disability Rights Education and Defense Fund.
FairVote.
Federally Employed Women.
Feminist Majority.
Friends Committee on National Legislation.
Gamaliel National Clergy Caucus.
Hadassah, the Women's Zionist Organization of America.
Hispanic Association of Colleges and Universities.
Human Rights Campaign.
International Association of Official Human Rights Agencies.
Japanese American Citizens League.
Jewish Council for Public Affairs.
Jewish Labor Committee.
Korean American Resource and Cultural Center (KRCC).
Korean Resource Center (KRC).
Lawyers' Committee for Civil Rights Under Law.
League of United Latin American Citizens.
League of Women Voters of the United States.
Legal Momentum.
Mexican American Legal Defense and Educational Fund.
NAACP Legal Defense and Educational Fund, Inc.
National Alliance of Postal and Federal Employees.
National Asian Pacific American Bar Association (NAPABA).
National Association for the Advancement of Colored People.
National Association of Human Rights Workers.
National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund.
National Association of Neighborhoods.
National Association of Social Workers.
National Community Reinvestment Coalition.
National Congress of American Indians.
National Congress of Black Women.
National Council of Churches of Christ in the USA.
National Council of Jewish Women.
National Council of La Raza.
National Council of Negro Women, Inc.
National Education Association.
National Fair Housing Alliance.
National Federation of Filipino American Associations.
National Gay and Lesbian Taskforce.
National Institute for Latino Policy.
National Korean American Service and Education Consortium (NAKASEC).
National Low Income Housing Coalition.
National Organization for Women (NOW).
National Partnership for Women & Families.
National Puerto Rican Coalition.
National Urban League.
National Voting Rights Institute.
National Women's Law Center.
Native American Rights Fund.
NETWORK: A Catholic Social Justice Lobby.
Organization of Chinese Americans.
Parents, Families and Friends of Lesbians and Gays (PFLAG) National.
People For the American Way.
Poverty & Race Research Action Council.
Presbyterian Church (USA).
Project Equality.
Protestants for the Common Good.
Puerto Rican Legal Defense and Education Fund.
RainbowPUSH.
Service Employees International Union.
Sikh American Legal Defense and Education Fund.
Southeast Asia Resource Action Center (SEARAC).
Southwest Voter Registration Education Project.
The Interfaith Alliance.
The Massachusetts Latino Political Organization.
The Workmen's Circle/Arbeter Ring.
Unitarian Universalist Association of Congregations.
United Auto Workers.
United Methodist Church, General Board of Church and Society.
United Steelworkers.
William C. Velasquez Institute.
YKASEC—Empowering the Korean American Community.
YWCA USA.

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA,
July 11, 2006.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 700,000 members of the Laborers' International Union of North America, I strongly urge you to support the reauthorization of the 1965 Voting Rights Act. Failure to pass a clean reauthorization of this key civil rights legislation will remove critical protections which protect voters from discrimination and disenfranchisement.

The House Judiciary Committee, passed the reauthorization with strong bipartisan support. By passing this clean extension of the ''Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, H.R. 9'' the House will be safeguarding voters' rights.

It is especially important that the House retain language which ensures that states and counties get federal approval before changing election laws and procedures, to provide language assistance to citizens, and provisions which protect the Attorney General's authority to monitor and observe elections. Renewal of these vital pieces of the Voting Rights Act is necessary to protect minority voting and to allow full participation by minorities in the voting process.

In order to protect the rights of all voters, we urge you to support a clean reauthorization of H.R. 9, and to oppose any amendments that might weaken the bill's historical protections by allowing discriminatory practices to occur or by putting up political barriers at the voting booths.

With kind regards, I am

Sincerely,

TERENCE M. O'SULLIVAN,
General President.

DEPARTMENT OF SOCIAL DEVELOPMENT AND WORLD PEACE,
Washington, DC, June 12, 2006.

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

DEAR MR. SPEAKER: On behalf of the United States Conference of Catholic Bishops (USCCB), I write to urge prompt action on the House floor for HR 9 The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. This important legislation was reported to the House by the Judiciary Committee under the leadership of Chairman Sensenbrenner with overwhelming bipartisan support. As a co-sponsor of the bill, you know that reauthorizing the Voting Rights Act is necessary to preserve and protect the right to vote for all Americans.

Under your leadership this vital legislation can be brought to a timely vote in the House of Representatives.

The Catholic bishops have a longstanding commitment to civil rights, including the right to vote. ''No Catholic with a good Christian conscience can fail to recognize the rights of all citizens to vote,'' wrote the Administrative Board of the National Catholic Welfare Conference (predecessor of the USCCB) in 1963. Portions of the Voting Rights Act were last renewed in 1992, with the support of the USCCB. The USCCB has continually emphasized the importance of voting and the right and responsibility of each citizen to vote, and has encouraged dioceses, parishes and other Catholic institutions to participate in non-partisan voting registration efforts.

The right to vote is essential to our democracy and HR 9 protects this right. I know that you are committed to timely Congressional action to renew and restore this vital law and I commend you for your leadership in co-sponsoring The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. Please use every resource to bring the bill up for consideration in the House of Representatives as soon as possible.

Thank you for considering my request.

Sincerely,

MOST REV. NICHOLAS DIMARZIO,
Bishop of Brooklyn,
Chairman, Domestic Policy Committee.

JUNE 21, 2006.

F. JAMES SENSENBRENNER, Jr.,
Chairman, Judiciary Committee, House of Representatives, Washington, DC.
JOHN CONYERS, Jr.,
Ranking Member, Judiciary Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER AND RANKING MEMBER CONYERS: I write today to express my strong support for a clean reauthorization of the Voting Rights Act. I urge you to oppose both amendments that will be offered to the bill on the floor today. Those amendments would weaken the Voting Rights Act and take it away from its original purpose and intent.

This bill, appropriately named to honor civil rights legends Fannie Lou Hamer, Rosa Parks and Coretta Scott King, is a powerful statement of America's continuing resolve to put racial discrimination on the ash heap of history.

The Voting Rights Act is a national treasure. It is the cornerstone of civil rights legislation. This law has been, historically, the product of broad bipartisan support. You deserve to be commended for once again facilitating broad consensus through hard work, research of the facts, and a spirit of unity.

It is vital that the bipartisan consensus achieved by the Judiciary Committee be preserved as this legislation is considered in the House today. I strongly urge all Members to support the work of the Committee and this carefully crafted, bipartisan bill.

Sincerely,

J.C. WATTS, Jr.

JUNE 6, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT AND MINORITY LEADER PELOSI: On behalf of the undersigned organizations and our members nationwide, we write to urge expedited consideration of legislation to reauthorize expiring provisions of the Voting Rights Act. Section 5, Section 203 and Sections 6 through 9 of that Act help protect the right of every eligible citizen to vote without discrimination. These safeguards must not be permitted to expire and reauthorization is a key legislative priority for our organizations during the 109th Congress.

The Voting Rights Act is rightly considered one of our nation's most effective civil rights laws and has strengthened the protections of the Fifteenth Amendment of the Constitution. In the 41 years since its initial passage, the Voting Rights Act has enfranchised millions of racial, ethnic, and language minority citizens by breaking down barriers to their political participation. It has helped to build inclusive communities by ensuring that all citizens have an opportunity to participate equally in the electoral process.

Three key provisions of the Voting Rights Act are set to expire on August 6, 2007. Section 5 requires jurisdictions that previously maintained a voting test or device that coincided with low voter registration and turnout to ''preclear'' changes in their voting practices or procedures with the U.S. Department of Justice. Section 203 requires jurisdictions with a concentration of Native American, Alaskan Native, Asian, or Hispanic voters with limited English proficiency to provide language assistance; and Sections 6–9 authorize the U.S. Attorney General to appoint federal election observers to document and deter unlawful conduct.

These sections have had the cumulative effect of reducing and preventing racial and language discrimination against a significant number of citizens and have helped increase minority participation in elections for candidates at all levels of government. While substantial progress has been made since passage of the Voting Rights Act in 1965, it has not yet resulted in the elimination of voting discrimination. Congress must renew the enforcement provisions of the Voting Rights Act.

Enforcement alone, however, is insufficient to fully protect minority voters from discrimination and promote access to the electoral process. Achieving the purposes of the Voting Rights Act requires an ongoing partnership among all levels of government and investment of resources to fully integrate minority voters into our electoral process and break down barriers to participation. This is not an exclusive duty of state and local officials; the federal government should provide necessary funding and technical assistance to assist states, counties and cities in improving the effectiveness of outreach and assistance to minority voters and to assist in meeting the needs of all voters who require assistance to participate in our democracy.

We urge you to promptly renew the expiring provisions of the Voting Rights Act. Further, we look forward to working with you and other members of Congress as well as the Election Assistance Commission and the U.S. Department of Justice in an ongoing commitment to improving participation in our democratic process and meeting the needs of minority voters.

We thank you for your leadership on this issue.

Sincerely,

Council of State Governments, Jim Brown, 202–624–5460/jbrown@csg.org.

National Conference of State Legislatures, Susan Frederick, 202–624–3566/susan.frederick@ncsl.org.

National Association of Secretaries of State, Leslie Reynolds, 202–624–3525/reynolds@sso.org.

National Association of Counties, Alysoun McLaughlin, 202–942–4254/amclaughlin@naco.org.

National League of Cities, Jimmy Gomez, 202–626–3101/gomez@nlc.org.

U.S. Conference of Mayors, Larry Jones, 202–861–6709/ljones@usmayors.org.

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

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

Ladies and gentlemen of the House, this is a historic debate that the world is watching.

If I might just take a moment to stroll down memory lane, it was on January 7, 1965, that I was administered the oath of office to the House of Representatives. It was on February 9, 1965 that we debated the Voter Rights Act of 1965. And I pulled up some of the hearings and my modest participation in that.

Strewn throughout the CONGRESSIONAL RECORD of February 9, 1965, are the names of Lyndon Johnson, President; Speaker John McCormack of the House of Representatives; Emanuel Celler, chairman of the Judiciary Committee, and I am the only Member of the House who has the proud distinction of having been on the Committee on the Judiciary at the time we considered this very historic piece of legislation.

So I take this time to thank three people. One is the chairman of this committee, JIM SENSENBRENNER of Wisconsin, for whom I am very grateful for the cooperation that brought us together in a way we would have never come together before in the original bill and in 1970, 1975, 1982, and 1992. We worked out an agreement with the House leadership, both sides of the aisle, in a very important way.

□ 1145

And then I want to thank the gentleman from North Carolina (Mr. WATT), who is a member of that committee, but more so as the chairman of the Congressional Black Caucus for the great job that he did. Chairman of the subcommittee CHABOT from Ohio did a wonderful job in holding 12 hearings, with 47 witnesses; and Mr. NADLER, the ranking member there; and many other Members who took time to come to the committee to participate, to listen to the hearings, and frequently participate in the interrogation of these witnesses.

In addition, the chairman of this committee and myself have gone before the Senate Judiciary Committee to bring to them the large amount of work that we have produced here. And so I come into the well with these memoirs and experiences making me feel very proud about what we are about to do today.

And though there is much to celebrate, efforts to suppress or dilute minority votes, let's face it, are still all too common. I am proud of the progress we have made, but the record shows that we haven't reached a point where the particular provisions in the act should be allowed to lapse, as some few may have you believe, and that is what we are going to be debating about today.

With respect to section 5 and the covered jurisdictions, and that trigger in section 4 that the gentleman from Georgia is adamant about expanding, we found continuing patterns of discrimination in voting as evidenced by adverse section 2 findings, section 5 objections, and withdrawals of section 5 submissions after requests for more information from the Department of Justice. And I just hope we can get the Department of Justice to more forcefully intervene into some of the cases that have been piling up.

Now, with respect to section 203, we received substantial testimony from the advocacy community and the Department of Justice, supported by the litigation record, that language minorities remain victims of discrimination in voting. That is not hard to figure out why. It is hard enough for us English speakers to figure out what is on these ballots, much less to ask people who are very new and still assimilating to the language. Sure, they speak English, but they need help. And if they do, we find it is not costly for them to get the assistance that we have provided under the law.

We found in 1982 a straight reauthorization of the act would not be sufficient to protect the rights of minority voters. Several Supreme Court cases have had the effect of clouding the scope of section 5 coverage, and so we have amended the act to restore its vitality. We correct Reno v. Bossier by once again allowing the Justice Department to block voting changes that had an unconstitutional discriminatory purpose. Thanks to the Committee on the Judiciary for having the testimony that made it clear that this had to be done.

We have clarified Georgia v. Ashcroft, making it clear that influence districts are not a substitute for the section 5 districts where the minorities have an ability to elect candidates of their choice.

These amendments are critical to the restoration of the Voting Rights Act, and so we urge your support for the bill reported by the Congress. And we want you to know that we have carefully considered in the committee the four amendments that have been added over and above the collective work and agreement of Members of both sides of the aisle. Do not accept any of these amendments.

I beg you, in the tradition and spirit of those in the Congress that have gone before us to fight for civil rights, who fought for the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the tens of thousands of people in civil rights organizations, many who have suffered, and there will never be a record in the Congress about it, but a lot of pain and suffering has been the price of us coming this far. We cannot afford to go back at this point.

So I urge my colleagues to make this a day of distinguished continuation of American history for the rights of every citizen to cast his ballot as a voter so that the Voting Rights Act remains the crown jewel of constitutional democracy of this country.

I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Committee on Government Reform and Oversight, the gentleman from Virginia (Mr. DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today in support of the Voting Rights Act authorization. I will be inserting for the RECORD a letter from the Governor of the Commonwealth of Virginia, Tim Kaine, supporting the act as written.

It is an unfortunate fact of our history that there were once entrenched practices that served to deny minorities their franchise. Such systematic discrimination cannot stand in a country founded on the promise of freedom and equal protection under the law.

Some argue that those times have passed, that there is no need to reauthorize the law. But the committee held over a dozen hearings on this and found out that there are still discriminatory practices around the country. Forty-one years ago, I thought our predecessors in the Congress put this issue to rest. They determined this legislation was the best method by which to ensure the one-man, one-vote principle would be a reality.

Much has been said about the onerous nature of certain provisions of section 5. My State, the Commonwealth of Virginia, in its entirety, is covered by section 5 in the original Voting Rights Act. But we are also the only State to have jurisdictions that have exercised their right to bail out under section 5.

In order to bail out, a jurisdiction must have been in full compliance with the preclearance requirements for 10 years. It can have no test or device to discriminate on the basis of race, color, language, or minority status, and no lawsuit against the jurisdiction alleging voter discrimination can be pending. Eleven jurisdictions, some of which are in my district, have bailed out successfully. More jurisdictions should and will follow suit. I have been assured by civil rights leaders they will support bailouts where appropriate, where jurisdictions can meet the basic requirement.

I would like to note that the justification for the continuing of this act is not based solely on old data, that, in fact, hearings have been held; and I think the record is complete showing the continued need for this.

Section 5 is important because it is still being used today to prevent changes in the law which would adversely affect minorities. In fact, section 5 has been used more since 1982 than it was used before 1982. We have come a long way in the Commonwealth of Virginia and in America generally, but that doesn't mean there still isn't more work to be done.

I congratulate the chairmen and the ranking members for working on this very bipartisan bill and urge its support.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, July 12, 2006.

Hon. TOM DAVIS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DAVIS: I am writing to express my strong support for S. 2703 and H.R. 9, the Senate and House versions of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

Unfortunately, the Voting Rights Act (VRA) is as necessary today as it was when Congress enacted it. The VRA continues today to serve to protect and guard against discriminatory practices in elections and protects the rights of minority voters. While the nation has dramatically changed over the years, instances of discrimination still exist.

Section 5 of the VRA requires jurisdictions with a history of discrimination to have their voting laws and regulations pre-approved (or ''pre-cleared'') by the federal government or a federal court before they may be changed. In my experience as Mayor of Richmond as in my positions with state government, I have found that the preclearance requirements are not onerous, and in fact provide a useful venue for public input into significant changes in election law.

The VRA's minority language provisions serve to remove language as a barrier to political participation, and to prevent voting discrimination against law-abiding, productive members of society. Section 203 does this by requiring certain jurisdictions provide language assistance to citizens who are not yet fully proficient in English when voting.

While no jurisdictions in Virginia yet meet the statistical thresholds set out in Section 203, by 2010 Arlington, Alexandria, or Fairfax County may meet one or more of these formulas. Arlington and Fairfax County, with their considerably significant Spanish populations, already voluntarily provide voter information in Spanish. This is especially important for individuals wishing to make informed voting decisions on bond referendums and constitutional amendments. The Virginia State Board of Elections also works with the Virginia Press Service to provide the explanations of the Constitutional Amendments to all minority newspapers in the state. The SBE also recommends that the papers publish the explanations in the language of their constituencies.

Please vote to reauthorize the VRA, including Sections 5 and 203, without amendment, when it comes to the floor. Let us work together, both federally and within the Commonwealth, to continue to protect the rights of all voters.

Sincerely,

TIMOTHY M. KAINE,
Governor.

Mr. CONYERS. Mr. Chairman, I now recognize the gentleman from North Carolina (Mr. WATT) for 7 minutes, but I must point out that not only as the chairman of the Congressional Black Caucus during the more than 1 year we have been working on the legislation, he was also an able member of the Subcommittee on the Constitution of the Judiciary Committee. And for those two reasons, we are deeply grateful to the contributions that he has made that has brought us to the floor today.

Mr. WATT. Mr. Chairman, there are a number of people who deserve special thanks and accolades today, but I want to point out three of them who are in our midst.

First, I want to commend the efforts of Representative JOHN LEWIS, now a Member of Congress, who shed his blood on Bloody Sunday so that the original 1965 Voting Rights Act would be passed.

I want to pay special recognition to my good friend and ranking member, JOHN CONYERS, who in 1965 was here, in 1970 during the first renewal, in 1975, 1982, and 1992 he was here. And we suspect 25 years from now he will be here for the next renewal of the Voting Rights Act, if in fact it is required.

I want to pay an extra special thanks to the chairman of our committee, Representative JAMES SENSENBRENNER, who I believe will go down in history as a warrior who supported, defended, extended, and made real our democracy in this country, and he deserves our supreme thanks.

I rise today in unwavering support of H.R. 9. The bill is the product of a long-term, thoughtful, and thorough bipartisan deliberation that carefully weighed the competing concerns and considerations that have engulfed debate on the Voting Rights Act since its inception. The act has been extended on four occasions, making it arguably the most carefully reviewed civil rights measure in our Nation's history.

H.R. 9 continues that practice of careful review, accompanied by extensive record evidence in support of its provisions. I am proud to have been a part of the bipartisan coalition that crafted this legislation and believe that it strengthens the very foundation of our democracy.

H.R. 9 restores the Voting Rights Act to its original intent to secure and protect the rights of minority citizens to participate equally in voting. The bill bars voting changes that have the purpose of discriminating against minority citizens, and it restores the ability of minority communities to elect candidates who share their values and represent their interests as originally intended by Congress.

Now, there are those who argue that the Voting Rights Act has outlived its usefulness, that it is outdated, and that it unfairly punishes covered jurisdictions for past sins. Yet I stand here today as living proof of both the effectiveness of and the continuing need for the Voting Rights Act.

I stand here on the shoulders, in the aftermath and in the history of George H. White, who rose on the floor of Congress in 1901, January 29, as the last African American in the Congress of the United States after Reconstruction when he said, ''This, Mr. Chairman, is perhaps the Negroes' temporary farewell to American Congress; but let me say, Phoenix-like he will rise up some day and come again.'' And he was right. But it took a long time.

You need to understand that that was not delivered in a vacuum. Listen to what happened leading up to that election. In Halifax, the registered Republican vote was 345, and the total registered vote of the township was 539. But when the count was announced, it stood 990 Democrats to 41 Republicans, 492 more Democratic votes counted than were registered in that city.

□ 1200

There was discrimination taking place, and I am the witness to it.

The Voting Rights Act had been in effect just shy of 30 years in 1992 when I and former colleague Eva Clayton became the first African Americans elected to Congress from the State of North Carolina since George H. White delivered that speech in 1901. Put plainly, nearly three decades elapsed after the passage of the Voting Rights Act before the impact of the Voting Rights Act became real in North Carolina.

We should be clear: although the successes of the Voting Rights Act have been substantial, they have not been fast and they have not been furious. Rather, the successes have been gradual and of very recent origin.

Now is not the time to jettison the expiring provisions that have been instrumental to the success we applaud today. In a Nation such as ours, we should want and encourage more Americans to vote, not fewer.

The Voting Rights Act and the renewal and restoration contained in H.R. 9 facilitate those very goals. By breaking down entrenched barriers to voter equity, this bill invites, inspires, and protects racial and language minority citizens' full and equal participation in the governance of our Nation. We must not fear that participation; we must embrace and celebrate it instead.

Upon the introduction of the Voting Rights Act in 1965, President Lyndon Johnson noted that the Voting Rights Act is like no other piece of civil rights legislation because ''every American citizen must have an equal right to vote.'' ''About this,'' he said, ''there can and should be no argument.''

Make no mistake, voting is democracy's most fundamental right. Undermining the right to vote is a fundamental wrong, one that must be eliminated.

Mr. Chairman, a Congress with far fewer African Americans, Latinos, and Asians Americans passed the Voting Rights Act of 1965 because the right to vote had been denied for too long. Congress made a moral decision that it was the right thing to do for our democracy. It is time for us to reaffirm that decision by passing H.R. 9 without amendment today in this House. I ask my colleagues to stand up and make a moral statement that democracy lives in the United States of America.

Mr. SENSENBRENNER. Mr. Chairman, I yield 8 minutes to the chairman of the Subcommittee on the Constitution, who held all of these hearings to show why this legislation is necessary, the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I want to thank Chairman SENSENBRENNER and Ranking Member CONYERS for their leadership in getting us to where we are today.

Mr. Chairman, the right to vote is one of the most fundamental and essential rights that we have as citizens. Free, prosperous nations like ours can't exist without ensuring the right of every citizen to vote. It is the cornerstone of democracy and the centerpiece of the Constitution.

Clearly, the right to vote is important to all of us, regardless of our race, religion, or ethnicity. This is reflected in the protection afforded by the 15th amendment which states: ''The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.''

To protect these rights, our government must ensure that elections in the country reflect the will of the people. The Voting Rights Act is an important part of that guarantee.

The Voting Rights Act is now 40 years old. It is viewed as one of the most significant pieces of legislation to address voting rights. It was enacted after the march from Selma to Montgomery, Alabama, erupted in violence, and that march is now referred to as Bloody Sunday.

President Johnson then pledged to address the issue, and 5 months later the Voting Rights Act was adopted by the Congress of the United States. In his address to Congress, President Johnson stated: ''The Constitution says that no person shall be kept from voting because of his race or color. We have all sworn an oath before God to support and defend the Constitution. We must now act in obedience to that oath.''

As elected officials of this body, we must now act again to continue to uphold that duty and ensure that the protections guaranteed in the Constitution are afforded to all citizens regardless of skin color.

For that reason, we have given this issue more time and more attention than any single issue since I became chairman of the Subcommittee on the Constitution of the Judiciary Committee 6 years ago.

Starting in October last year, the Subcommittee on the Constitution held 12 hearings and heard testimony from 47 witnesses to examine the reauthorization of the Voting Rights Act, and we generated more than 12,000 pages of testimony. Our goal was to be flexible, fair, inclusive, and perhaps most importantly, bipartisan, because as Mr. CONYERS eloquently stated near the end of our hearings, civil rights need not be a partisan issue.

Mr. Chairman, it is important to note that we examined in great deal each of the temporary provisions of the Voting Rights Act currently set to expire. The extensive testimony from a large number of diverse organizations demonstrated a clear need to reauthorize the Voting Rights Act.

With regard to section 5 and section 203, we held multiple hearings to ensure that all of the relevant issues were

examined and that they were also addressed. This past March, we held another hearing to incorporate into the record a series of State and national reports that provided additional documentation about the continuing need for the Voting Rights Act's temporary provisions.

Today, we have before us H.R. 9, the Voting Rights Act Reauthorization and Amendments Act of 2006, the product of the Committee on the Judiciary's work over the last 8 months.

I would like to thank my colleagues and those organizations who have worked with us from the start for their dedication to get us where we are today. Without a commitment by all interested parties to openness and cooperation, we would not be in a position to reauthorize this historic legislation.

As has been stated, H.R. 9 extends the temporary provisions of the Voting Rights Act for an additional 25 years. In addition, the legislation makes changes to certain provisions, including restoring the original purpose of section 5. In reauthorizing the temporary provisions, the committee heard from several witnesses who testified about voter discrimination in covered jurisdictions.

It is also important to take a minute to touch on the constitutional questions regarding the reauthorizations of the temporary provisions. The Supreme Court in South Carolina v. Katzenbach and later in the City of Rome v. United States upheld Congress's broad authority under section 2 of the 15th amendment to use the temporary provisions to address the problem of racial discrimination in voting in certain jurisdictions. With H.R. 9, Congress is simply using its authority under section 2 to ensure that every citizen in this country has the right to vote.

In addition to reauthorizing, the committee found it necessary to make certain changes to ensure that the provisions of the Voting Rights Act remain effective. For example, testimony received by the committee indicates that Federal examiners have not been used in the last 20 years, but Federal observers continue to provide vital oversight. H.R. 9 strikes the Federal examiner provision while retaining the authority of the Attorney General to assign Federal observers to cover jurisdictions over the next 25 years.

In addition, H.R. 9 provides for the recovery of expert costs as part of the attorneys' fees. This change brings the Voting Rights Act in line with current civil rights laws, which already allow for the recovery of such costs.

H.R. 9 also seeks to restore the original purpose to section 5. Beginning in 2000, the Supreme Court in Reno v. Bossier Parish, and later in 2003, in the case of Georgia v. Ashcroft, issued decisions that significantly altered section 5. H.R. 9 clarifies Congress's original intent with regard to section 5.

Mr. Chairman, as we continue to face threats from terrorists bent on destroying democracy in the free world, every Member of Congress and every freedom-loving person in the world recognizes the power of the right to vote. Again and again, we have seen how people are forced to live in countries without democracy and without freedom. That is why our commitment to self-government, freedom, and liberty continues to set an example for the rest of the world. That is why our efforts to continue to protect every citizen's right to vote are so important, and that is why we must support the legislation which is before us today.

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from Maryland (Mr. CARDIN) for a unanimous consent request.

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

Mr. CARDIN. Mr. Chairman, I rise in strong support of the Voting Rights Act Reauthorization for 25 years and against any of the amendments, and I urge my colleagues to support the legislation.

Mr. Chairman, I rise in strong support of this legislation which I have cosponsored.

The Voting Rights Act (VRA) of 1965 seeks to ensure that all Americans—regardless of race, ethnicity, language spoken, or disability—have the right and the opportunity to vote. The VRA seeks to implement the guarantee of the Fifteenth Amendment to the Constitution, which was adopted by Congress and the states after the Civil War during Reconstruction.

The 15th Amendment to the Constitution, ratified 136 years ago, provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." For nearly a century thereafter despite this clear language, millions of minorities were denied full participation in the electoral process through the notorious Jim Crow laws. Not until Congress enacted the Voting Rights Act of 1965 did this country begin to genuinely fulfill its commitment to this most fundamental right.

Today, over 40 years after President Lyndon Johnson gathered with prominent civil rights leaders to sign the Act into law the VRA continues to play a critical role in guaranteeing that every American may enter the polls and have their vote count.

This country has come a long way since the original enactment of the VRA. In many of the districts and states that had previously blocked African-Americans from the polls, African-Americans and whites now vote in nearly equal numbers. The great-grandchildren of slaves now hold elected offices across the country.

Our work, though, is not complete. Committee testimony on this bill reminded us that efforts to disenfranchise remain. While the most egregious impediments to full voting have been eliminated, many more subtle, yet still insidious impediments remain. The VRA ensures our vigilance towards continued efforts to disenfranchise minority voters.

In the last few elections in Maryland, for example, minority voters have continued to face intimidation and fraud, and poll workers have improperly turned away voters and refused to let them cast provisional ballots For example, in 2002 flyers were distributed in some African-American neighborhoods in Baltimore City urging people to vote on the wrong day, and warning them to pay parking tickets and overdue rent before they tried to vote.

While the VRA was born in the Civil Rights Movement of the 1960s, the Act has evolved with our society through regular amendments and renewals. In 1970, 1975, 1982, and 1992, the VRA was amended and extended. Each renewal by Congress was a confirmation of the continued need and effectiveness of the VRA's tools.

Today, this Congress again uses it power to enforce the 15th Amendment. We must renew the VRA to continue to protect the rights of minority voters.

The reauthorization of the VRA properly extends scrutiny in the form of federal examiners and observers who watch over the operations of elections around the country, while providing for the termination of examiners where appropriate. Examiners and observers have studied and monitored the mechanics of thousands of elections to ensure that legitimate votes are counted and eligible voters are not turned away.

Reauthorization facilitates continued enforcement of Section 4 "preclearance" procedures that review changes to election law to ensure that such changes do not adversely effect minorities. Preclearance creates a procedure to ensure that election law changes and redistricting do not discriminate against minority voters. Preclearance provides an added level of protection in jurisdictions where election laws had previously been abused. I am pleased that this legislation overturns two recent Supreme Court decisions that weakened the preclearance provisions of the VRA.

I will oppose any amendments calling for a new formula for Section 4 preclearance procedures. The applicability of the VRA does not need to be recalculated by the Congress. The original formula for determining which states and municipalities are covered by Section 4 has functioned well for 40 years. More importantly, the criteria for "bailing out" of Section 4 is reasoned, precise, and attainable. The law allows for states to graduate from the VRA's constraints when clear evidence is offered that the state or municipality retains no lingering obstructions to electoral participation by minority voters.

Finally, reauthorization promotes access to the polls by limited-English speakers. It is crucial that new citizens be afforded all the rights and privileges of the Constitution. Citizens with limited-English speaking abilities should not be disenfranchised.

In Maryland, for example, the bilingual provisions of the VRA are absolutely critical. In 2002, in Montgomery County, Maryland, the County Board of Elections received notice that recent demographic data regarding the growth of the Hispanic population indicated the county would need to abide by Section 203 of the VRA. The election staff complied with the VRA and converted signs, documents, and ballots to be bilingual. Many of Montgomery County's 122,000 Hispanic residents benefited from the assistance. In the future, other language minorities in Maryland (such as Asian-Americans) may need the assistance the VRA prescribes.

I will also oppose efforts to reauthorize this law for less than the full 25 years. I urge my

colleagues to vote in favor of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on the Constitution, who has worked in an indefatigable manner to bring us to this point on the legislation with no amendments, and I am very proud of the service he has given the committee.

Mr. NADLER. Mr. Chairman, today we will vote on the most fundamental of American values, the right to cast a meaningful vote in a free and fair election. We have declared to the world that this is what we stand for. It is what we have insisted other nations do. We have made great progress, but that work is not finished.

It is impossible to review the record without concluding that the Voting Rights Act is responsible for much of that progress, and that it is still necessary and will be for the foreseeable future.

Section 5 is not, as some would argue, a punishment but a remedy. It protects voters from being disenfranchised. It is in place because local governments have a long history of disenfranchising Americans that continues right up to the present time, as the shameful attempts by the States of Georgia and Texas to restrict voting participation, which had to be knocked down by the Federal courts as recently as yesterday, clearly shows.

This makes particularly unfortunate attempts led by some Members from those States to restrict the reach of section 5, and I say that as a representative of New York City, which is also covered by section 5, and should be.

Some would eliminate the English language voting assistance provisions of section 203. The same arguments used to justify literacy tests in prior years are now being recycled to exclude American citizens with limited English proficiency.

I urge my colleagues not to allow a small group to drag this Nation back to the days of Jim Crow voting. If we are to be a beacon of democracy to the world, then we must stand by our own values.

I urge my colleagues to reject these divisive amendments. Do not water down the Voting Rights Act; do not turn our backs on one of the glory pages of this House. Reenact the Voting Rights Act without watering it down.

Mr. SENSENBRENNER. Mr. Chairman, I yield 6½ minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, the Voting Rights Act has a proud and important legacy in my home State of Georgia and across the United States. With minor changes that would modernize the Voting Rights Act and better reflect the reality of what is happening in the 21st century, I would be joining many of my colleagues in voting ''yes'' today.

But the bill we have before us is fatally flawed. This rewrite is outdated, unfair, and unconstitutional. I cannot support it in its current form.

This rewrite treats Georgia as if nothing changed in the past 41 years. In other words, this rewrite seems based on the assumption that the Voting Rights Act hasn't worked.

As a Georgian who is proud of our tremendous progress and proud of our current record of equality, I am here to report to my colleagues in the House that the Voting Rights Act has worked in my State, and now it is time to modernize the law to deal with the problems of today, not yesteryear.

Mr. Chairman, it is true when the Voting Rights Act was first passed in 1965 Georgia needed Federal intervention to correct decades of discrimination.

Now, 41 years later, Georgia's record on voter equality can stand up against any other State in the Union. Today, black Georgians are registered to vote at higher percentages than white Georgians, and black Georgians go to the polls in higher percentages than white Georgians. One-third of our state-wide elected officials are African Americans, including our attorney general and the chief justice of our Supreme Court. Plus, African American representation in the State legislature closely mirrors their representation in Georgia's population.

But don't just take my word for it on Georgia's progress. Listen to this ringing endorsement from my colleague from Georgia, Congressman JOHN LEWIS, an icon of the civil rights movement. Under oath in Federal court 5 years ago, Congressman LEWIS testified: ''There has been a transformation. It's a different State, it's a different political climate, it's a different political environment. It's altogether a different world we live in. We've come a great distance. It's not just in Georgia, but in the American South, I think people are preparing to lay down the burden of race.''

If he said that under oath, sworn to tell the whole truth and nothing but the truth, why is he telling the House something different today? The reason he was under oath was because he was testifying in front of the Department of Justice that it was okay for the majority-minority districts in Georgia to be diluted, in direct violation of the Voter Rights Act.

□ 1215

My other friend from Georgia, Congressman SCOTT, voted for that. Though it defies common sense, this rewrite of the Voting Rights Act gives no consideration to any changes that may have occurred since the first law was passed in 1965.

The House is voting today to keep my State in the penalty box for 25 years based on the actions of the people who are now dead. By the end of this renewal, Georgia will have been treated by Federal law as a bad actor for 66 years, Mr. Chairman. To put that in perspective, 66 years ago, FDR was in his second term, and the Japanese were more than a year away from bombing Pearl Harbor.

By passing this rewrite of the Voting Rights Act, Congress is declaring from on high that States with voting problems 40 years ago can simply never be forgiven, that Georgians must eternally wear the scarlet letter because of the actions of their grandparents and great-grandparents. We have repented, and we have reformed, and now, as Fannie Lou Hamer famously said, ''I am sick and tired of being sick and tired.''

Lastly, this renewal is unconstitutional. In 1966, the Supreme Court of the United States ruled that section 5 of the Voting Rights Act, the section that singles out certain States for Federal oversight, was constitutional only because it was narrowly tailored to fix a specific problem and temporary. You don't have to have a law school degree to know that this rewrite of the Voting Rights Act fails both of those tests. At 41 years, we are already way past temporary. And the application of section 5 is now arbitrary because this House cannot present evidence of extraordinary continuing State-sponsored discrimination in the covered States that is different from the rest of the Nation.

As such, section 5 has served its purpose and is no longer an appropriate remedy in light of today's new voting problems.

The Voting Rights Act represents a grand trophy of great accomplishment for Congress, but after 41 years, the trophy needs dusting. We could have given the trophy a new shine for a new century, but sadly, that didn't happen.

And still this bill states explicitly that my constituents cannot be trusted to act in good faith without Federal supervision. That assertion is as ignorant as it is insulting. I cannot and will not support a bill that is outdated, unfair and unconstitutional.

Mr. CONYERS. Mr. Chairman, I yield 15 seconds to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, let me say to my friend and to my colleague from the State of Georgia, it is true that years ago I said that we are in the process of laying down the burden of race. But it is not down yet and we are not asleep yet.

The Voting Rights Act was good and necessary in 1965 and it is still good and necessary today. So don't misquote me. Don't take my words out of context.

Mr. CONYERS. Mr. Chairman, I am pleased to yield for a unanimous consent request to the delegate from the Virgin Islands (Mrs. CHRISTENSEN).

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

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong support of H.R. 9, to reauthorize the expiring provision of the

Voting Rights Act for another 25 years and in opposition to all amendments.

The Voting Rights Act of 1965 is one of the most important pieces of legislation ever passed by this body because it seeks to fulfill the promise of our democracy—the right of every citizen to vote; a promise which sadly today remains unfulfilled. Since the Voting Rights Act was passed 41 years ago, millions of minority voters were guaranteed a chance to make their voices heard in State, Federal and local elections across the country.

Mr. Chairman, the Subcommittee on the Constitution of the Judiciary Committee held more than 10 oversight hearings and assembled over 12,000 pages of testimony, documentary evidence and appendices from over 60 groups and individuals, including several Members of Congress on the continuing need for the expiring provisions of the VRA.

The committee requested, received, and incorporated into its hearing record two comprehensive reports that have been compiled by NGOs that have expertise in voting rights litigation which extensively documented the extent to which discrimination against minorities in voting has and continues to occur.

Mr. Chairman, my constituents in the Virgin Islands hold dear their right to vote as citizens of the United States.

While we have only been able to elect our own local Governors and representative to Congress since 1970 and 1972 respectively, we have been electing members of local legislative council and later legislature for more than 100 years.

Preventing Americans from voting because of race, color, or ethnic origin is repugnant to the democratic process and should always be rejected. I am proud to be able to stand here today on the shoulders of Fannie Lou Haner, Rosa Parks, Coretta Scott King and the other leaders of the struggle to ensure that all Americans have the right, to urge all of my colleagues to support passage of H.R. 9 and to oppose all of the amendments which will weaken the bill.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), an eminent member of the Judiciary Committee, who has done great work on the Voting Rights Act.

Mr. SCOTT of Virginia. Mr. Chairman, in the 40 years since its passage, the Voting Rights Act has guaranteed millions of minority voters the right to vote. As the Supreme Court noted in 1964, ''Other rights, even the most basic, are illusory if the right to vote is undermined.''

Mr. Chairman, the Voting Rights Act has been effective in eliminating schemes and barriers to the ballot box. But several key provisions of the act are scheduled to expire in 2007. This bill will reauthorize those important provisions. One is section 5, preclearance. It is crucial because it prevents election changes in covered jurisdictions from going into effect before being precleared by the Justice Department as being free from discrimination.

If preclearance expires, an illegal scheme could help somebody win elections. That person would be able to serve until the victims of discrimination come up with the money to file a lawsuit. And then, when the scheme is thrown out, the perpetrator of that crime will get to run with all the advantages of incumbency when they run for reelection. Because of preclearance, illegal plans never go into effect.

All of the States are not covered by section 5, but States which are covered got covered the old-fashioned way, they earned it. They were found to have had a history of implementing barriers and schemes that were effective in denying minorities the right to vote.

Present law has a bailout provision which our hearing record demonstrates works for those who are no longer discriminating.

Another important provision to be reauthorized is section 203 regarding language. It works. When language assistance is available, more people vote. It applies only in jurisdictions when there are enough voters to actually affect an election, so it is important where it applies. The cost of implementation is negligible.

Mr. Chairman, the Voting Rights Act works to ensure the right to vote. We should pass H.R. 9 without amendment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT), who was permitted to sit in on the proceedings in the Judiciary Committee in the House on the Voting Rights Act.

Mr. SCOTT of Georgia. Mr. Chairman, Mr. WESTMORELAND just very cleverly and deceitfully tried to intone and misuse the words and the actions of two of his colleagues from Georgia, JOHN LEWIS and myself.

It is very important to say that while Georgia has made great progress, I am living example of it, being elected from a district in Georgia that was only 37.6 percent African American. No question about it.

But when you tell the truth, Mr. WESTMORELAND, tell the truth right. Here is the truth of Georgia: Since 1982, Georgia trails only Texas and Alabama in the number of successful section 5 cases, 17, brought against Georgia for failing to submit voting changes for approval to the Department of Justice.

Since 1982, not since 1965, since 1982, Georgia has had 83 section 5 objections to discriminatory voting practices, the fourth highest total of all jurisdictions.

Since 1982, Georgia has withdrawn the submission of 38 discriminatory voting practices to the Department of Justice after it became apparent that the Department was going to object. Since 1982, the Justice Department has deployed Federal observers to 55 times in Georgia.

If there is any State that needs a continuation of the Voting Rights Act, it is Georgia.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would ask Members to abide by the time limits and heed the gavel.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS), an important member on the development of the Voting Rights Act that is before the floor.

Ms. WATERS. Mr. Chairman and Members, I rise today to stand tall for the reauthorization of the Voting Rights Act.

Mr. Chairman and Members, as an African American woman Member of Congress, I consider it my profound and welcome duty to use my voice and my vote to continue the struggle of the civil rights movement to guarantee the right to vote to African Americans and all Americans.

Mr. Chairman, I have a difficult time explaining to African Americans all over this country why the Congress of the United States has to continue to reauthorize the Voting Rights Act. The answer to that question is sad but simple and true. Discrimination.

America, we stand before you today reauthorizing the Voting Rights Act because we have to continue to have safeguards in law to prevent cities, counties, States and other jurisdictions from devising laws, practices, tricks and procedures that impede the right to vote by minorities in this country.

One may ask, what laws and tricks are you alluding to?

Mr. Chairman, in the past, the tricks were poll taxes, literacy tests and voter intimidation. Today, and throughout the years, the laws and tricks have changed but the game is the same: Deny and prevent minorities from exercising the power of selection of candidates and laws by any means necessary.

What are some of these tactics being used today in some jurisdictions in America? Oh, they are tactics like, in Georgia, create the need for an identification card that you have to pay for that is only issued by the State.

In Florida, create databases identifying people as felons, people who have never ever been arrested before, change voting rights laws so that you create at-large districts instead of districts where minorities can be elected from. Minority candidates get elected by districts, and when you create these at-large districts, you eliminate the possibility of their getting elected. Place uniformed guards at polling places to intimidate voters. The list goes on and on.

The Voting Rights Act will guarantee preclearance of these attempted discriminatory acts and, hopefully, deny these kinds of actions.

I ask my colleagues, don't disrespect the civil rights movement. Don't dishonor us. Pass this voting rights reauthorization bill and show the world that America is sincere about democracy.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I rise today to highlight how H.R. 9 could more effectively address the current landscape of voter participation in this

country. And I want to point out to my colleague, Mr. SCOTT, my good friend from Georgia, that the Federal observers that he mentioned are actually removed in this bill.

So while the bill may seem sufficient to Members from States that will not be affected by this legislation, I feel compelled to highlight how the standards of this bill can be improved.

In the 1980 city of Rome, Georgia v. United States decision, the Supreme Court reviewed the equal protection objections to the Voting Rights Act as raised by the city of Rome, which is in Georgia's 11th district, my district. While the Court did recognize the inherent inequity of applying section 5 restrictions to some, but not all States, the Court cited lagging African American voter registration and participation in elective office as sufficient justification to uphold the Voting Rights Act, despite concerns of equal protection violations for the States, because at the time the Voting Rights Act was considered a temporary law.

Well, Mr. Chairman, as I mentioned earlier in this debate, Georgia has come a long way in the past 40 years. In 2000, 66.3 percent of black Georgians were registered to vote, compared to 59.3 of white Georgians; 51.6 percent of black Georgians turned out to vote in the 2000 election, compared to 48.3 percent of white Georgians.

We have gone from 30 African American elected officials in 1970 to 582 in 2000. We have four African Americans in Congress, three African American supreme court justices, including the chief justice, and two African Americans elected as statewide constitutional officers, attorney general and labor commissioner.

Since the Supreme Court's ruling in the City of Rome v. United States, Georgia has met the standards laid out by the Court, and as Mr. WESTMORELAND says, should not be penalized because of voter participation in 1964.

Mr. WATT. Mr. Chairman, I ask unanimous consent to control the time temporarily while my colleague has stepped away.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WATT. Mr. Chairman, I yield 15 seconds to the gentlewoman from California (Mrs. NAPOLITANO), the chair of the Hispanic Caucus.

Mrs. NAPOLITANO. Mr. Chairman, I rise as chair of the 21-member Congressional Hispanic Caucus, and call for the reauthorization of the Voting Rights Act.

This bill is about protecting the most basic and significant civil rights for all American citizens, the right to vote. I call on this House to pass the bill.

Mr. WATT. Mr. Chairman, I yield 1¾ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), who is a member of the Hispanic Caucus and a member of the Judiciary Committee.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I rise today to urge my colleagues to oppose all four of today's amendments and pass a clean Voting Rights Act reauthorization.

The four amendments that have been made in order are poison pills. If the two irrational section 5 amendments pass, the VRA's coverage formula would be repealed, and the Department of Justice will spend its time conducting studies in jurisdictions with no discrimination, instead of actively fighting discrimination in jurisdictions with ongoing voting rights violations.

□ 1230

If the mean-spirited section 203 amendment passes, eligible voting-age citizens will be deprived of language assistance and lose the chance to cast an informed, accurate vote for the candidate of their choice.

If the Gohmert amendment passes, jurisdictions will wait out their obligations to end discrimination under the VRA rather than comply with the VRA, which will result in the same kind of widespread noncompliance with the VRA that we sought in the late 1970s.

All of these amendments are inconsistent with the spirit and the intent of the Voting Rights Act. The Voting Rights Act protects the most fundamental right in a democracy, the right to vote; and it is our most powerful tool to help ensure that no American citizen is subject to discrimination at the polls. The Voting Rights Act plays a critical role in fulfilling the promise of American democracy. It has given voice to minority communities, and without it, many black, Hispanic, and Asian American leaders would not be holding elected office today. Passing this bill will also honor the sacrifices of the men and women who died and suffered injuries fighting for equality during the civil rights movement.

That is why reauthorization of H.R. 9 has the support of Republicans and Democrats, Senators and House Representatives, businesses, civil rights groups, editorial boards, and grassroots organizations around the country.

Let us pass H.R. 9 clean by opposing all four amendments offered today and voting ''yes'' on final passage.

Mr. SENSENBRENNER. Mr. Chairman, I yield 7 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I want to make it perfectly clear, I believe every citizen of this country should be able to vote unencumbered. I believe, actually, that the Voting Rights Act has been and is a good thing and it should be reauthorized. I nor anybody I know is trying to do away with section 5, though I continue to hear it over and over again.

Mr. Chairman, today we battle a phantom that has haunted this Chamber since the day, probably, it was first built. It has stalked us since before we were a Nation. It poured the curse of slavery on our infant Republic. It fed the flames of regional conflict until we suffered the most devastating war in our history. It gave birth to segregation, poll taxes, and literacy tests.

This specter embodies what is perhaps our Nation's original sin: discrimination. It has dunned us with a moral debt that maybe can never be fully paid. I pray that is not the case. But then again, maybe it is only waiting for a generation with the courage to exorcise that demon out of our hearts and out of this land.

Our forebears, in spite of their many blessings that they left us, failed this challenge. They had the chance with Dred Scott and instead decided that slaves were not human beings. They had a second chance with Jim Crow, but instead built a segregated society.

Today, we have a rare chance, and I mean rare, to revisit the fundamental issue, discrimination, that our predecessors avoided dealing with.

Discrimination is the creation of laws or systems that deny a person the same rights enjoyed by their fellow human beings, not because of what they do but because of who they are. In 1965 that meant white people in many areas of this country, and especially in my beloved South, set up legal hurdles that kept people of color from voting. Not because of what they did, but simply because of who they were.

The Voting Rights Act, passed by this House in 1965, stopped that practice. It did so by temporarily denying the voters of my State and others their constitutional right to determine election practices without Federal interference.

This harsh measure, known as section 5 oversight, was not discrimination. It was not laid on these jurisdictions because of who they were, but because of what they did. Now, this is a profound point. Forty years later there is not a single member of my State legislature who served in 1964, particularly the Democrats, under those discriminatory laws. Seventy percent of today's Georgians did not live in Georgia in 1964. They are either dead or have moved away under these discriminatory laws. They were either unborn or have since moved perhaps somewhere else.

Yet H.R. 9 would leave all these people, who have committed no wrong, with diminished election rights. Not because of what they do, but because of who they are. This is blatant discrimination based on nothing more than where we live.

All who dwell on a particular type of soil, section 5 soil, now have their constitutional rights curtailed. Is the Earth beneath our feet guilty of the crimes of man? Does it then condemn all who trod on our soil? That is the contention of H.R. 9, as it ravages the rights of the innocent, those whose only offense is in where they live.

Unlike H.R. 9, the Voting Rights Act did not condemn the righteous with the wicked. It reserved its penalties only for those jurisdictions where offenses

had occurred and only until those injustices were corrected. It was not a life sentence and certainly not a sentence on those yet unborn.

Georgia now outperforms the Nation, outperforms the Nation, in every area of black voting: turnout, registration, the success rate of black candidates in our State. Yet H.R. 9 turns a blind eye to these facts and seeks to let the innocent continue their punishment for another quarter of a century.

Mr. Chairman, either we restore their voting rights to equality, or the Supreme Court will be forced to do it for us. And the Court will do so in ways far more damaging to section 5 than any reasonable amendment that I am going to bring later today that we could devise.

The days of allowing the ghost of the past to discriminate against the living are and should be coming to an end. Our choice today is whether it will end through carefully crafted amendments or will it be through the judicial act. All we are trying to do is change section 5 so that every citizen in this country, whether you are from Tennessee, whether you are from Wisconsin, have the same equal rights that minorities in Georgia have.

And when you get time, look at these maps. On the right it shows you everybody that is in white is not under section 5. If you are in a color, you are under section 5. Everybody on the map on the left covers 39 States that actually have been guilty of section 4 of the Voting Rights Act. I do not understand how you can go home and you can say you are all for equal rights, fair rights, protections for voters in Georgia, but it is not all right to have those same protections in Tennessee or in Arkansas or in Wisconsin or Ohio. What is wrong with looking at the whole Nation? Everybody is not going to go under it. Everybody is not going to break section 5 formula. But others are besides just us. And on that map Georgia stays under section 5, and I hate it. I wish we were not. Ten counties might get out, but they can only get out for 4 years. The Attorney General is going to be requested to look at it every 4 years and all across the country, including Ohio and including Florida. What is wrong with that? I fail to understand why anybody would find fault.

You say that we have had so many objections, meaning Georgia. I promise you an objection does not automatically mean discrimination. We have had five objections since 2000. One of them came from a majority black city council, and it was thrown out. That puts us in the penalty box for another 10 years.

Let me quote what my good friend JOHN LEWIS said in an affidavit:

The State (Georgia) is not the same State it was. It's not the same State that it was in 1965 or in 1975 or even in 1980 or 1990. We have changed. We have come a great distance. I think that it's not just in Georgia but in the American South. I think people are preparing to lay down the burden of race.

Clearly JOHN is proud of Georgia's progress, as am I.

Congressman LEWIS is not alone in recognizing progress.

Here's how my State's African American Attorney General Thurbert Baker testified before a Federal three judge panel in 2001.

The State's (Georgia) racial and political experience in recent years is radically different than it was 10 or 20 years ago, and that is exemplified on every level of politics from statewide elections on down. The election history for legislative offices in the Georgia House, Senate, and the United States Congress reflect a high level of success of African American candidates.

But this is more critical. The Judiciary Committee record seems to show that the problems that do continue to exist occur across the Nation, not just the States in the covered jurisdictions.

So why isn't the Judiciary Committee going after these current potential violations instead of dwelling on those from four decades ago?

Since 1965, there have been 83 Department of Justice objections raised to voting changes in Georgia.

And here's a critical point for the record—a DOJ objection does not equal guilt.

DOJ itself withdrew 14 of those 83 objections.

When my State tried to satisfy one of those objections in drawing congressional districts, the district lines demanded by DOJ objection were then thrown out by the Supreme Court. So objection does not equal violation.

Fifty-five of the 83 objections were in the first 10 years as the act was being implemented, leaving 28 objections between 1975 and now.

Only seven objections have been stated since 2000, well within national averages. And again, an objection is not a violation.

It's now been 40 years since the Voting Rights Act took effect. Georgia has a higher percentage of black elected officials than the overwhelming majority of States not included in Section 5 Federal oversight.

Yet the Federal oversight continues.

Nationwide, there are 9,101 black elected officials. Blacks make up 11.4 percent of voters, and 1.8 percent of elected officials.

In contrast, Georgia has 611 black elected officials. Blacks make up 26.6 percent of our population, and 9.3 percent of elected officials.

That's more than double the level of black representation of the Nation as a whole.

Black elected officials make up 20 percent of our State House and Senate members, and 30 percent of our members to the U.S. House.

Georgia has a black Attorney General, elected by voters statewide. Georgia has a black Supreme Court Justice.

Georgia and the South now lead the Nation in civil rights achievements, putting to shame the record of those States who continue to point their hypocritical fingers at the grave of Bull Connor.

Yet Georgia remains on the Federal oversight list, while States with a fraction of our percentage of black elected officials per capita remain oversight free.

If Georgia remains on that list without modification, then the majority of the people of a State, who have committed no offense to minority voter rights, whose legislators have committed no offense to minority voter rights, whose State has one of the highest levels of minority elected officials in the Nation, will have their State's constitutional right to determine political boundaries and election rules usurped without justification.

That's a clear-cut violation of the U.S. Constitution. And it's voter discrimination against every Georgian.

Connecticut, Idaho, Maine, Massachusetts, and Wyoming were included in 1970, but successfully filed "bailout" lawsuits that allowed them to get off the list, because no one had a political reason to object.

To successfully file a bailout, the State must prove that during the past 10 years no scheme such as poll taxes or literacy tests have been used; all changes affecting voting have been reviewed prior to their implementation; no change has been the subject of an objection by the Attorney General or the District of Columbia district court; there have been no adverse judgments in lawsuits alleging voting discrimination; there are no pending lawsuits that allege voting discrimination; and Federal examiners have not been assigned.

As can easily be seen, a simple accusation will keep a State off the bailout list for 10 years at a time.

DOJ can file an objection, then withdraw it, and that's all that's necessary to keep Georgia under Section 5 another 10 years.

There must be a more lawful means for the citizens of Georgia to regain voting rights equality with the rest of America.

Later today I will bring an amendment to ensure that all Americans will have equal protection under the Voting Rights Act.

Under this amendment, minority voters nationwide will have access to the same Section 5 protections, if there has been a violation of their rights.

At the same time, all voters across America will be treated the same if there has been no violation in the last 12 years.

With this amendment, the Voting Rights Act will be restored to its original intent—to end unjust discrimination in Voting Rights, for all Americans.

This amendment provides lawful means to win release from Section 5, while expanding minority voting rights protections nationally.

It is the only commonsense solution to avoiding a constitutional challenge.

Mr. WATT. Mr. Chairman, I yield myself 15 seconds.

I say to the gentleman that when we rise in the House, it is my intention to introduce for the RECORD a copy of the decision that was entered yesterday in the State of Georgia that declared recent actions unconstitutional. Perhaps he will be convinced that this is not the history of the past but today.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

CIVIL MINUTE SHEET

(X) IN OPEN COURT () IN CHAMBERS DATE: 07/12/2006 TIME: 5.5 HRS.

HONORABLE HAROLD L. MURPHY
PRESIDING

SAMUEL M. JOHNSTON
COURTROOM DEPUTY

DENNIS J. REIDY
COURT REPORTER

COMMON CAUSE OF GA.

EMMET J. BONDURANT, II
EDWARD HINE

V.

4:05-CV-201-HLM

THE STATE OF GEORGIA

MARK HOWARD COHEN
ANNE WARE LEWIS

CAUSE CAME ON FOR () JURY ()NON-JURY TRIAL ON THE MERITS. Came the parties in person and/or as shown above.

PLAINTIFF(S) () REQUEST TO CHARGE () VOIR DIRE ()TRIAL MEMO/BRIEF () STATEMENT OF CONTENTIONS

DEFENDANT(S) () REQUEST TO CHARGE () VOIR DIRE ()TRIAL MEMO/BRIEF () STATEMENT OF CONTENTIONS

PLAINTIFF(S) ()PROPOSED FINDINGS OF FACT AND CONCLUSION OF LAW

DEFENDANT(S) ()PROPOSED FINDINGS OF FACT AND CONCLUSION OF LAW

() **Whereupon the Court ordered that a jury be impaneled to try said issues, and after the Court had qualified the jurors for cause, and after counsel had exercised all peremptory challenges, the jurors selected to try said issues and were sworn, to wit:**

1.	**5.**	**9.**
2.	**6.**	**10.**
3.	**7.**	**11.**
4.	**8.**	**12**

() **THE RULE OF SEQUESTRATION () WAS () WAS NOT INVOKED**

HEARING/PRE-TRIAL/ EVIDENCE:

- HEARING - PER ORDER [100];
- PLAINTIFF'S EXHIBITS: 1-4, ADMITTED; CATHY COX, SWORN; DEFENDANT EXHIBITS: 1, ADMITTED; PLAINTIFF REST; DEFENDANT'S EVIDENCE: PAUL L. McIVER, SWORN; = LUNCH = EVIDENCE CONTINUED; DEFENDANT REST, PLAINTIFF EXHIBIT: 15, CLOSING ARGUMENT
- COURT ORALLY GRANTS PRELIMINARY INJUNCTION
- WRITTEN ORDER TO FOLLOW;

VERDICT:

JUDGEMENT:

COURT ADJOURNED AT: UNTIL

() **UNTIL FURTHER ORDER**

() **JURORS EXCUSED UNTIL THE ABOVE TIME UNDER THE USUAL CAUTION OF THE COURT.**

() **JURORS EXCUSED FOR THE TERM.**

() **JURORS EXCUSED AND DIRECTED TO RETURN TO THE JURY ASSEMBLY ROOM**

EXHIBITS RETURNED TO COUNSEL FOR
() PLAINTIFF
() DEFENDANT
() COURT REPORTER
() RETAINED BY THE COURT

FILED IN CLERK'S OFFICE
U.S.D.C. Rome

JUL 1 0 2006

LUTHER D. THOMAS, Clerk
By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

Common Cause/Georgia, et al.,

Plaintiffs,

v.

Ms. Evon Billups, et al.,

Defendants.

CIVIL ACTION FILE

NO. 4:05-CV-0201-HLM

ORDER

This case is before the Court on Defendant State Election Board's Motion to Dismiss Plaintiffs' Motion for Preliminary Injunction and to Cancel Hearing [113].

On July 7, 2006, the Superior Court of Fulton County, Georgia, issued a temporary restraining order enjoining the defendants in that case from enforcing the 2006 Photo ID Act during the July 18, 2006, primary election or any resulting run-off election. Lake v. Perdue, Civil Action File No. 2006CV119207, slip op. at 3-4 (Fulton County Super.

AO 72A
(Rev.8/82)

Ct. July 7, 2006.) The plaintiffs inLake had argued that the 2006 Photo ID Act violated the Georgia Constitution.

Defendant State Election Board has moved to dismiss Plaintiffs' Motion for Preliminary Injunction or, alternatively, to cancel the preliminary injunction hearing in the instant case that is scheduled for Wednesday, July 12, 2006. On July 10, 2006, the Court held a telephone conference to address Defendant State Election Board's Motion to Dismiss Plaintiffs' Motion for Preliminary Injunction and to cancel hearing. This Order memorializes the actions taken by the Court during that telephone conference.

The Court **DIRECTS** counsel for the State Defendants to file their response to Plaintiffs' Second Motion for Preliminary Injunction, along with any supporting materials, by 11:59 p.m. on Monday, July 10, 2006. The Court also **DIRECTS** counsel for the State Defendants to notify the Court promptly after the Georgia Supreme Court issues its ruling on the State Election Board's emergency motion to stay the temporary restraining order in the Lake case. If the Georgia Supreme Court

AO 72A
(Rev.8/82)

declines to stay the temporary restraining order in the Lake case, the Court will continue the preliminary injunction hearing scheduled for Wednesday, July 12, 2006, until a later date.

IT IS SO ORDERED, this the 10th day of July, 2006.

UNITED STATES DISTRICT JUDGE

AO 72A
(Rev.8/82)

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Judiciary Committee.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, today I hope that I will have an opportunity to stand on the other side of the aisle as we debate this historic initiative of America. It is initiative of America because, as I hold the Constitution in my hand, I want my good friend from Georgia, Dr. NORWOOD, to understand that, in fact, what we are doing is creating opportunities for all Americans and by oversight we enhance his constituents and all others who have been discriminated against.

The preamble to the Constitution includes that we have organized this Nation for a more perfect Union, for the general welfare and the blessings of liberty. As my good friend from North Carolina (Mr. WATT) just said, whom I owe a great debt of gratitude, along with JOHN CONYERS, BOBBY SCOTT, Mr. SENSENBRENNER, and the whole Judiciary Committee for rendering a bipartisan initiative, in fact, today there are still violations that warrant the oversight of the Voting Rights Act.

We understand that without Mr. NORWOOD's amendment there are 36 States already covered. And why are they covered? They are not covered on our whim, on our political whim, or on whether we are Republican or Democrat. They are covered because of documentation that discrimination exists. That is what the Voting Rights Act is all about.

Mr. NORWOOD and others know these four amendments, which should be opposed and defeated, because of the thousands of pages of evidence, if we pass an amendment like Mr. NORWOOD's, Mr. WESTMORELAND's, Mr. KING's, and Mr. GOHMERT's, that under the Constitution the Supreme Court will render them unconstitutional for many reasons, because there is no evidence, no documentation shown during the thousand of pages of hearings. So it is important to maintain an unrestricted section 5, one that allows oversight of discrimination under an unfettered section 5 that allows oversight to occur if voting changes generate discrimination against anyone in the covered areas.

So I would simply ask in the name of Fannie Lou Hamer, in the names of Rosa Parks and Coretta Scott King, in the name of JOHN LEWIS, and those who lost their lives, like Viola Liuzzo, the three civil rights workers; and in the name of Jualita Jackson and Valrie Bennett, who fled Florida as young teenagers in the 1940's my aunt and mother, in their name we must pass the Voting Rights Act without amendments.

Mr. Chairman, I thank the gentlemen for yielding. I rise in proud support of H.R. 9, the "Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006." Had I and several of my colleagues not heeded the requests of the bipartisan leadership of the Committee and the House, there might be an amendment to the bill adding the name of our colleague, JOHN LEWIS of Georgia, to the pantheon of civil rights giants listed in the short title.

The Voting Rights Act of 1965 is no ordinary piece of legislation. For millions of Americans, and many of us on this Committee, the Voting Rights Act of 1965 is a sacred treasure, earned by the sweat and toil and tears and blood of ordinary Americans who showed the world it was possible to accomplish extraordinary things.

The Voting Rights Act of 1965, as amended, which we will vote to reauthorize today was enacted to remedy a history of discrimination in certain areas of the country. Presented with a record of systematic defiance by certain States and jurisdictions that could not be overcome by litigation, this Congress—led by President Lyndon Johnson, from my own home state of Texas—took the steps necessary to stop it. It is instructive to recall the words of President Johnson when he proposed the Voting Rights Act to the Congress in 1965:

> Rarely are we met with a challenge . . . to the values and the purposes and the meaning of our beloved Nation. The issue of equal rights for American Negroes is such as an issue . . . the command of the Constitution is plain. It is wrong—deadly wrong—to deny any of your fellow Americans the right to vote in this country.

The Voting Rights Act of 1965, represents our country and this Congress at its best because it matches our words to deeds, our actions to our values. And, as is usually the case, when America acts consistent with its highest values, success follows.

Without exaggeration, the Voting Rights Act has been one of the most effective civil rights laws passed by Congress. In 1964, there were only approximately 300 African-Americans in public office, including just three in Congress. Few, if any, black elected officials were elected anywhere in the South. Today there are more than 9,100 black elected officials, including 43 Members of Congress, the largest number ever. The act has opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the State or Federal level, 27 of whom serve in Congress. Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.

Mr. Chairman, I hail from the great State of Texas, the Lone Star State. A State that, sadly, had one of the most egregious records of voting discrimination against racial and language minorities. Texas is one of the Voting Rights Act's "covered jurisdictions." In all of its history, I am only one of three African-American women from Texas to serve in the Congress of the United States, and one of only two to sit on this famed committee. I hold the seat once held by the late Barbara Jordan, who won her seat thanks to the Voting Rights Act.

From her perch on this committee, Barbara Jordan once said:

> I believe hyperbole would not be fictional and would not overstate the solemness that I feel right now. My faith in the Constitution is whole, it is complete, it is total.

I sit here today an heir of the Civil Rights Movement, a beneficiary of the Voting Rights Act. My faith in the Constitution and the Voting Rights Act too is whole, it is complete, it is total. I would be breaking faith with those who risked all and gave all to secure for my generation the right to vote if I did not do all I can to strengthen the Voting Rights Act so that it will forever keep open doors that shut out so many for so long.

August 6, 2006, will mark the 41st anniversary of the Voting Rights Act, and a year from then several of act's most important elements will expire, including: Section 5 preclearance for covered jurisdictions (see tables 2 and 3); Sections 203 and 4(f)4, which require bilingual election materials assistance for limited English proficient language minorities (see table 1); and Sections 6–9; authorizing the U.S. Attorney General to appoint examiners and send federal observers to monitor elections.

Congress has extended Section 5 coverage three times: in 1970 (for 5 years), in 1975 (for 7 years) and in 1982 (for 25 years). The language minority protections of Section 203 and Section 4(f)(4) were adopted in 1975 and extended and amended in 1982 and again in 1992. Despite these past extensions, there is no guarantee that the expiring elements of the VRA will be renewed again in 2007. In fact, recent history suggests that it is likely to be a difficult legislative fight.

The problem is simple. Equal opportunity in voting still does not exist in many places. Discrimination on the basis of race and language still denies many Americans their basic democratic rights. Although such discrimination today is more subtle than it used to be, it must still be remedied to ensure the healthy functioning of our democracy.

Although the principle behind the Voting Rights Act is simple—to eliminate discrimination in voting—the mechanisms by which this goal is achieved are not. Some parts of the law are permanent, while others are set to expire. Some provisions affect every State while others are more geographically targeted. Elements of the law can apply to an entire State or only a handful of counties within a particular State. And some provisions can be enforced in court through private lawsuits while others are administered by the U.S. Department of Justice.

But the underlying purpose of the act is clear—to extend the franchise to all citizens regardless of race, color, national origin, or membership in a language minority group.

I urge my colleague to vote for the bill and reject all amendments. I yield back the balance of my time.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), a member of the Judiciary.

Mr. VAN HOLLEN. Mr. Chairman, I thank my colleague, Mr. WATT, for yielding.

I urge my colleagues to support the renewal of the historic Voting Rights Act today and vote for the bill that came out of the Judiciary Committee without amendment.

I am very proud of the work we did on that committee on a bipartisan basis and want to commend the bipartisan leadership of the full committee,

the subcommittee, and Mr. WATT for his leadership.

On March 15, 1965, after years of struggle culminating in Bloody Sunday, where our colleague JOHN LEWIS so bravely marched, President Lyndon Johnson came to this very place and, from the podium behind me, called upon the Congress and the Nation and said to us all we shall overcome; we as a Nation shall overcome years of discrimination and efforts to throw obstacles in the way of African Americans and other minorities from exercising their constitutional right to vote and exercising their right to fully participate in this great democracy of ours.

We have come a long way as a Nation, but we have a long way to go to really overcome, as President Johnson called upon us to do.

The evidence before the Judiciary Committee was absolutely clear that serious problems in discrimination remain. The testimony made it clear that section 5 preclearance has been used more between 1982 and 2005 than between the years 1965 and 1982. The evidence showed that since 1982 the Department of Justice has objected to more than 700 discriminatory voting changes that have been enacted by the covered jurisdictions. The evidence showed that the covered jurisdictions withdrew an additional 200 proposed changes from section 5 review and an additional 600 voting changes were revised to ensure nondiscriminatory impact.

Anyone who says that we do not continue to need the Voting Rights Act is dead wrong.

□ 1245

In addition, there were many other findings.

We have a long way to go, Mr. Chairman, to achieve a more perfect Union. I urge my colleagues to adopt the bill that came out of the Judiciary Committee, without amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would advise Members who are controlling time that, at some point, if Members do not abide by time, the chair may have to adjust the time charged to account for it.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN), a distinguished member of the Judiciary Committee.

Mr. MEEHAN. Mr. Chairman, I rise in strong support of the Voting Rights Act and urge my colleagues to pass it today, clean, without amendment.

Mr. Chairman, I am honored to represent one of the more diverse districts in America today. My neighbors came to Massachusetts from all of the nations of Europe, Southeast Asia, West Africa, Latin America, French Canada and the Caribbean.

In Massachusetts, the Voting Rights Act remains a necessary tool to ensure that people are able to participate in our democracy. In fact, it is because of the Voting Rights Act that many of my Asian American neighbors can challenge voting procedures and get multilingual ballots.

It is simple. The availability of multilingual ballots mean more people will vote. Cities that have added multilingual ballots have seen double-digit increases from those benefited populations. What more could one ask from a functioning democracy than a higher participation of people voting?

By reauthorizing the Voting Rights Act without amendment, America will do more than honor its legacy. We will also ensure our future, and to do anything less than a clean reauthorization insults the hard work and bloodshed that brought us to where we are today.

Today, we have an opportunity to honor great men and women who have dedicated their lives to making America great: Dr. King, Coretta Scott King, Rosa Parks and our esteemed colleague, my friend, JOHN LEWIS.

Let us reauthorize the Voting Rights Act without these terrible amendments.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New York (Mr. RANGEL) and recall that he was originally a member of the House Judiciary Committee and served with great distinction on it.

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

Mr. RANGEL. Mr. Chairman, I want to thank Chairman SENSENBRENNER and JOHN CONYERS for working together and making all Members of this House so proud to show what we can do when we do work in a bipartisan way.

I also want to thank Chairman WATT for the work that he has done with the Congressional Black Caucus, and beyond, to make certain that the commitments that have been made by the leadership of this House were kept.

We all know that there are parts of the history of this great Republic, slavery, the stigma of slavery, prejudice, that we all abhor; but we also know that this great body not too long ago passed a Congressional Gold Medal to the Tuskegee Airmen, men who gave up their lives and put themselves at risk in order to make certain the world was safe for democracy. At the time, many of these people could not vote and their mothers could not vote and their families could not vote.

So there comes a time where certain people have the courage to stand up for it, and JOHN LEWIS was one. I think we all should get together and say that we could not march with them, but we could reaffirm the commitment that they made.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Dr. PRICE) for purposes of a colloquy.

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Chairman, thank you. I would like to engage in a very short colloquy with the gentleman from Wisconsin (Mr. SENSENBRENNER).

Do you agree with me that nothing in this legislation should be construed to allow the Supreme Court to say who is or who is not a minority community's candidate of choice simply because of a candidate's party affiliation?

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, yes, I agree with that.

Mr. PRICE of Georgia. I thank the chairman for his perspective and I thank him for his good work on this.

Mr. CONYERS. Mr. Chairman, I am pleased to observe that the leader of the present civil rights movement and a friend that worked in the organization of Dr. Martin Luther King is in the balcony today, the Reverend Jesse Jackson; and I am so pleased that he is watching over this activity.

Mr. Chairman, I would yield 1 minute to the gentlewoman from California (Ms. LEE) who has worked as an activist and as a legislator in California, as well as the leader of the Progressive Caucus in the House of Representatives.

Ms. LEE. Mr. Chairman, let me thank Mr. CONYERS for his leadership and for yielding and also to Chairman SENSENBRENNER and to Congressman WATT, our chair of the Black Caucus, for your leadership in ensuring that the reauthorization of the Voting Rights Act did not become a Democratic or a Republican issue but an American issue.

The right to vote is the heart and soul of our democracy, and I vividly remember the days of Jim Crow and segregation, the poll tax, the humiliation and degradation of African Americans not so long ago.

The Voting Rights Act of 1965 passed just 1 year after I graduated from high school, and while much progress has been made, voter suppression and voter intimidation continues.

There is no way I would be standing here on this floor as a Member of Congress had it not been for the bloodshed and the sacrifices and the deaths of so many, including our own great warrior, Congressman JOHN LEWIS, in fighting for the right of all Americans to vote.

So, in the spirit and memory of Fannie Lou Hamer and Rosa Parks and Coretta Scott King, let us pass this bipartisan legislation without any amendments so that America can be true to its ideal of liberty and justice for all.

Today, let us let the world know that we do practice what we preach and that we stand for democracy here at home. And I want to thank Congressmen CONYERS, WATT and SENSENBRENNER again for making this an American issue.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding. I

want to clear up several misconceptions, I think, that have occurred here.

First of all is, we are concerned in my State and some of the ones who spoke about the continuation of section 5, which requires preclearance. This bill, as all bills, have certain findings of fact, and I want to address some of those findings of fact.

The first one is based on the fact that there were hundreds of objections interposed as one of the conclusions that justifies the extension. The American Enterprise Institute says that the raw numbers on objections are insufficient to measure support for reauthorization. They give the statistics, and the statistics are that from 1982 to 2005, out of the 105,000-plus objections, 0.7 percent received objections in the covered States. From 1996 to 2005, out of 54,000-plus, only 0.15 percent drew objections.

The second finding is that the number of requests for declaratory judgments justifies extension. That same study concludes that those are so small as to be insignificant.

The third finding is that of continued filing of section 2 cases originating in covered jurisdictions. The University of Michigan Law School report shows that since 1982 more lawsuits filed under section 2 ending with the determination of liability have occurred in noncovered jurisdictions than in covered ones; and the example being, in 1990 more court findings of section 2 violations occurred in New York or Pennsylvania than in South Carolina.

Mr. Chairman, I would suggest that this is something that if we are going to make findings of fact they ought to be true findings of fact, and just because the bill says they are the facts does not necessarily make them so.

We are proud in our State and we have worked across party lines and across racial lines; and the latest study that is cited in one of the reports is from the 2000 voter year in Georgia. In Georgia, 66.3 percent of eligible blacks were registered to vote. Only 59.3 percent whites were registered to vote, a 7 percent plus on those who are black. On voter turnout in Georgia in that election cycle, 51.6 percent of black voters voted; only 48.3 percent of white voters voted. So we have made substantial progress.

The right of extension of section 5 for preclearance that requires that you get Justice Department approval just to annex a piece of property into a municipality, just to move a voting precinct from one place to another place, requires preclearance. I would suggest that this is not appropriate.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the Voting Rights Act coverage formula and the provisions that it triggers have been upheld by the Supreme Court on multiple occasions and not just in 1966. The Supreme Court in 1980 in Rome v. United States, and later in 1999 in Lopez v. Monterey County, upheld the constitutionality of section 5.

In particular, in the city of Rome, the court looked at the House Judiciary Committee's finding that ''the recent objections entered by the Attorney General to section 5 submissions clearly bespeak the continuing need to this particular preclearance mechanism.''

Now, there have been objections that have been interposed to submissions that have been made in Georgia since 2000, and that is why we have to have the formula that is in section 5 and the preclearance provisions in section 5 which have been upheld by the Supreme Court.

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

Mr. CONYERS. Mr. Chairman, could we be advised how much time remains on each side?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 11 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 8 minutes remaining.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Louisiana (Mr. JEFFERSON).

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

Mr. Speaker, the passage of the Voting Rights Act is informed by past history, by recent events and by current needs.

As one who grew up, watched his mother in 1963 study and struggle to try and pass the literacy test there, which she had to try and remember as best she could the Presidents in order, to recite the Preamble to the Constitution, and to compute her age to the year, the month and the day, as one who witnessed that, you know how important this act was to folks back then and how the legacy of discrimination still obtains in our present provisions today.

When you see our State legislature in Louisiana every year pass election laws that are discriminatory, that meet objections by the Justice Department, you know the need for this act continues.

As we just saw with Hurricane Katrina, so many of our people, displaced back home, who struggled to get back and to have their right to vote expressed and who met objection at almost every corner of that being done, you know the need for this act continues.

So I urge my colleagues to vote to support this act, without amendments, and get it passed now because the struggle does continue.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. DAVIS), a distinguished Member.

Mr. DAVIS of Alabama. Mr. Chairman, I wish my colleagues from Georgia understood something very fundamental about this Voting Rights Act. It is not a burden on the South. It is not some scourge or tool of oppression against the South. It has been a liberator for people, black and white; and I wish my colleagues from Georgia understood this basic truth that all the children who are here understand today.

There were Barack Obamas in the old South. There were Mel Watts in the old South. There were Bobby Scotts in the old South. There were Jesse Jacksons that lived in the South in the 1930s. But their talent was not allowed to breathe until this act was passed.

It gave all kinds of people of genius and brilliance and talent a chance to be elected to office. That is the legacy that we celebrate here today.

So I urge all of us to join Mr. SENSENBRENNER in this bipartisan statement today that the Voting Rights Act belongs to all Americans, black and white, Democratic and Republican, and everyone who believes that merit ought to determine who holds office in this country.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in strong support of H.R. 9, the reauthorization of the Voting Rights Act, without amendment.

Our values, our freedom, and our democracy are based on the idea that every eligible American citizen has the right to vote, and they also have the right to expect that their votes will be counted.

It was only 40 years ago that minorities lived under the oppression of Jim Crow, and we still do. I have spent most of my time in the last 2 weeks working on redistricting, where the Supreme Court just ruled, or a little over 2 weeks ago, that it violated the Voting Rights Act.

So, 2 weeks ago, not only the Attorney General, but the attorney general of Texas as well, had to move in for Prairie View A&M students to be able to vote, because the DA did not want them to vote for fear they would not elect the right persons.

We do still have a problem and we do need this Voting Rights Act.

It was only 40 years ago that minorities lived under the oppression of Jim Crow. As a result, millions of Americans were unable to fairly participate in our democracy.

The Voting Rights Act changed the face of this Nation.

In this battle for the most basic of rights, many heroic Americans were imprisoned, beaten, or even killed in the name of freedom and justice.

The Voting Rights Act was not and never will be about special rights—it is about equal rights.

We have made amazing progress over the past 40 years. However, progress does not mean that we stop trying.

We cannot and must not give up until every American citizen has the access and opportunity to vote—regardless of their skin color, ethnicity, or language ability.

There are still thousands of cases of voter intimidation and discrimination reported at every election.

Minorities continue to face an uphill battle of misinformation over polling locations, the purging of voter rolls, scare tactics, and inaccessible voting locations.

Prior to the 2004 elections, students at Prairie View A&M were told they could no longer register to vote in Waller County, TX.

The fear was that the 8,000 students at this historically black college may elect someone the local district attorney didn't want.

This change in voter registration was not precleared by the Department of Justice, and was ultimately overturned by the Texas attorney general and the Department of Justice.

This is just one example of why we still need the Voting Rights Act.

Now is the time to reauthorize this historic cornerstone of civil rights. It is imperative to our rights, our freedom and our democracy.

□ 1300

Mr. CONYERS. Mr. Chairman, it is now my privilege to yield 1 minute to the distinguished minority leader from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, my colleagues, last August I had the honor to march in Atlanta in recognition of the 40th anniversary of the Voting Rights Act, joining our colleagues Congressman LEWIS, the Reverend Jesse Jackson and so many other leaders.

I took with me the commitment of more than 200 House Democrats that we would vote 100 percent to reauthorize and strengthen this landmark legislation. And we stand by that commitment today. In May, I was proud to join Speaker HASTERT and the Senate leaders, Senator FRIST and Senator REID, to march down the steps of the Capitol and reaffirm our commitment to passing this legislation to strengthen and reauthorize the Voting Rights Act for another 25 years.

Today, we have the opportunity, indeed the privilege, to honor that bipartisan commitment. In that spirit, I wish to acknowledge the steadfast leadership of Chairman SENSENBRENNER. Thank you, Mr. SENSENBRENNER; Mr. CONYERS, thank you for your leadership, the two of you for working together; and the extraordinary leadership of Congressman MEL WATT, the Chair of the Congressional Black Caucus and a member of the Judiciary Committee, who helped cobble together this compromise with his persistent, persistent leadership. Thank you, Mr. WATT.

I also salute the Chair of the Hispanic Caucus, Congresswoman GRACE NAPOLITANO, and the Chair of the Congressional Asian Pacific American Caucus, Congressman MIKE HONDA, for their leadership. Of course, as with so many of our colleagues, we are very privileged to acknowledge Congressman JOHN LEWIS, the conscience of the Congress. Voting rights and civil rights in America are possible because of his courage and personal sacrifice and that of so many of our brave Americans who fought for the cause of freedom and justice.

This was an epic moral struggle in our country, and it remains our moral imperative to remove obstacles to voting and to representation for all. Among the other brave Americans are three extraordinary women. It is fitting that this legislation is named for Rosa Parks, for Coretta Scott King and for Fannie Lou Hamer. These women were constant in their pursuit of voting rights.

Rosa Parks ignited the Montgomery bus boycott. Fannie Lou Hamer electrified the 1964 Democratic Convention where she said, ''I am sick and tired of being sick and tired'' and was successful in getting her African American delegates recognized at the delegation.

Coretta Scott King was the keeper of the flame and one of our Nation's greatest civil rights leaders in her own right.

Forty years ago, in one of our Nation's finest hours, we came together to give teeth to the 15th amendment to overcome bigotry and injustice and to secure the fundamental right to vote. With the passage of the Voting Rights Act, we said that we would no longer tolerate any of the nefarious methods such as poll tax, literacy tests, grandfather clauses, and brutal violence that had been used to deny African Americans and other minority citizens the right to vote.

Within months of the Voting Rights Act's passage, a quarter of a million new African American voters had been registered. A quarter of a million new voices that had been silenced could finally be heard. They, along with millions to follow, changed the world with a vision of justice, equality, and opportunity for all.

We see its impact in the Halls of Congress: 81 African American, Latino, Asian and Native American Members. We all know that America is at its best when our remarkable diversity is represented in our Halls of power. We also know that we still have a great distance to go in order to live up to our Nation's ideals of equality and opportunity.

That is why the Voting Rights Act is still necessary, and that is why any amendments to weaken it must be rejected. I urge our colleagues to vote ''no'' on changing preclearance provisions, diminishing language assistance, and shortening the authorization period.

Make no mistake, the 10-year limitation on key VRA provisions seriously undermines its effectiveness.

We are all familiar with the, ''I Have a Dream'' speech of Dr. Martin Luther King, the march on Washington nearly 43 years ago. One part of the speech that I love that is not as frequently quoted as the ''I have a dream'' part, though, is he said in that speech: ''We have come to this hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make justice a reality for all of God's children.''

We today must reject gradualism by voting ''no'' on the amendment to make this reauthorization period 10 years. Any diminishment of the Voting Rights Act is a diminishment of our democracy. In America, the right to vote must never, ever be compromised. We must not rest until the expiring sections of the Voting Rights Act are strengthened and reauthorized. This is our solemn pledge and obligation.

Thank you, Mr. Chairman.

Mr. CONYERS. Mr. Chairman, could you confirm that we on this side have 7 minutes remaining.

The CHAIRMAN. The gentleman is correct.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. FATTAH), who has worked with the committee in a very generous way.

Mr. FATTAH. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I also want to extend my personal thanks to the chairmen for their work to bring this bill to the floor. As one of the original cosponsors, this today is a signal across the world. I represent the city of Philadelphia where the Constitution was written. It was clear then and stated that we needed to work towards a more perfect Union.

The work that began when this bill was passed into law in 1965, and as it has been reauthorized on a number of occasions, today we again signal to the world that we continue to work towards a more perfect Union. As we promote democracy around the world, this is an opportunity for us to further secure it here at home.

I want to thank my colleagues as we dismiss these amendments and move to final passage later on today and thank the Congress because today we truly do represent the American people.

Mr. CONYERS. Mr. Chairman, I am pleased now to recognize for 1 minute my neighbor and colleague from Ohio, MARCY KAPTUR.

Ms. KAPTUR. Mr. Chairman, I rise in very strong support of the renewal of the Voting Rights Act.

Unfortunately, this great American struggle is not over. We have seen voters denied their rights in recent elections as they have been incorrectly purged from lists, their absentee votes not counted, and voting machine integrity and security not assured.

Ohioans have raised countless questions about today's new electronic voting systems, their flawed security, their lack of transparency, their reliability and, yes, their very integrity. Who controls the security codes in these machines? How do we ensure that local boards of election and judges at the precinct level are empowered to properly count votes and not the voting machine companies who know more about those machines and how to program them than the people conducting the elections themselves?

Strong efforts have been made in Ohio to curb the authoritarianism of our Secretary of State, Kenneth

Blackwell, as he has purged people from lists in our State in particular precincts where voters are heavily minority.

Mr. Chairman, we must pass the Voting Rights Act in its stronger form. The struggle is not over. As Reverend Joseph Lowery reminds us, keep hope alive, extend the Voting Rights Act.

I am in strong support of the passage of the Voting Rights Act to protect the ability of all citizens, particularly minorities, to vote. Unfortunately, this struggle is not over. We have seen voters denied their rights in several recent elections as voters have been incorrectly purged from lists, their absentee votes not counted, and voting machine integrity not assured.

Ohioans have raised countless questions about today's new electronic voting systems, their flawed security, their lack of transparency, their reliability, and yes, their very integrity. Who controls the security code for the machines? How do we assure that local Boards of Elections and judges at the precinct level are empowered to properly count votes and not the voting machine companies who know more about those machines and how to program them than the people conducting the elections.

Strong efforts were made by Ohio's Legislature to mandate voter verifiable paper trails on election machines, over the objections of Ohio's Secretary of State Kenneth Blackwell. Chairing the Bush campaign in Ohio, he opposed this standard. Blackwell also steered and limited the voting machine vendors from which local election authorities could choose, and imposed voter registration standards that were confusing and ridiculous. Voters of Ohio ended up challenging his capricious rulings in federal court on the day of the last Presidential election. He even tried to inject more confusion into the process by specifying the "weight of paper" used for voter registration forms when his own office was not using that kind of paper. His goal was clear: to create more confusion on election day by churning the electorate in key precincts to diminish turnout.

Congress passed the Help America Vote Act following the 2000 elections to fix these kinds of heavy-handed tactics and the mess America witnessed with the hanging chad ballots in Florida. Unfortunately, the bill did not mandate standards for the new equipment. To this day, and I believe purposefully by the Republican majority, no federal agency assures standards for voting technology on which localities can depend.

Voting rights stand at the top of our liberty pillar. We must pass this Voting Rights Act in its strongest form and restore America's trust in elections by ensuring their legitimacy and making them tamper-proof.

Mr. Chairman, before closing I would like to repeat a call that has been made by countless leaders of the civil rights movement including the Reverend Joseph Lowery, "Keep hope alive: Extend the Voting Rights Act."

[From the New York Times, July 7, 2006]

DON'T DISMANTLE THE VOTING RIGHTS ACT

(By Luci Baines Johnson and Lynda Johnson Robb)

The Voting Rights Act, signed into law on Aug. 6, 1965, by our father, President Lyndon Johnson, opened the political process to millions of Americans. The law was born amid the struggle for voting rights in Selma and Montgomery, Ala., which the Rev. Dr. Martin Luther King Jr. called "a shining moment in the conscience of man." By eliminating barriers, including poll taxes and literacy tests, that had long prevented members of minority groups from voting, the act became a keystone of civil rights in the United States.

Now, crucial provisions of this legislation are in jeopardy. Last month, Congress seemed set to renew expiring sections intended to prevent voter discrimination based on race or language proficiency. Instead, a group of House lawmakers opposed to those sections succeeded in derailing their considerations.

The Voting Rights Act prohibits discrimination in voting everywhere in the country. But it has a special provision, Section 5, intended for regions with persistent histories of discrimination. These states and localities must have their election plans approved by the Justice Department.

Since the act was last renewed, in 1982, the federal government has objected to hundreds of proposed changes in state and local voting laws on the basis of their discriminatory impact. In recent years, proposed election changes in Georgia, Texas and other states were blocked because they violated the act.

Yet states and localities are not subject to Section 5 forever. In order to gain exemption, they need only meet a set of clear standards proving that they have been in compliance with the law for 10 years and have not tried to discriminate against minority voters. In Virginia, for example, eight counties and three cities have been exempted from Section 5.

Another section of the act, Section 203, which Congress added in 1975, mandates language assistance in certain jurisdictions to promote voting by citizens with limited proficiency in English. There are now 466 such jurisdictions in 31 states.

No one disputes that our nation has come a long way since the Voting Rights Act was first signed into law. But while it would be nice to think we don't need this legislation anymore, we do. We still struggle with the legacy of institutionalized racism. If either of the act's two sections under attack is weakened or allowed to expire, the door will be opened to a new round of discriminatory practices.

The reauthorization stalled in Congress is called the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. Were he alive today, we believe President Johnson would be honored to have this bill named after such remarkable women. Its passage would be a fitting tribute to their collective efforts to expand the scope of civil rights and citizenship.

In his own era, our father faced powerful opposition to the Voting Rights Act, including from members of his own party. Nonetheless, he pushed forward with the legislation because he knew it was desperately needed. It was the right thing to do then. It still is.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 2 minutes to engage in a colloquy with the gentleman from North Carolina (Mr. WATT).

Section 5 of H.R. 9 contains a sentence that states: "The purpose of subsection B of this section is to protect the ability of such citizens to elect their preferred candidates of choice."

Is it your understanding that this language in the text of the committee report that accompanies this legislation is consistent with the understanding that the purpose of this section of H.R. 9 is to ensure that no voting procedure changes will be made that will lead to a retrogression of the position of racial or language minorities with respect to their effective exercise of the electoral franchise, and that this determination shall be made without consideration of political party control or influence in any elective body?

I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I thank the gentleman for yielding. It is certainly my understanding, as you have indicated, in 1976 in Beer v. United States, the Supreme Court held that, when a voting change is made in which a minority group's ability to elect candidates of choice to office is diminished, section 5 requires the denial of preclearance.

That was the retrogression analysis on which the court, the Department of Justice, and minority voters relied for 30 years. Is it the gentleman from Wisconsin's understanding that it is this standard that H.R. 9 seeks to restore to section 5?

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time. Yes, that is my understanding.

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

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the ranking member of Homeland Security from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise today in support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

Passage of the Voting Rights Act has allowed millions of minorities the constitutional right to vote in Federal elections. One of the people for whom this bill is named is Fannie Lou Hamer. Fannie Lou Hamer was born, lived, and died in the trenches of Mississippi's Second Congressional District.

Her history and involvement in voting education and voter participation include people like me, who stand before you as the highest-ranking African American elected official in the State of Mississippi, an opportunity that would not have been possible without the passage of the act.

Had this act been in place, my father, who died in 1963, would have been a registered voter. Had this act been in place, my mother, a college graduate, would not have had to take three literacy tests to become a registered voter. As influential policymakers, it is our obligation to look beyond what is good and support the reauthorization of the Voting Rights Act.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, 25 years ago I stood on this floor in support of this

bill. I worked with both the chairman of the Judiciary Committee and the ranking member at that time not only on this bill, but on the Martin Luther King holiday and on the fair housing legislation. I am very proud of that activity.

I rise in support of the bill that is on the floor. But I will rise in support of several of the amendments as well. I want to make several comments on this. One is, as a Catholic, I believe in the immaculate conception, but there is only one that I am aware of and that is not this bill.

The suggestion that we cannot look at this bill and look at any carefully tailored amendments I think is an erroneous one. I had a simple amendment that I offered before the Rules Committee. I had no objection; in fact, it was considered to be the least objectionable, if objectionable at all, but I was told if we adopted my amendment it would upset a carefully crafted delicate balance.

□ 1315

My amendment was simply to allow three counties in California and one township in New Hampshire to bail out, as we used to call the provision, because they had gotten in because of a curious historical moment. That is, in 1972, at the height of the build-up of the Vietnam war we had large numbers of people at military installations; we had three counties in California that had military installations. Those people who were there were counted for purposes of the census, many of them didn't vote there because they voted in their home states or their home districts, and those counties have been caught in this preclearance ever since. It just seems a matter of fairness to allow them out, and yet there was no opportunity to provide that.

And the reason I bring that up is this: If you look at the Supreme Court decisions, the Federal Court decisions on this, they have said this law is constitutional only so long as it is congruent, that is, related to the State-sponsored discrimination for which there is historical record. And that it is proportionate to the damage done, both of those things, and my fear is that if we don't craft legislation that recognizes that, we don't give evidence of the fact that we crafted it, the Supreme Court could say that perhaps we haven't done the job, and then this extraordinary remedy in section 5 is no longer valid.

Why is it extraordinary? Because it is an extraordinary imposition on a jurisdiction to say that they have to have any decision they make precleared by those at the Justice Department. But the Court has said, as long as you have those two things, congruency and proportionality, they will allow it. That is why I have some question about extending it for a full 25 years.

Back in 1982, I think there was ample reason for us to extend it for 25 years. You would still have a sense of a temporary nature. But to do it now, I think does call into question whether we are following what the courts have told us.

So all I would say is, I hope Members, while supporting the underlying legislation, will look at each amendment and see whether it helps undergird the constitutionality of this worthy bill that has done great things. But let's make sure we continue to carefully tailor it to the circumstances before us.

Mr. CONYERS. Mr. Chairman, I am pleased now to recognize for 1 minute the distinguished gentleman from Illinois, Mr. RAHM EMANUEL.

Mr. EMANUEL. Mr. Chairman, I strongly support the reauthorization of the Voting Rights Act. The true test of a democracy is the ability of all of its citizens to contribute to the decisions and actions of their government. When the American circle of democracy is widened, the democracy is strengthened. In addition, its moral voice at home and abroad becomes clear and unambiguous.

For nearly 200 years, this Nation failed to live up to the test, excluding voters on the basis of race, gender, and property. The 14th and 19th amendments to the Constitution removed those restrictions from the law of the land, but discrimination against African Americans persisted in many parts of the country.

In 1965, this House witnessed one of its finest moments when Members of both parties rejected party labels and acted as Americans, joining together to declare that literacy tests, grandfather clauses, and poll taxes would no longer be allowed to intimidate American citizens from exercising their right to vote.

Getting this bill passed required decades of effort by dedicated activists who risked their lives. I am proud that this bill recognizes the names of those heroes such as Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. The voting rights of all Americans are no less important today than they were in 1965. Working together, as our predecessors did, we can confront these challenges and continue to fight for liberty and justice for all.

Mr. CONYERS. Mr. Chairman, I am pleased now to invite JOHN LEWIS, the conscience of the Congress, the gentleman from Georgia, the remaining time on our side.

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman is recognized for 3 minutes.

Mr. LEWIS of Georgia. Mr. Chairman, before the Voting Rights Act was passed in 1965, all across the American South very few African Americans were registered to vote. Men and women of color stood in unmovable lines. In Lowndes County, Alabama, between Selma and Montgomery, more than 80 percent of that county was African American, but not a single African American was registered to vote.

Many people were harassed, jailed, beaten, and some were even shot and killed. I cannot forget that in 1964, three young men that I knew, James Cheney, Mickey Schwerner, and Andy Goodman, two were white, one was black, they went out to investigate the burning of a church, a church that was to be used to prepare people to pass the so-called literacy test. These three young men were arrested, jailed, they were taken from the jail by the sheriff and his deputy, beaten, shot, and killed. They were killed for trying to help people become participants in the democratic process.

During that dark period in our recent past, black men and women who were teachers in public schools, colleges and university professors were told that they could not read well enough and they failed their so-called literacy test. On one occasion a would-be voter was asked to name the number of bubbles in a bar of soap. On another occasion, a person was asked to count the number of jelly beans in a jar.

Yes, we have made some progress. We have come a distance. We are no longer met with bullwhips, fire hoses, and violence when we attempt to register and vote. But the sad fact is, the sad truth is discrimination still exists, and that is why we still need the Voting Rights Act. And we must not go back to the dark path.

We cannot separate the debate today from our history and the past we have traveled. When we marched from Selma to Montgomery in 1965, it was dangerous. It was a matter of life and death. I was beaten, I had a concussion at the bridge. I almost died. I gave blood, but some of my colleagues gave their very lives.

We must pass this act without any amendment. It is the right thing to do, not just for us, but for generations yet unborn. When historians pick up their pens and write about this period, let it be said that those of us in the Congress in 2006, we did the right thing, and our forefathers and our foremothers would be very proud of us.

Let us pass a clean bill without any amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

The Acting CHAIRMAN. The gentleman is recognized for 3 minutes.

Mr. SENSENBRENNER. Mr. Chairman, following the gentleman from Georgia (Mr. LEWIS) is always a very tough act, but I would like to reiterate what he so eloquently said. We need the Voting Rights Act, and we need the Voting Rights Act because in the last 25 years the covered jurisdictions have not come clean.

Let's look at Georgia. Since 1982, there have been 91 objections, 91 objections submitted by the Department of Justice. And since 2002, there have been seven voting rule changes that were withdrawn by the State because of DOJ objections.

Texas, 105 objections imposed by DOJ since 1982, and 14 voting rule proposals were withdrawn by the State because

of voting rights concerns in the last 4 years.

Mississippi, 112 objections since 1982, and Federal observers have been sent to this State 14 times to monitor elections since 2002, most recently last year.

Louisiana, 96 objection since 1982, eight Department of Justice objections to voting rules have been lodged since 2002, most recently in 2005, and 10 voting rule proposals withdrawn by the State in the last 4 years.

South Carolina, 73 objections since 1982.

North Carolina in the covered jurisdictions, 45 objections since 1982.

And Alabama, 46 objections, and Federal observers have been assigned to the State 65 times since 2000 to monitor elections.

Arizona, 17 objections since 2002, and Federal observers have been assigned to that State 380 times since 2000 to monitor elections, including 107 since 2004.

Now, I think these figures ought to make it very clear that we need this bill, and we need this bill without any of the four amendments that are about ready to be offered.

And, finally, before we get into the debate on the amendments, I would like to offer my thanks to the staff people who have helped put together this record, Paul Taylor, the chief counsel of the Subcommittee on the Constitution; Kim Betz, the subcommittee counsel; Stephanie Moore, the Democratic counsel to the Committee on Judiciary and counsel to Mr. WATT; and, most particularly, Philip Kiko, who is chief of staff and general counsel of the committee, who is part of the institutional memory, because he helped me get the Voting Rights Act extension passed and signed in 1982.

We put in the work on this, we have done the hearings, the record is replete. We need this law extended, and we need it extended for 25 years. Vote ''yes'' on the bill, ''no'' on the amendments, and let's go down in history as the House that did the right thing.

Ms. DEGETTE. Mr. Chairman, I rise in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I am honored to have an opportunity to vote for H.R. 9, a bipartisan bill which makes important changes to the Voting Rights Act and extends otherwise expiring provisions for another 25 years.

As we reaffirm the Voting Rights Act today, it is worth remembering where we were before its historic initial passage. During the end of the 19th and the first half of the 20th centuries, State and local governments, particularly in the South, used multiple schemes to deny minorities, mainly African-Americans, the ability to register and meaningfully vote. These insidious methods included poll taxes, property requirements, literacy tests, residency requirements, the changing of election systems, and the redrawing of municipal boundaries.

The real beginning of the end of this disenfranchisement was the enactment of the initial Voting Rights Act of 1965, courageously passed by Congress and signed into law by President Lyndon Baines Johnson. As applied to certain States and jurisdictions, among other provisions, it prohibited literacy tests, authorized the sending of Federal examiners and observers to make sure people could register and vote, and required changes in election laws or systems be approved by the Federal Government to ensure minorities were protected.

Over the years the Voting Rights Act has been extended and improved numerous times. Congress expanded its protections to cover language minorities, required elections services, in certain circumstances, to be provided in a language other than English, and overruled the 1980 Supreme Court case of City of Mobile v. Bolden, allowing plaintiffs to prove violations of voting rights laws by showing a discriminatory effect as opposed to requiring a showing of discriminatory intent.

The results of the Voting Rights Act have been dramatic. The registration of African-American voters in the 11 States of the former Confederacy increased from 43.1 percent in 1964 to 62.0 percent in 1968. The gap between African-American and White registration rates shrank as well across much of the South. For example, in Mississippi this gap decreased from 63.2 percentage points in March 1965 to 6.3 percentage points in 1988.

Having a meaningful opportunity to exercise one's right to vote is no longer simply an abstract idea we talk about, but is instead a goal we strive to achieve for all. The evidence shows it is a mark we are increasingly meeting and all Americans should be proud of what we have been able to accomplish. As we celebrate our progress, however, it is important to remember that challenges remain.

Whether it is because of outdated election machinery or long lines at the polls, many people still find it difficult to vote. Too often these impediments are faced disproportionally by minorities and low-income citizens. The Federal Government must continue the role it started in earnest back in 1965, and continued through the Help America Vote Act of 2002, of working to ensure that all Americas are free to exercise their right to vote. Through its involvement and commitment of resources, I know we will succeed.

Mr. PAUL. Mr. Chairman, it is shameful that Americans were once routinely denied the ability to vote on account of their skin color. All Americans should celebrate the Voting Rights Act's role in vindicating the constitutional rights of all citizens to vote free of racial discrimination. Therefore, I was hoping I could support reauthorization of the Voting Rights Act. However, I cannot support H.R. 9 because it extends the unfunded bilingual ballots mandate.

I had joined with my colleague from Iowa, Mr. KING, in supporting an amendment to strike the bilingual ballot mandate, which was unfortunately rejected by this House. Mr. Speaker, despite the fact that a person must demonstrate a basic command of the English language before becoming a citizen, Congress is continuing to force States to provide ballots in languages other than English. If a knowledge of English is important enough to be a precondition of citizenship, then why should we force States to facilitate voting in languages other than English?

Of course, Mr. Chairman, I have no desire to deny any American citizens the ability to vote. Contrary to the claims of its opponents, Mr. KING's amendment does not deny any American the ability to vote. Under Mr. KING's amendment, Americans will still have a legal right to bring translators to the polls to assist them in voting, and States could still choose to print bilingual ballots if the King amendment passes. All the King amendment did is repeal a costly Federal mandate.

In conclusion, while I recognize the continuing need for protection of voting rights, I cannot support this bill before us since it extends the costly and divisive bilingual ballot mandate.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of H.R. 9, the Voting Rights Reauthorization Act. It was once said that ''a majority has no right to vote away the rights of a minority; the political function of rights is precisely to protect minorities from oppression by majorities.'' The amendments offered today by the majority seek to do precisely that; oppress the voting rights of minorities all over America to fairly and freely vote in elections.

While I am pleased to see this important, critical, and bipartisan bill brought to the floor, I am disheartened to see amendments offered that would weaken the core of H.R. 9 and would take a step backward in the fight for equality.

Since the birth of our Nation, no other right has been more important than having the ability to vote. Unfortunately, as history has shown, the denial of this right to minorities is a scar on our system of democracy. The passage of the groundbreaking Voting Rights Act of 1965 broke down barriers that stood in the way of African-Americans and minorities to vote, and we must pass H.R. 9, without the gutting amendments, to ensure that these barriers of discrimination, intimidation, and inequality will never be built again. Just as the Voting Rights Act of 1965 gave voice to millions of African American and minority men and women, H.R. 9 will ensure that voice for millions more in generations to come.

H.R. 9 would renew provisions of the Voting Rights Act of 1965 that protect minority voters in States and districts that have a documented history of voter suppression. It would extend the provisions of this bill for an additional 25 years, require the U.S. Attorney General to send Federal observers to monitor elections to make sure that eligible African-American and other minority voters are permitted to vote, it would extend bilingual requirements, and it would prohibit the use of any kind of test or devices to deny an individual the right to vote.

Each and every Member of the House has the unique opportunity today to continue the work of the great civil rights leaders of the past, Martin Luther King, Jr., Coretta Scott King, Rosa Parks, Fannie Lou Hammer, and our own JOHN LEWIS, to overcome the ghosts of oppression and fight for a new day of equality and respect for every individual.

I urge my colleagues, Republican and Democrat, to vote for H.R. 9 and oppose all amendments.

Mr. STARK. Mr. Chairman, I rise in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

This historic legislation, first signed into law by President Johnson in 1965, has eliminated the most blatant forms of discrimination in voting practices and continues to send a strong message that American voters of all races

have the full support and enforcement of the United States Government behind them when they exercise a basic democratic right.

Contrary to the arguments of those that believe this law is no longer necessary, the extensive hearing record that accompanies this legislation proves that the need is as great as ever. In Georgia alone, 91 objections to voting practices have been processed by the Department of Justice since 1982, including 4 objections since 2002, preventing discriminatory voting changes from being enacted.

Indeed, additional action is necessary to guarantee the right to vote. Congress has failed to address the more subtle forms of discrimination that plague our voting system and were on full display in the last two presidential elections. The right to vote doesn't mean much to an individual who has to wait in a 3-hour line to cast a ballot or who has a hostile election worker deny their right to a provisional ballot. Nor is the right to vote honored when votes mysteriously disappear and can't be accounted for in a recount because there is no paper trail.

In 14 States, felons are denied the right to vote even after they serve their sentences. I sincerely doubt the public would support a law prohibiting felons from freely practicing their religion after completing their prison terms. Yet we deny an equally fundamental right to millions of Americans who may have written a bad check or been convicted of a minor drug offense.

These issues are just as threatening to our democracy as poll taxes and voter intimidation, and so today cannot be viewed as the capstone, but rather the foundation, of our efforts to guarantee the right to vote.

Mr. SHADEGG. Mr. Chairman, I strongly support civil rights and the constitutional right of each and every individual to vote unimpeded by government or any other entity. Regrettably, however, this piece of legislation is deeply flawed and offers a disincentive for many States to continue on the path to voting equality. Let me explain why.

The 1965 Voting Rights Act helped rid the voting process of structural discrimination against minority voters—in every State and every region. Provisions such as section 2 of the act bar the dilution of minority voting rights anywhere in the United States. The VRA also includes a formula to impose increased scrutiny on election-related decisions in certain States or counties. These jurisdictions—all or part of 15 States covering most of the South and my State of Arizona—are required to "preclear" every election change with the U.S. Department of Justice, everything from decennial redistricting to simply moving a polling place. The Department of Justice is tasked with determining whether election changes would diminish minority voting rights.

Today, 41 years later, the VRA's preclearance provision still relies on the formula derived from 1964 election data. The legislation before the House today does not update the formula to include more recent electoral data, nor does it modify the formula in recognition of the accomplishments of States since that time. This portion of the VRA simply does not reflect America's changing demographics or the progress our society has made over the last 40 years. States, particularly "section 5" States, have worked tirelessly to ensure that discrimination has no place in the voting process, yet the legislation before us continues to single out these States for unique and extraordinary scrutiny and it imposes no additional scrutiny on States that have impaired minority voting rights in the past since 1964. Neither is fair.

While not perfect, I would support an extension of the existing VRA. However, the bill on the floor today includes new requirements that minority groups must have the ability to elect "preferred candidates of choice." The Department of Justice will somehow have to determine what constitutes a "preferred candidate of choice"—potentially concluding that a minority candidate must be of a particular party. Expecting the Department of Justice or courts to determine the "preferred candidate of choice" invites electoral disaster. Prominent VRA experts, including former Solicitor General of the United States Theodore Olson, have concluded that this bill may result in the Department of Justice requiring district lines be drawn to benefit a particular party, politicizing redistricting and the VRA in a particularly egregious fashion.

The original bill theoretically allows jurisdictions to bailout of section 5 coverage. However, no State has ever been able to do so. If we want to encourage States to get out from under section 5 "preclearance" we must give them incentive to do so. Under the current criteria, no State will ever be able to get off the list.

Equality in the voting process is of utmost importance to me and I believe it is vital to protect minority rights. For this reason, I voted against an amendment that would strip the bill of its multilingual ballot provisions. Whether an individual is Hispanic, Navajo, or of any other background, he or she should be able to seek help when it comes to casting their vote.

Mr. Chairman, the right to vote, unimpeded, is a constitutional right for all citizens of the United States and should be protected. However, this act does not recognize the great progress that has been achieved over the past 40 years. This is a bill trapped in time; and for that reason, I ask you to join me in voting against H.R. 9 in its current form.

Mrs. CUBIN. Mr. Chairman, the enactment of the Voting Rights Act of 1965 marked a turning point in our Nation's history. The statute has succeeded in combating the voting disenfranchisement that was an ugly stain on our Nation's democratic ideals.

While there is no doubt that the Voting Rights Act was necessary when enacted, some of the bill's provisions have turned into a costly financial burden for States affected by the law. The bilingual ballot provisions come at a tremendous social cost as well, contradicting the requirement that immigrants develop English language skills in order to become naturalized as citizens.

As our Nation is founded on the influences of a wide range of ideas and cultures, the ability to share and use these ideas is facilitated by a common language—the English language. By encouraging national unity on this front we help to avoid the deep divisions which help keep certain regions of the world in turmoil.

Concerns about the Voting Rights Act are not limited to the South, nor are they limited to the preclearance provisions or bilingual ballots. The 1982 reauthorization of the law amended the act to define discrimination in terms of results rather than in terms of intent, raising serious constitutional concerns. Because of the way some courts have interpreted the Voting Rights Act, the law meant to safeguard the democratic process has become a catalyst for costly litigation for uncertain benefit.

My views on this and other portions of the Voting Rights Act are eloquently stated in an article by Roger Clegg, "Revise Before Reauthorizing," which I hereby submit for the RECORD.

The Voting Rights Act has a long record of service to our democracy and much of it should remain in place. I am compelled to support the measure in order to combat the pockets of discrimination that remain in our Nation. I do, however, urge our House leaders to work with the Senate to rectify the law's shortcomings as it moves through the legislative process.

REVISE BEFORE REAUTHORIZING

(By Robert Clegg)

August 6 marks the 40th anniversary of the Voting Rights Act, and several provisions of the law are up for reauthorization in 2007. In a recent address to the NAACP's annual convention, House Judiciary Committee chairman James Sensenbrenner (R., Wisc.) endorsed an across-the-board reauthorization. He shouldn't have. While much of the act should stay in place, there are five major problems with it as currently written and interpreted.

First of all, it is bad to define "discrimination" in terms of results (i.e., whether racial proportionality is achieved) rather than in terms of intent (i.e., whether an action is taken because of race). The Voting Rights Act used to mean the latter, but in 1982 was amended to include the former as well.

As a result, a state that adopts a neutral rule, without discriminatory animus, and applies it evenhandedly can still be in violation of the Voting Rights Act if the Justice Department or a federal judge finds that the rule "results" in one race being better off than another and there is not a strong enough state interest in the rule.

For instance, suppose that a state decides that it wants to allow voter registration over the Internet, in addition to other ways of registering. There is nothing about race in the new procedure, no evidence that it was adopted with an eye toward helping one race more than another, and no evidence that it is being implemented in a discriminatory way. But suppose that more whites, proportionately, use the procedure than blacks. The state is therefore vulnerable to a claim that its new procedure "results" in racial discrimination in violation of the Voting Rights Act.

So, the act should be changed back to its pre-1982 language, to require a showing of actual racial discrimination—that people are being treated differently because of race.

Second, the Voting Rights Act now requires—or, more accurately, has been interpreted to require—the maintenance and even the creation of racially defined districts. This is a bad thing. One would think that our civil-rights laws would be designed to end discrimination, with the happy byproduct of facilitating integration. Instead, the Voting Rights Act encourages racial gerrymandering, which is both discriminatory and leads to segregation.

Ironically, the Supreme Court made clear in a series of decisions in the 1990s that the Constitution itself does not allow racial gerrymandering, meaning the creation of districts to serve racial constituencies. (Where race is used as a means to achieve politically gerrymandered districts, the Court has been more forgiving; in other words, it is one thing when the state figures that blacks are

likely to vote Democratic and therefore zigs and zags to take this political fact of life into account—assuming that race is the best proxy for voting behavior available—but something else if the zigging and zagging is to create a black-controlled district for the very reason that the state wants a black-controlled district.) Yet much of the jurisprudence of the Voting Rights Act now requires exactly that kind of gerrymandering. Under Section 2 of the act, majority-minority districts must be drawn if the three-part test set out by the Supreme Court's 1986 decision in Thornburg v. Gingles is met, absent unusual circumstances; under Section 5, if a majority-minority district existed once, it—or some similar racial ''edge''—must be preserved in perpetuity.

So, the law should be amended to make clear that there is no requirement that districts be drawn with the racial bottom line in mind—and, indeed, that such racial gerrymandering is in fact illegal.

Third, the Voting Rights Act as interpreted by the courts literally denies the equal protection of the law—that is, it provides legal guarantees to some racial groups that it denies to others. A minority group may be entitled to have a racially gerrymandered district, or be protected against racial gerrymandering that favors other groups; at the same time, other groups are not entitled to gerrymander, and indeed may lack protection against gerrymandering that hurts them. No racial group should be guaranteed safe districts or influence districts or some combination thereof unless other groups are given the same guarantee—and it is impossible to do so (and it is, in any event, a bad idea to encourage such racial obsession).

So, the act should be amended to make clear that it guarantees nothing for one racial group that it does not guarantee for all racial groups.

Fourth, in many circumstances the Voting Rights Act currently requires that ballots be made available in languages other than English—an odd provision, since the ability to speak English is generally required for naturalized citizens, and citizenship is generally required for voters. The provision does, however, remove another incentive for being fluent in English, which is the last thing the government should be doing. This provision in the act should be removed.

Finally, the whole mechanism requiring some jurisdictions to ask, ''Mother, may I?'' of the federal government before making any change in voting practices and procedures needs to be rethought. We should not continue to have such a ''pre-clearance'' mechanism at all, and in any event surely the current law—which singles out parts of the South and just a few districts elsewhere, notably in New York City and California—is out of date. This mechanism was considered ''emergency'' legislation when it was passed 40 years ago: Does it really make sense now to have a different law for Texas versus Arkansas, or Maryland versus Virginia, or New Mexico versus Arizona? This provision of the act needs to be removed or, at least, rewritten, so that troublesome districts are more fairly identified.

Celebrate the Voting Rights Act—but not without updating it for the 21st century.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the reauthorization of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I am proud to be a cosponsor of this important legislation, known as the VRA.

The VRA was first enacted in 1965. Since the passage of the VRA, many discriminatory practices and barriers to political participation have been eliminated, enfranchising millions of racial, ethnic, and language minority citizens.

Sadly, in spite of these advances, this landmark legislation is still needed today. The fact remains that hate groups continue to exist in this country and unscrupulous politicians, for their own political advantage, continue efforts to disenfranchise vulnerable voters.

Just last month, on June 28, the U.S. Supreme Court ruled in GI Forum v. Texas that a 2003 redistricting plan in Texas Congressional District 23 violated the voting rights of Latino voters. The Supreme Court ruling was a resounding affirmation of the need for the Voting Rights Act.

The National Commission on the Voting Rights Act recently released a report which highlighted a troubling pattern of voter discrimination against minority citizens across the nation. Without a clean reauthorization of the VRA, key provisions that protect against these abuses will expire in 2007.

One key provision that will expire is Section 203. Voting instructions and ballot information can be confusing even for the native-born, fluent in English. Section 203 ensures that taxpaying American citizens, who are not fluent English speakers, receive the language assistance they need in order to participate in the election process through well-informed choices. The ability to vote in an informed way will also encourage greater voter participation.

Another key provision set to expire in 2007 is section 5. Section 5 requires certain states, with a history of discriminatory practices, to get permission from the Justice Department prior to changing their election process. This is a necessary safeguard against the potential disenfranchisement of poor and minority voters living in these States.

Mr. Chairman, the Voting Rights Act continues to be as relevant today as it was in 1965. While the discrimination existing today may take a different form than that of 1965, the fact remains it still exists in 2006.

The Voting Rights Act is an important deterrent and protection against the disenfranchisement of thousands of American citizens.

As the model of Democracy for the world, we cannot afford to lose one of the fundamental expressions of our democracy—open, free and unencumbered elections. I urge my colleagues to support this bipartisan effort to renew the Voting Rights Act.

Mr. BLUMENAUER. Mr. Chairman, I support the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization in hopes that it will be a vehicle for true comprehensive election reform on a national level.

More than 40 years ago the Voting Rights Act was enacted as a direct response to purposeful discrimination that denied many Americans, mostly African American, equal voting rights. Currently only 16 States are covered. I am disappointed that we have not broadened our scope and our vision.

Currently Georgia is considering changes to its voter registration which will fall disproportional on its African American citizens who have long suffered discriminatory practices.

This further proves that discrimination is alive and well in today's society. We must keep the faith with the civil rights struggle. There are a number of demographics, such as low income citizens, who are still targeted by those who shamelessly continue to manipulate the system.

Reauthorizing the Voting Rights Act for another 25 years is questionable considering the changes that should be made to address the political manipulation seen in recent years in elections through redistricting and with voting machines.

For instance, in Texas a politically driven redistricting between censuses altered the political dynamic of a geographic area and its voters. any professionals in the Justice Department were convinced that the Tom DeLay driven scheme had serious problems but were overridden by the political appointees who were their bosses. In Ohio, during the last Presidential election, inner-city voters had to deal with a purposeful lack of voting machines that led to lines that were hours long. The fact that these issues are not being addressed by this legislation shows its shortcomings and the need for further reform.

We should take a principled stand to make our election process work better for the American public. We need elections that are fair, where every vote is counted, and people have equal access to the polls. Without addressing these concerns this vote is largely a symbolic effort that does little to change the overall distrust with the election process. I hope it improves during the next steps of the legislative process.

Mr. CUMMINGS. Mr. Chairman, I rise in support of H.R. 9—bipartisan legislation to reauthorize the Voting Rights Act of 1965, and in opposition to the King amendment.

Fannie Lou Hamer, Rosa Parks, and Coretta Scott King—together with thousands of other Americans—fought tirelessly to vanquish discrimination and exclusion.

I recall their sacrifice for my colleagues, along with the observation of Dr. King during his 1957 Prayer Pilgrimage to Washington:

''All types of conniving methods are still being used to prevent the Negroes from becoming registered voters,'' Dr. King declared. ''The denial of this sacred right is a tragic betrayal of the highest mandates of our democratic tradition.''

Unfortunately, our nation still needs the protections that the VRA provides—I cite the states of Georgia, Ohio, and Florida as recent examples that represent the betrayal to which Dr. King refers.

Mr. Chairman, the four amendments approved by the Rules Committee are poison pills for the VRA. All four diminish the right to vote, are constitutionally unsound and violate the intent of the act. This amendment is no exception.

I urge my colleagues to vote to reauthorize the VRA—without the poison pill amendments.

Mr. KIND. Mr. Chairman, the Voting Rights Act of 1965 upholds the promise made in 1776 that all citizens are created equal. This historic legislation reaffirms the principles of equal opportunity and treatment for which so many were willing to shed their blood or give their lives during the civil rights movement of the 1950s and 1960s.

Last year, I had the honor of joining civil rights leader Congressman JOHN LEWIS from Georgia on a congressional pilgrimage to visit the historic sites of the civil rights movement and retrace parts of the 1965 Voting Rights March in Alabama. During the trip, we commemorated the 40-year anniversary of the march at the Edmund Pettus Bridge, the site of the violent attack on voting rights demonstrators known as Bloody Sunday.

We remember the events of the civil right movement in this country, not only to honor the courage, sacrifice, and accomplishments of those like JOHN LEWIS but also to rededicate ourselves to their ongoing work: the pursuit of justice, love, tolerance, and human rights in our country and throughout the world. Their cause must be our cause today. As long as the power of America's diversity is diminished by acts of discrimination and violence because of race, sex, religion, age or sexual orientation, we must still overcome.

And deep in my heart, I do believe we shall overcome. In the words of Dr. Martin Luther King: ''Human progress never rolls on the wheels of inevitability. It comes through the tireless efforts of men willing to be co-workers with God.'' As long as we move forward as one Nation, united in our common goals, we can cross any bridge; we can overcome any challenge.

The guarantee that all American citizens have a right to be full participants in our democracy is a fundamental American right. It is important that we live up to our nation's ideals of equality and opportunity for all and reauthorize the 1965 Voting Rights Act today. It is also my belief that we should make the act permanent, rather than reauthorizing it for short periods.

Mr. DAVIS of Florida. Mr. Chairman, I rise today in support of H.R. 9 ''The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.'' I am proud to support this legislation and the bipartisan efforts that have brought it to the floor today.

The renewal of these key provisions of the 1965 Voting Rights Act is a critical opportunity to provide continued oversight and reform to our election system. This legislation will ensure that minority voters who have been disenfranchised in the past will not run the risk of facing such hurdles in the future. Though the Fifteenth Amendment of our Constitution guarantees the right of all citizens to vote free of discrimination, it is important that these provisions of the Voting Rights Act are renewed so as to clarify and expand this fundamental American right.

In addition to its importance on a national stage the beneficial effects of the Voting Rights Act have been felt locally in the Tampa Bay area, which I represent. In 1992, as a result of a Section 5 objection to Florida's reapportionment plan, the state created a new majority-minority state senate district in the Hillsborough County area. This new seat was created to account for the more than 40.1 percent of African American and Hispanic members of the voting age population in the area. Prior to this change, the legislative record shows that the redistricting had been undertaken with the intention of protecting the white incumbent.

I urge my colleagues to join me in supporting H.R. 9, the Voting Rights Act Reauthorization, and ensuring that the right to vote is protected for generations to come.

Mrs. MCCARTHY. Mr. Chairman, The Voting Rights Act was established to end decades of oppressive tactics used to deny millions of African-Americans, Latinos, Asians, and Native Americans from exercising their right to vote. Forty years later, it is clear that the Voting Rights Act was one of the most necessary and effective civil rights laws ever enacted. Without it, America would be a very different place.

While great progress has been made since 1965, much work is left to be done. There are still people out there who want to suppress the vote of certain groups and this legislation will make sure no voter is disenfranchised. It will take more than 40 years of the Voting Rights Act to undo more than 100 years of Jim Crow.

Prior to the law's enactment, members of certain communities faced countless impediments to voting such as poll taxes, harassment, intimidation, and even violence when attempting to participate in elections. It is important to remember that these shameful tactics were not exclusive to the South, but common throughout the entire United States.

Thanks to the Voting Rights Act, there are more than 9,000 African American elected officials in the United States today, as opposed to only 1,479 in 1970. These numbers would have been unthinkable 40 years ago.

In order for democracy to thrive, everyone must have the right to vote, regardless of race, religion, or income. It is not only the responsibility of every American to vote, but also to ensure everyone is allowed to exercise to participate in the electoral process.

The Voting Rights Act of 1965 worked, and Congress must allow it to continue to work for future generations.

Mr. MOORE of Wisconsin. Mr. Chairman, I rise today in strong support of the ''Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act.''

Today we are reauthorizing critical components of the Voting Rights Act that will ensure that all citizens can carry out the fundamental right to vote and have the opportunity to elect their candidate of choice.

I know there has been push back from certain colleagues about certain provisions, such as the language assistance provision. I wanted to remind everyone that these are all U.S. citizens that are helped by this provision and a majority of the people who will benefit from these language assistance services are native born citizens.

It's not only citizens of Spanish-speaking heritage or Asian Americans, we are also talking about American Indians and Alaskan natives. These are people whose ancestors were here long before yours or mine and deserve every assistance possible when it comes to voting.

Today, as we consider the reauthorization of the Voting Rights Act, let us reflect on our ancestors and those who dedicated their lives toward civil rights causes, such as Fannie Lou Hamer, Rosa Parks, Coretta Scott King and her husband Dr. Martin Luther King.

Dr. King led the symbolic voting rights march from Selma, Alabama to the capital city of Montgomery, which motivated Lyndon Johnson to push Congress to pass the Voting Rights Act of 1965. Some of the provisions in the Voting Rights Act itself were first outlined in a March 14, 1965 article in The New York Times written by Dr. King.

In his speech after the Selma to Montgomery March, Dr. Martin Luther King said:

> Let us march on ballot boxes, march on ballot boxes until race-baiters disappear from the political arena. Let us march on ballot boxes until we send to our city councils, state legislatures, and the U.S. Congressmen (and women) who will not fear to do justly, love mercy and walk humbly [with thy God]. Let us march on ballot boxes until brotherhood (and sisterhood) becomes more than a meaningless word in our opening prayer.

The Voting Rights Act empowers us to confront the deceitful tactics used to undermine minority voters.

The Voting Rights Act empowers us to seek justice and support the policies in which we believe.

The Voting Rights Act empowers us to achieve the true definition of democracy, and ensure that every American has the right to vote.

In memory of the many great civil rights leaders that have passed on and in unity with many of the great ones to come, I urge my colleagues to pass the Voting Rights Act and reject any amendments that undermine this monumental bill.

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. Throughout my career in public service, I have fought to protect Americans' most fundamental right—the right to vote. As the secretary of state of Rhode Island, I worked to ensure the accuracy of our elections and to guarantee that all eligible voters were able to cast a ballot. I have the most profound respect for the great Americans who came before us and who worked tirelessly to fight injustice in our electoral system. We honor their service and their sacrifice today by reauthorizing the Voting Rights Act, and I am proud to be a cosponsor of this important legislation.

The Voting Rights Act has proven extremely effective in expanding the freedom to vote to citizens who had previously been disenfrachised, and, as a result, minorities have been able to participate in elections at record levels. However, while we have made significant progress, recent cases of voter intimidation and discrimination demonstrate that we have more to accomplish. We need to reauthorize this landmark legislation so that we may build on past progress.

The Voting Rights Act's strength lies in its mandate that states not use tests of any kind to determine a citizen's eligibility to vote, and in its requirement that states with a history of unfair voting practices obtain federal approval before enacting any election laws that may have a discriminatory effect. I am deeply disturbed that a vocal contingent of Republicans wants to weaken this bipartisan legislation by gutting the very provisions that have made the Voting Rights Act one of the greatest legislative accomplishments in our history. I strongly urge my colleagues to oppose the amendments we will consider today and to support final passage of H.R. 9 so that we may continue to protect the most precious right of Americans—the right to vote.

Mr. THORNBERRY. Mr. Chairman, ''We hold these truths to be self-evident, that all men are created equal.''

''It is a sordid business, this divvying us up by race.''

Mr. Chairman, those two sentences sum up my concerns with this bill. The first comes from the Declaration of Independence; the second from Chief Justice Roberts' opinion in League of United Latin American Citizens et al. v. Perry, a case about this very Act.

We should be moving closer to that American ideal of God-given equality before the law, rather than ''divvying us up by race'' for another 25 years, as this bill would do.

To have different levels of scrutiny apply to various states, based on judgments made 40 years ago that are no longer accurate or justified, is wrong. There is simply no reason to believe that Texas requires more Federal supervision of voting than does Ohio or Florida or any other State. The same standard should apply equally to each person across the country, regardless of where he or she lives.

I am anxious for the day when race and skin color is as irrelevant to voting as is hair color. Unfortunately, this bill pushes that day 25 years further away.

Mr. DAVIS of Illinois. Mr. Chairman, I appreciate having the opportunity to share with you my thoughts on the Extension Voting Rights Act of 1965 and the enormously positive impact it has had on our Nation. I am very gratified to know the strong support for reauthorization of the Voting Rights Act and appreciate your leadership on this important issue.

The importance and necessity of the Voting Rights Act cannot be overemphasized. We have learned through experience what a difference the vote makes to us. In 1964, the year before President Johnson signed the Act into law there were only 300 African American elected officials in the entire country. Today, there are more than 9,100 black elected officials including 43 members of Congress.

Let me be clear: expanding the opportunity to vote in America goes far beyond simply ensuring that minority voters have a voice or that African American politicians get elected. The Voting Rights Act has enhanced the lives of all Americans, not just Black Americans, not just minorities. By opening up the political process, the Voting Rights Act has made available a broader pool of political talent, greatly improving the quality of representation for all voters. Just as important, the Voting Rights Act has been instrumental in moving America closer to its true promise and, thus, has significantly benefited every single American, regardless of their race, economic status, national origin or political party.

I've heard it suggested that the Voting Rights Acts—or certain key provisions—need not be reauthorized because its very success has rendered it obsolete. This is a fallacy—and I urge you in the strongest possible terms not to fall for it. The Voting Rights Act must be reauthorized because it works!

African Americans in the South were prevented from voting by a battery of tactics—poll taxes, literacy tests that were for blacks only, and the crudest forms of intimidation. From the Southwest to some urban areas in the Northeast and Midwest, Latinos were discourage from voting by subtler but also effective techniques that exploited the vulnerabilities of low-income newcomers, for whom English was a second language. Both groups were also the targets of districting designed to dilute their ability to elect officials of their own choosing—a fundamental freedom that all too many Americans take for granted.

That is why it is so important that the Congress renew all three provisions that are set to expire: Section 5, which requires a federal approval for proposed changes in voting or election procedures in areas with a history of discrimination; Section 203, which requires some jurisdictions to provide assistance in other languages to voters who are not literate or fluent in English; and the portions of Section 6–9 of the Act which authorize the federal government to send federal election examiners and observers to certain jurisdictions covered by Section 5, where there is evidence of attempts to intimidate minority voters at the polls.

I am gratified at the degree of support—on both sides of the aisle—for the reauthorization of the Voting Rights Act. I urge you to also recognize the continued need for preclearance and other special provisions that are so necessary for the continued progress we must make as a nation.

Mr. LEVIN. Mr. Chairman, I rise in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

We stand here today with a historic opportunity to improve and renew one of the greatest advancements in the history of our American Democracy.

In 1965, in a direct response to evidence of pervasive discrimination taking place across the country, including the use of literacy tests, poll taxes, intimidation, threats and violence, Congress enacted the Voting Rights Act. Since 1965, we have come a long way towards breaking down the many entrenched barriers to minority participation, but exhaustive hearings and testimony have clearly indicated that more can and must be done.

Opponents of this legislation make the false presumption that the Voting Rights Act has accomplished its goals and is therefore no longer necessary. Yet since its last reauthorization in 1982, the Department of Justice—under the Voting Rights Act—has objected to over 1,000 proposed changes to voting laws because they would have denied equal access to the political process.

Other Members would eliminate Section 203, which provides voters with language assistance at the ballot box. The current law requiring bilingual voting assistance was enacted because Congress found evidence of blatant discrimination against non-English-speaking voters. Many American citizens are proficient in English, but may not be able to fully comprehend the complex legal wording in ballot initiatives. It is important to remember that there are American citizens who can speak English, but not read it. Bilingual assistance is necessary to ensure that these citizens are not left out of the political process.

Today four amendments have been offered which seek to severely weaken and undermine the Voting Rights Act. These amendments seek to turn back the clock on the advancements made since 1965 in the enfranchisement and participation of minority voters. Let me be clear, I oppose any attempt to water down the Voting Rights Act, and will oppose each and every one of these damaging amendments.

Back in the early 1970s, I worked together with Congressman JOHN LEWIS—who was one of thousands to risk his life to challenge the discriminatory voting practices of the time—registering voters in Mississippi. Since then, our country has made substantial strides in expanding and ensuring the right to vote for all American citizens, yet discrimination still exists. Cases remain where absentee votes are deliberately ignored, voters continue to be unjustly purged from voter rolls, and problems with electronic voting machines persist.

Reauthorizing the Voting Rights Act is absolutely essential as we continue to work for complete equality in the voting process. I truly believe that the Voting Rights Act is the most effective civil rights law ever enacted, and I strongly support its passage without amendment.

Mr. WELLER. Mr. Chairman, I rise today in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. This legislation is an important recommitment of our dedication to the principle that all United States citizens, regardless of race, have equal opportunity to cast their vote in our democracy.

Mr. Chairman, The Voting Rights Act, and civil rights in general, have always been a part of Republican legislative history. During the 152 year history of the Republican Party, we have not wavered in our fight for the freedom of individuals. Our party played a significant role in bringing an end to slavery, worked diligently to extend the right to vote to all U.S. citizens, regardless of race, gender or creed, led the civil rights legislation of the 60's, and, today, is continuing to advance the cause of freedom around the world.

In 1866, Republicans in Congress passed the nation's first ever Civil Rights Act. Three years later, in 1869, Republicans proposed a constitutional amendment, guaranteeing minorities the right to vote. Ninety-eight percent of Republicans voted for this amendment, which led to its passage and inclusion as the 15th amendment to our Constitution.

Continuing the Republican legacy of advancing individuals civil rights, U.S. Senator Everett Dirksen, from my home state of Illinois, was responsible, more than any other individual, for the passage of the 1964 Civil Rights Act. His leadership paved the way for its passage and the enormous support from Republicans for this Act carried over into 1965, when a higher percentage of Republicans in Congress voted for the Voting Rights Act than did their Democratic colleagues.

H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, will extend and revise the Voting Rights Act of 1965 to enhance the intended purpose of protecting the constitutional right of all citizens to vote and, in effect, their right to actively participate in the governing of our county. This bill protects the ability of all citizens to elect their preferred candidate by prohibiting discriminatory voting qualifications and prerequisites. By supporting this bill, we are not only defending the rights of U.S. citizens, we are adding to our country's long history of protecting liberty and freedom.

I believe it is imperative that this legislation garner the strong support of the entire House of Representatives. The Voting Rights Act Reauthorization and Amendments Act of 2006 carries on the legacy of its 1965 predecessor and creates greater safeguards for all American voters.

I would like to thank our distinguished Speaker, the gentleman from Illinois, for his leadership on this legislation and for bringing it to a vote on the floor. I urge all my colleagues to protect our citizens, and our constitution, by voting in favor of this legislation.

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of H.R. 9. The Voting Rights Act is one of our nation's most effective and essential civil rights laws.

Since enacted in 1965, this law has been reauthorized 4 times—each time with bipartisan support. Today, I hope that we will reaffirm our bipartisan, national commitment to voting rights for all Americans.

I would like to salute the efforts of Chairman SENSENBRENNER and Ranking Member Conyers for their tireless efforts to produce a bipartisan reauthorization bill. The right to vote is for all Americans—it is not a partisan issue. I urge my colleagues to support the underlying bill and to reject any amendments that would weaken the protections afforded under the Voting Rights Act.

One amendment that would turn the clock back on voting rights is the Amendment being offered by Mr. KING of Iowa that would strike Sec. 203 of the act, which provides language assistance for voters who need it. Striking this section is a strike to the heart of the Voting Rights Act allowing for discrimination against voters based on language. It is a backdoor attempt to reestablish a literacy test for voting.

Let us, together, pledge to fight barriers to voting. Let us say never again to the days of literacy tests, poll taxes, and intimidation and threats to voters.

Let us, together, ensure that minority communities will not have their votes diluted, costing them real representation in elected positions.

The Voting Rights Act protects our democracy. Its legacy of success is indisputable. In my own state of Texas, we went from 563 elected Hispanics in 1973 to 2,137 in 2005. The number of Hispanic elected to Congress from Texas doubled between 1984 and 2005. Yet these gains could be undone without the on-going protection of the Voting Rights Act.

The Voting Rights Act is about securing and protecting our democracy. I urge all of my colleagues to support the passage of H.R. 9 as it was reported out of committee.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 9, the Voting Rights Act. All of us are grateful for those sacrifices which forced America to bring equality and justice to all and we must continue to uphold the basic principles and sentiments embodied in the Voting Rights Act.

The landmark Voting Rights Act of 1965 guaranteed that racism and its bitter legacy would never again disenfranchise any citizen by closing the polls. The failure to ensure voting rights regardless of race or national origin was a national shame, which was finally addressed and corrected in this historic bill.

Over the last 41 years, progress continues to be made in ensuring all citizens have the right to vote. However, the past two presidential election involved vote-related controversies, which led to significant numbers of voters unable to vote or unable to have their votes counted. These instances make clear the Voting Rights Act is still necessary and much needed. I am a cosponsor of H.R. 9 because we, as Americans, must preserve and defend our most basic right and liberty—the right to have our voices heard through voting.

Mr. Chairman there is no civil rights legislation more important or effective than the Voting Rights Act. We cannot and should not return to the days before 1965. We need to extend the expiring provisions of the Voting Rights Act. I support H.R. 9 and urge my colleagues to do the same.

Mr. BISHOP of Georgia. Mr. Chairman, I rise today in strong support of the Voting Rights Act and urge this House to decisively reauthorize this legislation for another 25 years. The Voting Rights Act has been reauthorized and upheld for more than four decades, and today we must act to ensure that the provisions set to expire next year remain in effect and continue to protect the sacred right to vote.

The Voting Rights Act is one of the most important civil rights initiatives ever enacted, protecting minority voters from discrimination, and ensuring for all Americans, the right to vote in a fair and equal voting process. This bill was necessary when it was passed in 1965 and it is necessary today. It continues to work effectively to combat discrimination and its reauthorization will make certain that the gains that have been achieved for minority voters are not rolled back. Clearly we have come a long way, but as recently as yesterday a U.S. District Court blocked the enforcement of a controversial voter I.D. law, which would have required the presentation of state-issued photo identification prior to casting your ballot. In the last decade Georgia and several other southern states have continued to experience problems with race-based redistricting and government reorganization. These laws may not be as egregious as the challenges of the past, but they are no less discriminatory and reinforce the need for federal monitoring to protect minority rights.

Before I was elected to Congress in 1992, my area of Georgia had only been represented by an African American once in its history; it was for less than three months in 1870 and 1871. Jefferson Long was the first black Member of Congress from Georgia and only the second nationwide. It took 121 years and the passage of the Voting Rights Act before another African American was elected. This bill is vital to ensuring that minority voices are heard in our nation's capital and at every other level of government.

Indeed only a few short years before Jefferson Long's service in Congress, Georgians elected their first African American state legislators. The election of 1868 was the first in which African Americans in Georgia could participate in the electoral process through voting or running for office. It was hotly debated in the Georgia General Assembly whether or not the Constitution guaranteed African Americans the right to run for office, or simply to vote. Despite this debate, 33 African Americans were elected to the legislature in 1868 and began their service that summer—they were outnumbered four to one in the body by their white colleagues. They endured taunting and torment in the newspapers and on the Floor of the General Assembly. The legislature voted along color lines and expelled the black members of the General Assembly—the 33 were booted from the floor.

One of them—Henry McNeal Turner—said, "You may drive us out, but you will light a torch never to be put out." Another, Tunis Campbell, journeyed from Atlanta to Washington and asked the new President, Ulysses S. Grant, to intercede. Grant and the Congress did the right thing and ordered the Georgia legislature to readmit the expelled legislators and all 33 reclaimed their seats in Atlanta. But, by the turn of the 20th century, the devices of Jim Crow—the poll tax, literacy tests, whites-only primaries, and others—had forced each and every black representative out of office. In 1976, while I was in the General Assembly myself, the black legislators caucus donated a statue to commemorate the centennial of their ordeal.

Today, in Washington, DC, we are called to remember Turner's call—we must not let the torch go out. The Voting Rights Act brings electoral law out of the dark and promises that the discrimination and intimidation that plagued voting in the past will not be tolerated in the present. The reauthorization of this bill will renew that promise to our children and our grandchildren. We should not, we must not, and we cannot allow it to be extinguished. We must extend the Voting Rights Act today—without amendment!

Mr. FILNER. Mr. Chairman, I have been active in the struggle for civil rights since my teenage years. In 1961, I joined the first Freedom Rides to desegregate transportation facilities in our Southern States—and was arrested and imprisoned for several months in Mississippi. In 1965, I joined our colleague, JOHN LEWIS, as he led the famous march from Selma to Montgomery, AL. This led directly to Congressional passage of the Voting Rights Act. Since then, I have not forgotten my long standing beliefs and have consistently fought to uphold civil and human rights for every person in the United States.

The Voting Rights Act, adopted initially in 1965 and extended in 1970, 1975, and 1982, stands as the most successful piece of civil rights legislation ever. The Act codifies and effectuates the 15th Amendment's permanent guarantee that, throughout the Nation, no person shall be denied the right to vote on account of race or color. In addition, the Act contains several special provisions that impose even more stringent requirements in certain jurisdictions throughout the country, including the requirement to provide bilingual assistance to language minority voters.

This Act marked the first successful Federal oversight of changes to election procedures in jurisdictions that had a poor record of respecting minority voting rights in the past. These "special provisions" are set to expire in 2007. Therefore, the Voting Rights Act must pass in its entirety, without amendment.

At this time, when our country has staked much of its international reputation on the ability to spread democracy and free elections to troubled regions across the globe, the importance of keeping this Act in legislation with its special provisions is very vital. I urge my colleagues to support the reauthorization of the Voting Rights Act and reject all amendments.

Mr. EVERETT. Mr. Chairman, I reluctantly rise today in opposition to H.R. 9, the reauthorization of the Voting Rights Act. The Voting Rights Act provides important guidelines to ensure the integrity of elections, yet the legislation before us chooses to reauthorize this Act with 30 year old information. I simply cannot vote to sentence Alabama to an additional 25 years under the foot of the Justice Department without just cause.

I am disappointed that the House chose not to update the 1965 Voting Rights Act when it reauthorized the measure. The whole debate was cast as either you're for the Voting Rights Act or you're not. There was no attention paid to the fact that the Act's formulas are out of date and place the Act itself at risk of constitutional challenge. As a result, states like Alabama continue to be punished for wrongs committed 40 years ago and the same criteria will remain in effect for another 25 years, through 2032.

Furthermore, I also oppose the Voting Rights Act's mandate that States provide bilingual ballots to non-English speaking voters. This provision serves only to impede the assimilation of non-English speakers into our society.

The Voting Rights Act remains locked in a time-warp reflecting the voting realities of 1964, not 2006. The very constitutionality of the Voting Rights Act may be in question. The Supreme Court found more than 30 years ago that the Act's formula, which is based on the 1964, 1968 and 1972 presidential election voting data, was constitutional because it is was temporary and narrowly tailored to address a specific problem. Thirty years have since passed calling into question the basis of this ruling.

''I supported an amendment to update the formula used to determine which jurisdictions are required to obtain Federal ''pre-clearance'' before changing voting procedures,'' said Everett. ''The formula would be updated to reflect voting participation in the most recent three presidential elections as a basis for Federal pre-clearance instead of decades old data.''

I also voted for an amendment to strike the provision in the Voting Rights Act requiring States to provide bilingual ballots.

It must be stated that efforts to reform the Voting Rights Act are not designed to weaken its effectiveness in protecting minority voting rights. These rights will continue to be protected. Reforming the Voting Rights Act is necessary to ensure that it reflects our current society.

Alabama has made tremendous progress in the area of voter participation due in large part to the Voting Rights Act. Out of the 50 States, it is second only to Mississippi in the total number of African Americans holding public office. As recently as 2004, African Americans and Caucasians in Alabama were registered to vote in equal numbers.

Unfortunately, the Voting Rights Act remains focused on a core group of southern States which have long complied with its Federal mandate. Modernizing the Voting Rights Act would enable Alabama and other southern states to be properly evaluated on recent voter participation data. It also would help identify recent voter registration problems in other areas of the country that are currently hidden due to the antiquated formulas of the Voting Rights Act.

The provisions of the Voting Rights Act don't actually expire until 2007. Accordingly, Congress has time to go back to the drawing board and create legislation that would actually update and strengthen the Voting Rights Act. Modernizing the Voting Rights Act both serves the public interest and protects the constitutionality of the law.

Mr. BONNER. Mr. Chairman, I came to the House floor today with every desire—every hope in my heart—to vote for extending the Voting Rights Act of 1965.

Unfortunately, later this afternoon when the vote is actually called, even after several amendments that in my view would improve it have been voted on and, in all likelihood, voted down—it will be with a heavy heart—but a clear conscious—that I must vote against the underlying bill.

Please allow me to explain.

Mr. Chairman, there are 160 members of this House who are attorneys by training. Some were judges and have ruled on the merits of the law; others were distinguished members of the bar in their hometowns and communities before they were elected to Congress.

All, I am certain, are more qualified than I am—as I am not an attorney—to look at the Voting Rights Act of 1965—and its subsequent extensions over the years—and argue with more authority and legal knowledge the pros and cons of Section 2 or Section 4 or Section 5 of the Voting Rights Act, or whether or not Ashcroft v. Georgia should or should not remain a factor as new congressional district lines are drawn in the coming decades.

Likewise, every one of us here in this body comes to Congress with some degree of political acumen and understanding.

Many of our colleagues were former legislators back home; we have former governors and secretaries of state, former political science professors who once taught the subject in the classroom, even a former wrestling coach who serves today with great distinction as our Speaker.

Every person in this room is as qualified as I am—many are probably more so to peer into the proverbial ''crystal ball'' we all wish we had and try to guess whether by passing this extension, we'll be making our country a ''little more red'' or a ''little more blue.''

Let's be honest, Mr. Chairman, for many in this hallowed chamber, that is what this vote today is all about.

But while I am neither an attorney who has mastered Constitutional law nor a political expert who has extraordinary vision, I believe it is safe to say that I am the only member of this body who was born in Selma, AL, arguably one of the most significant sites in our Nation's struggle to advance the civil rights of all Americans.

As a child of the South born in the late 1950s, it is fair to say that I watched the Civil Rights Movement unfold before my very eyes.

No, I would never pretend to fully understand as a boy what men like my colleague and friend, Congressman JOHN LEWIS, went through to advance the cause of racial justice.

There is not another member of this body for whom I have greater respect or hold in higher regard than JOHN LEWIS, who, himself, is an Alabama native.

While I was a child watching the Civil Rights Movement progress, he was a young man helping to make it all happen.

And seemingly without malice in his heart, he turned the other cheek time and time again, even as Bull Conner, Jim Clark and others beat him, jailed him, spit on him, cursed him and did everything in their might to break his spirit and determination.

That, Mr. Chairman, is one reason why I have such a heavy burden with this vote.

Let me be clear about one thing: although many of our forefathers did not believe so at the time, the original Civil Rights Act of 1965 was necessary medicine to remedy an age-old ill and we Republicans can be proud—extremely proud—of the lead role our party played in its passage and enactment.

In 1965, racial discrimination was real—especially at the ballot box. In my birthplace of Selma, just over 2 percent of the registered voters were listed as African-American—even though the town of 30,000 people was over 57 percent black.

I remember hearing my parents talk about the numerous injustices that were taking place all over the South . . . of having a separate section for young blacks to watch a movie in the Alco Theater in Camden where I grew up, of having ''Colored'' water fountains at the Wilcox County Courthouse and other symbols—some large, some small—but all of which were intended to divide our country based almost solely on the color of a person's skin.

Mr. Chairman, today we can say with certainty that the Voting Rights Act of 1965 was needed and it worked. It did what it was intended to do. And in more ways than we can innumerate, we can thank God that it has changed our country for the better.

The Alabama I grew up in—in the 1960s—is a far cry from the Alabama I am privileged to represent here in this great body today.

Isn't it fitting that the first African-American female to serve our country as secretary of state is none other than a daughter of Birmingham, a lady who, as a little girl, knew the four other children who were tragically killed when a bomb exploded on Sunday, September 15, 1963, exposing the face of evil that reared its ugly head at the 16th Street Baptist Church in Birmingham.

Not a day passes when I am not so extremely proud to know that whether on the world stage, where there is so much strife and division, or coming back to help victims of Hurricane Katrina in her home State, Dr. Condeleeza Rice is a person of the highest moral standing, of the greatest integrity and is a shining example to us all.

Mr. Chairman, 50 years after she had been arrested simply for refusing to give up her seat on a bus in Montgomery to a white man, wasn't it appropriate for our Nation's capitol—this majestic building recognized around the world as a symbol of hope and freedom—to bestow its highest honor by allowing the body of Mrs. Rosa Parks, a former seamstress who went on to become the ''mother of the Civil Rights Movement,'' to lie in state for the Nation—and the world—to mourn her passing?

But, you see, Mr. Chairman, by extending the very provisions that were so necessary and needed in the 1960s—and by imposing for another 25 years the sanctions of Section 5 of the Voting Rights Act on a region of the country that has changed—and has changed for the better—what we are doing today is merely celebrating the success of the Selma to Montgomery march without acknowledging that the march for justice should continue.

It should continue to Palm Beach, Broward, Miami-Dade and Volusia Counties in Florida, where many of our colleagues and even more Americans believe with all their hearts that the presidential election of 2000 was stolen by the Supreme Court and a few hundred hanging chads.

If the prescription for suppressing the voting rights of African-Americans and other minorities who were disenfranchised in the South in the 1960s worked—and it did—then why are we not continuing the march for equality and justice for the citizens in Milwaukee and Chicago and Cleveland and the other great cities of our country who, in recent elections, have protested that their right to vote was compromised and their voice in this great democracy was intimidated?

The Alabama of today can boast the fact that there are more African-American elected officials in Alabama than any other state in the nation. That's quite a statement, Mr. Speaker,

a statement of real progress over the past 40 years. I count many of these men and women as my close friends and partners as, together, we are working to build a better State and region for our children and grandchildren, regardless of the color of their skin.

One person, in particular, whom I count as just such a partner is my friend and colleague, Congressman ARTUR DAVIS. On several occasions, ARTUR and I have held joint town meetings in Clarke County, a county that we both represent, as well as shared the stage in other Alabama cities talking about the progress our home State has made in recent years.

Without a doubt, ARTUR represents the very best Alabama has to offer; he is not only a rising star on the Democrat side of the aisle, but he is truly a leader whose vision and voice this Nation can benefit from.

Regretfully, on this issue, ARTUR and I respectfully disagree with each other.

He believes that it would be unconstitutional to make Section 5 of the Voting Rights Act apply to the entire Nation. I, on the other hand, believe if it is unconstitutional for Section 5 of the Voting Rights Act to apply to the rest of the Nation, then it might well be unconstitutional for it to continue to apply only to those States that were placed under it more than 40 years ago.

Last year, my hometown, Mobile, added a chapter to the rich history of progress that has come our way on this long and often-painful journey in that we elected our first African-American mayor, even though the majority of our citizens and the majority of the registered voters in Mobile are Caucasian.

As Mayor Sam Jones said on election night, ''we are too busy to be divided,'' but Mayor Jones' victory should tell us all that Dr. King's vision of an America where his ''four children will one day live in a Nation where they will not be judged by the color of their skin but by the content of their character,'' that America is more real today, Mr. Speaker, than ever before.

Are we where we need to be?

Have we completed our journey?

Of course not.

But make no mistake, discrimination does not stop at a State line and, sadly, it knows no boundaries. And that is precisely why, Mr. Speaker, I cannot vote for this particular extension of the Voting Rights Act because, at least in my humble opinion, it continues to pretend that the only vestiges of racism and discrimination exist in the nine states and the few other selected counties throughout the country that were originally covered.

And assuming that the four amendments that have been ruled in order—those by Mr. NORWOOD of Georgia, Mr. GOHMERT of Texas, Mr. KING of Iowa and Mr. WESTMORELAND of Georgia—assuming these four amendments all fail, and they most likely will—then what we have left is nothing but a hollow gesture.

It is true that some of our colleagues will most likely march to the microphone later today to declare this as a significant victory but, in all reality, it is nothing more than a very regretful missed opportunity.

Mr. Chairman, I wish with all of my heart that we had spent as much time over the past few months working to expand to the entire Nation the precious right of freedom and the privilege of voting without fear or retribution.

I regret that we were not able to be bold enough to say to the southern States which have shown so much progress that, after 40 years of advancement, we are now ready to move forward and give those areas where the sins of our fathers are no longer committed an opportunity to come out from under the burden of crawling to the U.S. Justice Department, on bended knee, and asking for its blessing to continue on the march for equality.

I truly lament the fact that, as our great Nation is in the midst of an important national debate, one that is focused on how we secure our borders and deal with the all-important matter of having between 11 and 20 million people who are in this country illegally, I can only wish that we had been courageous enough to say, ''if you want to become a citizen of this country and enjoy the many benefits that come with that citizenship, then you need to learn English—which is our national language—and you need to become a full-fledged participant in what has made—and continues to make—us different from almost every other country in the world and that is our right to participate in free elections and self-governance.''

Mr. Chairman, you see for me to cast a vote for this extension is asking me to condemn my beloved Alabama to another 25 years of being punished for mistakes that are no longer being made.

I know in my heart that the drumbeat for justice must continue and the battle for equality is long from over. I know more progress can be made—and will be made—in the coming months and years.

But I also believe, with every ounce of my being, that this bill will have to pass without my support. For the real opportunity to empower people—and bring credibility to the process that we hold so dear—that opportunity is one that could have been but will not be.

Mr. LANTOS. Mr. Chairman, I rise today as a cosponsor and strong support of H.R. 9 the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act, and urge all of my colleagues to vote for this important legislation.

As a representative democracy the most precious right afforded to our citizens is the right to vote. Unfortunately, we are all aware that for most of America's existence this instrumental right was denied to African Americans. And while the passage of the 15th Amendment to the U.S. Constitution in 1868 ensured all American men the right to vote, true equality for all voters was not achieved for another century with the passage of the Voting Rights Act in 1965. This not only guaranteed the fundamental rights of minority voters but provided the necessary enforcement mechanisms to make sure that any American who wanted to exercise their right to vote would be able to.

Mr. Chairman, the Voting Rights Act of 1965 truly transformed our Nation and helped make the dream of freedom a reality. The Voting Rights Act has subsequently been renewed four times, in 1970, 1975, 1982 and most recently in 1992. Despite the success of the 1965 Act, obstacles still exist which prevent minority voters from exercising their full and unfettered franchise, including unauthorized redistricting and last minute changing of poll locations. Because of these and other concerns about full and fair access to the polls for minority voters in this country, the Voting Rights Act continues to need to be renewed.

The legislation before us today reauthorizes three key enforcement provisions of the Voting Rights Act which have been essential to eliminating and deterring voting discrimination and preventing the denial of access to the ballot box. While progress on these crucial areas of voting protection has been made, it is clear from the mountains of evidence that the House Judiciary Committee received during its extensive hearings on this legislation that an ongoing and persistent level of discrimination still exists in our country necessitating the renewal of the Voting Rights Act.

Mr. Chairman, in my home State of California, perhaps one of the most diverse states in the Nation, the renewal of the Voting Rights Act will continue to ensure that the citizens of California can exercise their right to cast a fully informed vote. Section 203 of the Voting Rights Act will require 28 of the State's 58 counties to provide the necessary language assistance so that over 1.5 million voters at the polls are able to comprehend the ballot before them in the booth.

My unwavering commitment to the principles of this important legislation extends to opposing the four amendments considered during the debate today which would either undermine or weaken the act. I am pleased to state that I will vote for this legislation and urge all of my colleagues to join me in continuing to protect the civil rights of all Americans.

Mr. PRICE of Georgia. Mr. Chairman, I strongly support the undisturbed right of all Americans to freely exercise their right to vote. I support the extension of the Voting Rights Act (VRA). H.R. 9 is not extension of the Voting Rights Act. This is not your parents Voting Rights Act.

The 1965 VRA was a monumental step in the right direction—correcting past sins—and it has worked extremely well.

In Georgia in 1964 there were fewer than 25 minority elected officials.

In Georgia today there are 61 minority elected officials.

In Georgia in 1964, 27.4 percent of minority citizens were registered to vote.

In Georgia today, 64.2 percent of minority citizens are registered to vote.

In Georgia in 1964 there were NO minority statewide elected officials.

In Georgia in 2004 there were 9—out of 34—minority statewide elected officials; including our State Attorney General, our State Labor Commissioner and the Chief Justice of our State Supreme Court.

Great progress has been made. The Georgia of today is not the Georgia of 1964.

In fact, minorities in Georgia are enfranchised to a greater degree than those in many States not currently covered by the VRA—and States that will never be covered by the VRA—because of H.R. 9.

Why? Because this legislation will perpetuate the myth that nothing has changed, that no advances have occurred in minority participation in the voting process. This legislation perpetuates the right that there are no new jurisdictions in our Nation that are currently challenged in providing for minority participation in the electoral process.

So how will this Nation decide whether an area needs to be included under this Bill? It will be based upon the 1964 Presidential election. That's right! An election contested over 40 years ago! This is not a Voting Rights Act—it is a Voting Discrimination Act!

Because voters in States that are promoting and accomplishing the enfranchisement of minorities are being discriminated against—and

States that currently have discriminating practices will continue to do so—with no fear of being caught or covered by the same rules as those under the jurisdiction of the Voting Rights Act.

And America loses—

What we are doing today is not a renewal of the VRA. We are putting into law the undemocratic notion that minority citizens can only be appropriately represented by members of one political party. This is a notion that should be anathema to all Americans.

The original and rightful intent of the VRA was to ensure that all Americans could exercise their legal right to vote. Recent court decisions have revealed that the judicial branch believes that the VRA should not only ensure the legal right to vote, but that it must also ensure the victor in any given election as a fait accompli.

I support extension of the current VRA—for all of America.

I support the enfranchisement of every American legally able to vote.

I look forward to the day when Members of Congress may work together positively, to solve the challenges that confront us—together.

Unfortunately, that day is not today.

Mr. SERRANO. Mr. Chairman, I rise today in strong support of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

Mr. Speaker, this is an historic moment. I am honored to be on the floor of the House today as we take the next small step on the march toward equality that Rosa Parks and Dr. Martin Luther King, Jr., began just over half a century ago.

The Voting Rights Act is nothing less than the cornerstone of our commitment to government of the people, by the people, and for the people—all the people. For free peoples there is no right or duty more vital than the right to vote. By enacting the most significant civil rights statute in our Nation's history, Congress spoke loud and clear in 1965 that voting is a fundamental right of all American citizens.

The VRA made it the sacred duty of the Federal Government to enforce this right not only by protecting the individual voter, but also by evaluating the actual effects of voting law changes on minority influence. In so doing, the VRA created opportunities for members of all communities, regardless of race, color or creed, to serve their fellow citizens in government.

Today, we have the opportunity to take stock of the gains we have made and to reaffirm this country's commitment to tackling the challenges that remain ahead. When President Lyndon B. Johnson signed the VRA in 1965, he said that ''to seize the meaning of this day, we must recall darker times.'' Unfortunately, those dark times are not completely behind us. Despite the steady progress of the last 41 years, there is very little doubt in my mind that we still very much need section 5 and section 203 of the Voting Rights Act, which would sunset if this Congress neglected to act.

For reminders that Dr. King's march from darkness is not yet finished, we need only look to recent changes to maps and voting requirements in Texas and Georgia. The Supreme Court struck down portions of the new Texas congressional map just 2 weeks ago, and a ruling on new discriminatory election practices in Georgia have seriously eroded the Justice Department's ability to enforce section 5. The bill before us today, thankfully, restores the statute to the original intent of Congress.

I should note that I represent a district covered by section 5. Although the VRA was originally built upon the blood and activism of heroes who lived in a very different time, all of my constituents in my majority minority congressional district have a greater voice in this country today because of their sacrifices. Therefore, my Latino constituents are keenly aware that section 5 is as important to their political empowerment as the section 203 requirement for certain jurisdictions to provide language assistance.

Now I am aware that there is a small minority of Members here today who will try to strike section 203 from the reauthorization bill before us today. They will argue that providing language assistance at the polls somehow discourages immigrants from learning English. To this argument, I say first that I have never met any immigrant, much less one who became a citizen, who did not want to learn English or understand that learning English is their key to the American dream. In my city of New York, there are not enough English as a second language courses to go around for all the folks who want to take them.

Second, this argument ignores the fact that the majority of voters who utilize language assistance are natural born U.S. citizens. Persistent inequalities in our education systems see to it that even those who speak, read and write English in their everyday lives are not always equipped to deal with often complex ballot instructions. Section 203 is a measured, targeted solution that speaks to a principle that all Members of this body should agree on: that all eligible citizens, regardless of their access to education, have the right to cast an informed vote.

That is why we must renew section 203, along with section 5 and the other expiring provisions, without delay.

Twenty-five years from now, we may be able to file away voter discrimination, like slavery before it, as nothing more than a painful memory in our troubled past.

Twenty-five years from now, the conditions that drove Dr. King and others to begin their march may be nothing more than faint scuff marks on the boots of those of us who continued that march.

Twenty-five years from now, we may live in a country in which no racism, no cultural intolerance and no partisan ambition will impel any American to attempt to strip any other American's right to make his or her voice heard.

Twenty-five years from now, six decades after President Johnson declared with his pen that ''there is no room for injustice anywhere in the American mansion,'' we may finally be able to declare that we have completely banished discrimination from our democratic process.

But that day is not yet upon us, Mr. Speaker. For that reason, I applaud Chairman SENSENBRENNER and Ranking Member CONYERS for bringing this momentous renewal to the floor.

I also want to thank both of them for their receptiveness to the concerns of the Black, Hispanic and Asian Members of this body, many of whom would not be in this House if not for the Voting Rights Act.

The version of the bill reported by the Judiciary Committee is a magnificent product of bipartisanship, and I strongly urge my colleagues to support it in its entirety and reject any amendments that would weaken the commitment of this Congress to civil rights.

Mr. CUMMINGS. Mr. Chairman, I rise in support of H.R. 9—bipartisan legislation that will extend and strengthen the Voting Rights Act of 1965.

Fannie Lou Hamer, Rosa Parks, and Coretta Scott King—together with thousands of other Americans—fought tirelessly to vanquish discrimination and exclusion.

Forty years ago, millions of Americans were excluded from our democratic process.

In many States, voters were required to pass impractical literacy tests or pay hefty poll taxes.

It was to carry the American democratic journey beyond these failings that Black citizens and civil rights workers risked unemployment, violence and death.

I recall their sacrifice for this House, along with the observation of Dr. Martin Luther King, Jr. during his 1957 Prayer Pilgrimage to Washington.

''All types of conniving methods are still being used to prevent the Negroes from becoming registered voters,'' Dr. King declared. ''The denial of this sacred right is a tragic betrayal of the highest mandates of our democratic tradition.''

Eight years later, during the Selma voting rights marches, televised pictures of a vicious ''Bloody Sunday'' attack on unarmed Americans touched the conscience of this Nation—leading directly to enactment of the Voting Rights Act of 1965.

Mr. Chairman, this landmark legislation, often called the most important civil rights law of all, is still important in our own time.

From my own life experience, I can attest that we have come a long way toward universal justice in this country, but we are not there yet.

I note that a Federal court recently upheld a Voting Rights Act challenge to a proposed Georgia requirement that would require every voter to present a government photo ID before voting—a requirement, the court held, that would disproportionately burden minority voters.

And in the Texas redistricting cases that the Supreme Court just decided, the Court held that Texas District 23 violates the Voting Rights Act by making it more difficult for Latino-Americans to elect representatives of their own choosing.

In communities like my own throughout the country, the Voting Rights Act is the very foundation of our faith that America is moving forward toward the day when ''liberty and justice for all'' will truly prevail.

Americans of our own time—minority and majority Americans alike—need the continued guidance that the Voting Rights Act provides. We have come a long way, but more needs to be done.

The four amendments approved by the Rules Committee are poison pills for this bill and the sponsors know this. Any plan or scheme—by purpose or effect—that would diminish the right to vote is un-American and violative of the act.

With this renewal of the Voting Rights Act, we have the opportunity to live up to Dr. King's vision of a better, more unified country.

''Give us the ballot,'' Dr. King declared during that 1957 Prayer Pilgrimage to Washington, ''and we will . . . fill our legislative halls with men of good will and send to the sacred halls of Congress men who will not sign a southern manifesto because of their devotion to the manifesto of justice.''

Mr. Chairman, we can be those noble people whom Dr. King prophesied, the people who reaffirm and strengthen that truly American manifesto of justice that reads:

''The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.''

These are inspiring and powerful words, Mr. Chairman.

Our duty is clear. Vote to reauthorize VRA without the gutting amendments.

Mr. ORTIZ. Mr. Chairman, I ask my colleagues to join me today in reauthorizing the single piece of legislation that has been a guardian of voting rights in our democracy since its inception. Su voto es su voz—Your vote is your voice. The people who vote make decisions in this Nation; and the more people that vote the better this democracy can be. While the government literally represents ''We the People,'' we were actually sent here by voters, which—at best—is about half the people we represent.

It is ironic that today, the backdrop for this discussion is the Supreme Court decision on Texas redistricting recently that spoke to the unconstitutionality of how the State divided the Hispanic population in the 2003 map. While I wish we did not need the VRA and to protect minority voters, the bottom line is we still have discrimination in this country—a fact illustrated by the Supreme Court's Texas redistricting decision.

My public service began before some of you were born—not that I'm happy to admit that. My first campaign was 1964, the last election year before the Voting Rights Act of 1965 abolished literacy tests and poll taxes—both components of a time when one segment of this Nation could diminish the voting strength of other entire segments of this Nation. My mother took out a $1,000 loan—a fortune for a migrant family in 1964—to bankroll my first campaign.

The money was mostly to help offset the poll tax for Hispanic voters, whose priority was putting food on the table for their families. We have improved our democracy since then, but our civil tone in political debates has coarsened. This country, this Congress, will be better—we will reflect the population of this Nation far better—if the VRA is reauthorized.

This is a tool for our citizens to use to ensure that their voting rights—the most fundamental tool to speak in this democracy—remains protected. The Voting Rights Act protects voters from discrimination and ensures an even playing field for all voters. The Hispanic Caucus endorsed this bipartisan bill because the renewal of this basic civil rights law will ensure that all Hispanics can fully participate in the political process, protected by law from voting discrimination.

Key provisions of the VRA are set to expire in 2007 if they are not reauthorized by Congress, including those that protect voters from discriminatory practices that are used to commit fraud and intimidation. I know many of my colleagues have deep concerns about ensuring that non-native, English-speaking citizens getting language assistance in order to cast an informed ballot. Have you ever read one of those State constitutional amendments as you cast your ballot. Not being a lawyer, it's a little hard to follow.

Those receiving language assistance under this bill are taxpaying citizens, equal to all of us in this democracy—every one of them, equal to every one of us. This provision helps citizens navigate complicated rules and ballot language. This House should pass the bill, and I thank Chairman SENSENBRENNER and JOHN CONYERS for their hard work in bringing a fair and balanced bill to the floor, one which—if this Congress reauthorizes in the end, will continue protecting the voting rights of all Americans.

It's exactly the kind of bill the Congress of the United States should pass overwhelmingly and return from a rapid conference so it will continue to provide justice to communities that have long suffered from discrimination—and so it will be the law of the land.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Fanni Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization. Our democracy depends on protecting the right of every American citizen to vote, which must never be compromised.

The Voting Rights Act is the most effective civil rights law ever enacted. It was put into place in direct response to significant and pervasive discrimination taking place across the country, including the use of literacy tests, poll taxes, intimidation, threats, and violence. By outlawing the barriers that prevented minorities from voting, the VRA put teeth in the 15th amendment's guarantee that no citizen can be denied the right to vote on the basis of race.

This legislation has been renewed four times by bipartisan majorities in the House and Senate and signed into law by both Republican and Democratic Presidents. In the 41 years since its initial passage, the VRA has enfranchised millions of racial, ethnic and language minority citizens by eliminating discriminatory practices and removing other barriers to their political participation. The VRA has empowered minority voters and has helped to desegregate legislative bodies at all levels of government.

Efforts to remove many of the key provisions of the original legislation are extremely unfortunate. States with histories of discrimination should not be allowed to repeat past injustices. Amendments to weaken the act undermine the heroic efforts of countless Americans who fought for decades for the right to vote. We must stand together to defeat any measure that would weaken the provisions of the VRA.

It is imperative that we adopt the bipartisan bill without amendments that violate the spirit of the original VRA to once again ensure the right of all Americans to vote.

Mr. HOLT. Mr. Chairman, I rise today to express my support for the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, which will reauthorize expiring provisions of one of the most important and effective civil rights bills in the history of the United States. Passage of the Voting Rights Act of 1965 marked a pivotal turning point in American history, and I urge my colleagues to join me in supporting its extension for another 25 years.

As honored as I am to be a part of reauthorizing this landmark legislation, I am to the same extent disheartened that it remains necessary. Would that we could say, the 41-year anniversary of the legislation having come and gone, that 40 years had been enough to cure all of our electoral ills. But clearly it has not been enough, and it pains me deeply to have to look at my own country and acknowledge that some of its electoral abuses, although perhaps less overt, are at least as bad today as they were in 1965, if not worse.

I wish to commend the Judiciary Committee, Subcommittee on the Constitution for its exhaustive inquiry into the effectiveness of and continuing necessity for the expiring provisions of the Voting Rights Act. Through this process, which was informed by elected officials, scholars, attorneys, representatives of the civil rights and election integrity community, the Department of Justice, other governmental organizations and private citizens, we can all be assured that we extend these critical voting protection measures for unquestionably just cause.

The Judiciary Committee's report on the inquiry is compelling. Since 1982, for example, under the Voting Rights Act section 5 preclearance procedures, the Department of Justice has successfully screened out more than 700 proposed election procedure changes that were discriminatory. The rejected proposals included objectionable practices like discriminatory redistricting plans, relocating of polling places making elected positions appointed positions, and other such techniques. In fact, before the subcommittee even commenced its hearings in 2005, I co-moderated a day-long election reform forum in December 2004. Sponsored by the Leadership Conference on Civil Rights, Common Cause, and the Century Foundation, the forum documented extensive and ongoing disenfranchisement activities. It was entitled ''Voting in 2004: A Report to the Nation on America's Election Process,'' and the reports delivered by election reform experts and civil rights groups are still available on the Common Cause website.

It is important to note, however, that the last 40 years have not been a bad-news only story. The Judiciary Committee's report documents both the continuing shortcomings of our electoral system and improvements made to it by the Voting Rights Act. It shows that the Voting Rights Act has been effective, but much work remains to be done. For example, between 1965 and 1988, the gap between registration of White voters and Black voters in Mississippi narrowed from 63.2 to 6.3 percent, and from 50 to 7.4 percen in North Carolina. Similar increases in Black registration were experienced throughout the States covered by section 5 during that period. Meanwhile, the number of African-American elected officials has increased from 1,469 in 1970, to over 9,000 in the year 2,000. Over the period from 1978 to 2004, the number of Asian-Americans elected to office has more than doubled.

The statistics also show that much work remains. The Judiciary Committee also found that in each of six southern States covered by section 5—Alabama, Georgia, Louisiana, Mississippi, South Carolina and North Carolina—African-Americans make up 35 percent of the population but hold only 20.7 percent of the State legislative seats. Latinos represent the largest minority population in the United States, at 15 million residents, but occupy only 0.9 percent of the total number of elected offices in the country.

I believe that the greatest invention of humans is our system of Constitutional democracy. It has transformed not just America, but the world, demonstrating that peaceful and productive government by the consent of the governed is possible. That consent—the very cornerstone of the system—is given by the vote. We have demonstrated that majority rule with protections of minority rights and minority influence is possible. The Supreme Court has held that the right to vote is the most fundamental right, as it is preservative of all others. The measure before us which will assure the continued life of the Voting Rights Act in the decades to come—is of monumental importance.

I am also eager to continue the fight to improve the fairness, accuracy and integrity of our electoral system as soon as this historic measure passes. I hope my colleagues will rapidly work with me towards passage of my Voter Confidence and Increased Accessibility Act, H.R. 550, to ensure that all votes are not only counted as cast, but can independently be audited so that both the losing side-actually, especially the losing side—and the winning side can accept the electoral results. The legislation would require a voter-verified paper record of every vote cast and other things to ensure the reliability, auditability, an accessibility of the voting process.

In addition, and especially because the measure before us will eliminate the further use of Federal examiners to assist in assuring the accuracy, integrity and full inclusivity of voter registration lists, I hope my colleague will support me as I work to pass my Electoral Fairness Act, H.R. 4989, which will substantially enhance the protections afforded to voters under the Help America Vote Act and the National Voter Registration Act in connection with the voter registration process. The legislation would establish fair and uniform rules governing the casting and counting of provisional ballots; ensure that adequate staffing, equipment and supplies be equally available at all polling places to minimize wait times for all voters; and protect the accuracy, integrity and inclusiveness of the voter registration rolls.

I urge my colleagues to join me today in reauthorizing the Voting Rights Act, and committing themselves to working to preserve and advance its legacy in every possible manner.

Ms. ESHOO. Mr. Chairman, I rise in strong support of H.R. 9, which reauthorizes the Voting Rights Act (VRA) for an additional 25 years.

Congress first passed the VRA in 1965 to dismantle ''Jim Crow'' and to respond to widespread disenfranchisement of minorities. Since then the VRA has been reauthorized numerous times and expanded to address other issues that impact voting access and fair representation, including congressional districting, language requirements and election monitoring.

In 41 years since the enactment of the original VRA, enormous gains have been made in ensuring the voting rights of minorities. However, our country still struggles to live up to the principles of equality and fair representation, and the legacy of racial bias still haunts the electoral process in some areas. Among the provisions reauthorized by H.R. 9 is Section 5 which requires jurisdictions covered under this section to have any changes to their election procedure pre-approved by the Justice Department or a U.S. District Court. This provision is vital to ensure that local jurisdictions do not employ tactics that discourage minority voting. Because of what is at stake, I believe it's vital that we reauthorize the VRA and do so by an overwhelming majority.

I strongly support the legislation before us, but I would be remiss not to take this opportunity to address the challenges we still face with respect to our elections. The 2000 and 2004 Presidential elections demonstrated the work that needs to be done to ensure that the will of the people is accurately reflected at the polls.

After the 2000 election, Congress acted in a bipartisan manner to pass the Help America Vote Act which, among other things, required the replacement of outdated punchcard and lever-machine voting systems. While many counties have upgraded to electronic voting machines, we cannot fully guarantee their accuracy until every electronic voting machine is equipped with a voter-verifiable paper ballot so that voters can verify their votes prior to casting their ballots and a recount can be ordered if necessary. Legislation to enact these steps has been introduced in the form of H.R. 550, the Voter Confidence and Increased Accessibility Act, and is supported by over 190 bipartisan cosponsors. After we vote to pass the reauthorization of VRA, we should turn our attention to passing H.R. 550 so we can provide full confidence, fairness and transparency in our election process.

Mr. Chairman, I urge my colleagues to support H.R. 9 and to do everything possible to make sure every vote is counted and that every vote counts in our electoral system.

Mr. LARSON of Connecticut. Mr. Chairman, after much delay and hankering by the Republican leadership about bringing this bill to the floor for a vote, I am proud to rise in strong support of reauthorizing the Voting Rights Act. As a cosponsor of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, I urge my colleagues to join me in rejecting any poison pill amendments meant to dismantle the broad agreement on this crucial piece of civil right's legislation.

No congressional duty is more profound than ensuring and protecting the voting rights of all Americans. As Members of this House, we cannot, we must not, be divided or indifferent in reaffirming America's promise that everyone is created equal. The vote is sacred in this country. Throughout our history, Americans have given their lives for freedom and the right to elect their leaders, from Lexington and Concord in Massachusetts, to Seneca Falls in New York, to Selma and Montgomery in Alabama, Americans demand the highest standards; the highest confidence; the highest protection in their right to participate in the democratic process.

The fact remains that not too long ago many Americans were denied the right to vote based on their sex or their skin color and in all honesty, many still battle the remnants of this discrimination today. It has been more than 40 years since President Lyndon Johnson called upon Congress to ''extend the rights of citizenship to every citizen of this land'' and pass the Voting Rights Act eliminating illegal barriers to the right to vote. Since that time, the face and even the language of the American voter may have changed, but our government's commitment to protect the integrity of every vote has not.

So today, I ask my Republican colleagues to put aside their partisanship and petty political gamesmanship and join me in protecting the most fundamental right of the American people, who are the rightful owners of this American government. I urge the Members of this House to reaffirm our commitment to protect democracy and support the clean final passage of H.R. 9.

Mr. STRICKLAND. Mr. Chairman, I rise today in strong support of H.R. 9, the Coretta Scott King, Fannie Lou Hamer, and Rosa Parks Voting Rights Act Reauthorization and Amendments Act of 2006. I can think of no better way to honor the legacies of Mrs. King, Mrs. Hamer, and Mrs. Parks than to pass this good, bipartisan bill.

Like most of my colleagues, I remember vividly the passage of the original Voting Rights Act of 1965. This landmark piece of legislation served as a significant milestone in the Civil Rights Movement. However, as we act to reauthorize this bill, it is all too obvious that the struggle for equal voting rights for all Americans is not over. Sadly, we know that we still need the VRA because we continue to hear reports of election-day abuses and violations.

Now is not the time to weaken or water-down the VRA. Some of my colleagues will offer amendments under the guise of modernizing the VRA. I believe that these proposed changes to the legislation will strip out some core protections that are still necessary. I urge all of my colleagues to oppose any amendments to H.R. 9, and to overwhelmingly pass a clean Voting Rights Act Reauthorization.

Mr. CASE. Mr. Chairman, I rise today in strong support of H.R. 9, The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, which I am pleased to cosponsor, and in strong opposition to the amendment offered by Congressman CHARLIE NORWOOD.

Over the last 40 years, efforts to renew and restore the VRA have been accomplished on a bipartisan basis. It is in that spirit that we have all worked together to bring the bill before us to the floor today. I would especially like to thank Judiciary Committee Chairman JAMES SENSENBRENNER, Judiciary Committee Ranking Member JOHN CONYERS, and Congressmen MEL WATT and STEVE CHABOT for their leadership on this issue.

Voting is the most important duty and right of Americans. By enacting the VRA, we tore down barriers to equal opportunity for minorities at the ballot box, removing the essential political mechanism that maintained the legal structure of segregation. As ruled by the U.S. Supreme Court, the equal right to vote is fundamental because it is ''preservative of all rights.''

It is with this in mind that I express great concern with the amendment proposed by my colleague, Mr. NORWOOD, as it essentially seeks to undermine the very means by which the VRA has maintained social justice.

Currently, section 5 of the VRA applies to any state or county where a discriminatory test or device was used as of November 1, 1964, and where less than 50 percent of the voting age residents of the jurisdiction were registered to vote, or actually voted, in the presidential election of 1964, 1968, or 1972. The Norwood amendment would change the preclearance formula by using rolling voter registration data and voter turn-out data from the three most recent Presidential elections.

My colleague argues that his amendment will ''modernize'' section 5. I believe that what his amendment really does is change the very focus of the preclearance provision, as it aims to make low voter turnout and registration the issues and not a recorded history of voting discrimination.

In fact, if the Norwood amendment were enacted, it would make my home state of Hawaii—a state without any history whatsoever of voting discrimination—the only preclearance state in our nation. This demonstrates in spades that one cannot reduce discrimination nor the need for federal oversight to so simplistic and mechanistic formula.

Reauthorization of the VRA gives us an opportunity to not only to reflect upon the progress we have made, but to maintain those gains that we have achieved. Adoption of the Norwood amendment would be a giant leap backwards.

I urge my colleagues to oppose the Norwood amendment, and all other weakening amendments, and support final passage of H.R. 9, a true bipartisan bill.

Mahalo, and aloha.

Mr. BUTTERFIELD. Mr. Chairman, I rise to support the Fannie Lou Hammer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I want to thank the Speaker and Majority Leader for their willingness to go forward with this debate prior to our upcoming recess.

The 1965 Voting Rights Act changed America. It created the opportunity for minority citizens to fully participate in Democracy. Prior to the enactment and enforcement of the Act, black citizens in the South were disenfranchised primarily because of the Literacy Tests and because of the design of election systems that submerged concentrations of black voters into large, majority-white election districts. The result was that African-American communities could not elect candidates of their choice to office.

Why? It was because black voters did not comprise sufficient numbers within the district and white voters refused to vote for candidates who were the choice of the minority community. And so, the votes of black citizens were diluted which is a clear violation of the principal of one-person, one-vote.

The Voting Rights Act permits minority citizens to bring Federal lawsuits when they feel their vote is being diluted. Hundreds of these lawsuits have been successfully litigated in the Federal courts. In my prior life I was a Voting Rights attorney in North Carolina. As a result of court ordered remedies, local jurisdictions have been required to create election districts that do not dilute minority voting strength. The result has been absolutely incredible. When I was in law school 32 years ago, there were virtually no black elected officials in my congressional district. Today, I count 302.

The Voting Rights Act also requires some jurisdictions to obtain Department of Justice pre-clearance to any change in election procedure. This, at first blush, may appear to be unfair to those jurisdictions. But the jurisdictions that are covered have a significant history of vote dilution and this requirement of pre-clearance simply assures that the jurisdiction does not, intentionally or unintentionally, make changes in their election procedures that will discriminate. This is called section 5. Section 5 has prevented many, many election changes that would have disenfranchised minority voters. It serves a useful purpose and should be extended.

A short story. In 1953, in my hometown of Wilson, North Carolina, the African-American community worked very hard to teach the literacy test and qualify black citizens to vote. They then organized and elected an African-American to the City Council in a district with a large concentration of black voters. That was big news. When it was time for re-election in 1957, the City Council arbitrarily and without notice or debate, changed the election system from district voting to at large voting which resulted in the submerging of black voters. The change also required voters to vote for all city council seats on the ballot. If not, the ballot was considered spoiled. It was called the ''vote for six rule.''

Needless to say, that candidate, Dr. G.K. Butterfield, was handily defeated. If Section 5 had been in place in 1957, this jurisdiction would not have been able to implement the changes and this community would have continued to have representation.

Mr. Chairman, we have made tremendous progress in this country with respect to civil rights and voting rights. We must not turn back. I urge my colleagues to vote for H.R. 9 as reported by the Committee on the Judiciary and require covered jurisdictions to get the Department of Justice to analyze voting changes to determine if they will have the effect of diluting minority voting strength.

Mr. CROWLEY. Mr. Chairman, I rise today in support of a clean version of the Voting Rights Act; a version that is free of mean spirited amendments that aim to divide this country rather then unify and protect the rights of minorities to vote.

After being delayed for close to a month, the Voting Rights Act is finally allowed the vote it deserves. However, numerous Republican members would like nothing more then to see this important legislation derailed. Hence they have offered up amendments that will taint the purity of this bill.

One such amendment would prohibit Federal funds to be used in enforcing bilingual balloting. Many of the constituents that I and other members of this Chamber represent, would like nothing more then to participate in the basic democratic right of voting. However, many of these people who are citizens still struggle while they learn the English language and assimilate.

Let me be clear, we are not talking about undocumented residents. These are citizens of the United States. Many of whom have voted you and me into the office that we hold today.

The Voting Rights Act was passed in 1965 to protect the rights of all minorities to vote in the United States. However, these amendments offered today, are political tricks that only serve to continue to disenfranchise minority voters.

From not counting votes, purging legitimate voters from voter rolls, mandating ID cards to vote, and downright voter intimidation, it is clear now more then ever that the Voting Rights Act must be reauthorized as the original drafters of the legislation intended—excluding all amendments to this legislation that are being offered today.

I urge my colleagues to vote ''no'' on any amendment to the Voting Rights Act and vote ''yes'' on a clean version of this bill.

Ms. KILPATRICK of Michigan. Mr. Chairman, the right to vote—to participate fully and fairly in the political process—is the foundation of our democracy. For years after the Civil War, many Americans were denied this fundamental right of citizenship. Horrible acts of violence and discrimination, including poll taxes, literacy tests, and grandfather clauses, were used to deny African-American citizens the right to vote, especially in the South.

During the 1960s, many brave men and women fought against bigotry and injustice to secure this most basic right for all Americans. The Voting Rights Act, VRA, the ''crown jewel'' of our civil rights statutes, was born out of their courage, struggle, and sacrifice.

President Lyndon Johnson signed the Voting Rights Act into law on August 6, 1965. It provided protection to minority communities, and prohibited any voting practice that would abridge the right to vote on the basis of race. Any ''test or device'' for registering or voting was forbidden, thereby abolishing poll taxes and literacy tests.

Although the Voting Rights Act is a permanent Federal law, it contains some temporary provisions, including the ''pre-clearance'' and the bilingual provisions.

The ''pre-clearance'' provisions were enacted as temporary legislation in 1965. Sections four and five address ''pre-clearance'' and are only applicable in certain parts of the country. These provisions were originally added to help bolster the constitutionality of the Voting Rights Act. The VRA required State and local political jurisdictions with a documented history of discrimination to submit any proposed changes to their voting laws to the U.S. Attorney General or to Federal judges for ''pre-clearance'' before the changes could take effect. This process ensured that the Federal Government had the ability to prevent discriminatory voting laws before they were implemented. For example, States must receive approval before changing the closing time of polling places. Congress renewed these provisions in 1970, 1975, and 1982. The process of ''pre-clearance'' provision continues to protect voters today.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise today in support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

Passage of the 1965 Voting Rights Act has allowed millions of minorities the constitutional right to vote in Federal elections. In 1964, only 300 African Americans in the United States were elected to public office, this included just three in Congress. One of the people for whom this bill is named is Fannie Lou Hamer. Fannie Lou Hamer was born, lived, and died in the trenches of Mississippi's 2nd Congressional District. Her history and involvement in voter education and voter participation include people like me who stand before you as the highest-ranking African American elected official in the State of Mississippi, an opportunity that would not have been possible without the passage of this act.

Moreover, with the expiration of major provisions, section 5, section 203 and sections 6 through 9, of the Voting Rights Act rapidly approaching, Congress must reauthorize these provisions now to protect those who may face discrimination in their efforts to exercise their right to vote.

In 2001, one of the most shameful and shocking reminders of discrimination occurred in Kilmichael, Mississippi. An all-White city

council canceled city election 3 weeks before they were to be held after several African Americans appeared to be in a strong position to win seats. Section 5 of the Voting Rights Act, which requires covered jurisdictions to obtain approval, or ''preclearance,'' from the U.S. Department of Justice or the U.S. District Court in D.C. before they can change voting practices or procedures, protected the voting rights of the people of Kilmichael. When elections were held, three African Americans were elected to the Board of Aldermen and the town elected its first African-American mayor.

As our Nation embraces the notion that the right to vote is essential in preserving the health of our democracy, section 203, which requires certain jurisdiction to provide bilingual language assistance to voters in communities where there is a high concentration of citizens who are limited English proficient and illiterate, is a critical element to the Voting Rights Act. As leaders committed to diversity, it is imperative that all minority language Americans are guaranteed the right to vote and have a voice in a political process that affects every aspect of education, healthcare, and economic development in this country.

Ongoing efforts must be made to guarantee fair access to the political process, and Sections 6 through 9 authorizes the Federal Government to send Federal election examiners and observers to certain jurisdictions covered by section 5 where there is evidence of attempts to intimidate minority voters at the polls. These statutes must remain in place to prevent the discriminatory election practices that still exist today.

As influential policymakers, it is our obligation to look beyond what is good for any one of us to what is good for the whole country and its future. It is vital that we act now to renew section 5, section 203 and sections 6 through 9 of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 an additional 25 years.

Mr. DINGELL. Mr. Chairman, I rise in strong support for H.R. 9, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King Voting Rights Act Reauthorization. As a cosponsor of this important legislation, I urge my colleagues to pass this reauthorization without amendment.

The Voting Rights Act has went a long way in ensuring that the voting rights of minorities are honored, and that American citizens, whatever their ethnicity, are able to go to the polls and participate in the electoral process without threats, intimidation, or violence.

As a member of this body when the Voting Rights Act was initially considered, I know first-hand how this law has changed America for the better, ensuring that all Americans are able to exercise their constitutional right to vote.

Before the Voting Rights Act, some States had nasty little devices called poll taxes and literacy tests that just happened to keep minorities from voting, while, at the same time, failing to disqualify any White citizens from exercising the franchise. And if those devices did not work, intimidation, threats, and even violence were used to keep minorities from going to the polls.

Mr. Chairman, many of those nasty devices were wiped away when the Congress passed President Lyndon Baines Johnson signed into law the Voting Rights Act. Those that were not directly wiped away by the Voting Rights Act were defeated by cases brought before the U.S. Supreme Court by the Attorney General of the United States.

As George Santayana stated so eloquently: ''Those who cannot remember the past are condemned to repeat it.'' It is important that the House pass this historic renewal of the VRA without amendments that would besmirch the legacy of the three women who are honored in its title. To do anything less would jeopardize many of the accomplishments that those three courageous women and thousands of others fought for: that all Americans can exercise their right to vote freely without fear.

Mr. KUCINICH. Mr. Chairman, the passage of the Voting Rights Act in 1965 was a reaction to the ''exceptional conditions'' of the time. Obstacles to voting, borne of racism, had become accepted practice in many States. Many of these obstacles were written directly into State constitutions. These deterrents, including literacy tests and poll taxes, were designed to exclude and restrict nonwhite voters.

As we quickly approach the expiration of provisions of the Voting Rights Act, we must stop and take a hard look at voting rights in America. Although the taxes and tests are now a memory, remnants of the prejudice and fear that conceived of them remain. In the many hearings held by the Judiciary Committee examining the expiring provisions, the committee found numerous recent incidents in which objections were raised to changes in voting law.

One of the nine States subject to the provisions of section 5, provisions that require preclearance of changes to voting law by the Department of Justice, is Georgia. Since 2002, four objections have been raised against proposed changes to laws in that State. These four objections stopped discriminatory changes in that State.

The long lines and intimidation tactics used in my home State of Ohio in 2004 are proof that this reauthorization will not, in and of itself, solve our Nation's need for voting reform. But it is a strong step in the right direction.

The Voting Rights Act is still needed in America. We have stopped many of the egregious practices that plagued our voting system in 1965, but our work is not done. I strongly support the reauthorization of the Voting Rights Act and encourage my colleagues to join me in voting for this important bill.

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

The Acting CHAIRMAN. All time for general debate has expired.

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

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

H.R. 9

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 ''Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006''.

SEC. 2. CONGRESSIONAL PURPOSE AND FINDINGS.

(a) PURPOSE.—The purpose of this Act is to ensure that the right of all citizens to vote, including the right to register to vote and cast meaningful votes, is preserved and protected as guaranteed by the Constitution.

(b) FINDINGS.—The Congress finds the following:

(1) Significant progress has been made in eliminating first generation barriers experienced by minority voters, including increased numbers of registered minority voters, minority voter turnout, and minority representation in Congress, State legislatures, and local elected offices. This progress is the direct result of the Voting Rights Act of 1965.

(2) However, vestiges of discrimination in voting continue to exist as demonstrated by second generation barriers constructed to prevent minority voters from fully participating in the electoral process.

(3) The continued evidence of racially polarized voting in each of the jurisdictions covered by the expiring provisions of the Voting Rights Act of 1965 demonstrates that racial and language minorities remain politically vulnerable, warranting the continued protection of the Voting Rights Act of 1965.

(4) Evidence of continued discrimination includes—

(A) the hundreds of objections interposed, requests for more information submitted followed by voting changes withdrawn from consideration by jurisdictions covered by the Voting Rights Act of 1965, and section 5 enforcement actions undertaken by the Department of Justice in covered jurisdictions since 1982 that prevented election practices, such as annexation, at-large voting, and the use of multi-member districts, from being enacted to dilute minority voting strength;

(B) the number of requests for declaratory judgments denied by the United States District Court for the District of Columbia;

(C) the continued filing of section 2 cases that originated in covered jurisdictions; and

(D) the litigation pursued by the Department of Justice since 1982 to enforce sections 4(e), 4(f)(4), and 203 of such Act to ensure that all language minority citizens have full access to the political process.

(5) The evidence clearly shows the continued need for Federal oversight in jurisdictions covered by the Voting Rights Act of 1965 since 1982, as demonstrated in the counties certified by the Attorney General for Federal examiner and observer coverage and the tens of thousands of Federal observers that have been dispatched to observe elections in covered jurisdictions.

(6) The effectiveness of the Voting Rights Act of 1965 has been significantly weakened by the United States Supreme Court decisions in Reno v. Bossier Parish II and Georgia v. Ashcroft, which have misconstrued Congress' original intent in enacting the Voting Rights Act of 1965 and narrowed the protections afforded by section 5 of such Act.

(7) Despite the progress made by minorities under the Voting Rights Act of 1965, the evidence before Congress reveals that 40 years has not been a sufficient amount of time to eliminate the vestiges of discrimination following nearly 100 years of disregard for the dictates of the 15th amendment and to ensure that the right of all citizens to vote is protected as guaranteed by the Constitution.

(8) Present day discrimination experienced by racial and language minority voters is contained in evidence, including the objections interposed by the Department of Justice in covered jurisdictions; the section 2 litigation filed to prevent dilutive techniques from adversely affecting minority voters; the enforcement actions filed to protect language minorities; and the tens of thousands of Federal observers dispatched to monitor polls in jurisdictions covered by the Voting Rights Act of 1965.

(9) The record compiled by Congress demonstrates that, without the continuation of the Voting Rights Act of 1965 protections, racial and language minority citizens will be deprived of the opportunity to exercise their right to vote, or will have their votes diluted, undermining the significant gains made by minorities in the last 40 years.

SEC. 3. CHANGES RELATING TO USE OF EXAMINERS AND OBSERVERS.

(a) USE OF OBSERVERS.—Section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f) is amended to read as follows:

''SEC. 8. (a) Whenever—

''(1) a court has authorized the appointment of observers under section 3(a) for a political subdivision; or

''(2) the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b), unless a declaratory judgment has been rendered under section 4(a), that—

''(A) the Attorney General has received written meritorious complaints from residents, elected officials, or civic participation organizations that efforts to deny or abridge the right to vote under the color of law on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) are likely to occur; or

''(B) in the Attorney General's judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to the Attorney General to be reasonably attributable to violations of the 14th or 15th amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the 14th or 15th amendment), the assignment of observers is otherwise necessary to enforce the guarantees of the 14th or 15th amendment;

the Director of the Office of Personnel Management shall assign as many observers for such subdivision as the Director may deem appropriate.

''(b) Except as provided in subsection (c), such observers shall be assigned, compensated, and separated without regard to the provisions of any statute administered by the Director of the Office of Personnel Management, and their service under this Act shall not be considered employment for the purposes of any statute administered by the Director of the Office of Personnel Management, except the provisions of section 7324 of title 5, United States Code, prohibiting partisan political activity.

''(c) The Director of the Office of Personnel Management is authorized to, after consulting the head of the appropriate department or agency, designate suitable persons in the official service of the United States, with their consent, to serve in these positions.

''(d) Observers shall be authorized to—

''(1) enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote; and

''(2) enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated.

''(e) Observers shall investigate and report to the Attorney General, and if the appointment of observers has been authorized pursuant to section 3(a), to the court.''.

(b) MODIFICATION OF SECTION 13.—Section 13 of the Voting Rights Act of 1965 (42 U.S.C. 1973k) is amended to read as follows:

''SEC. 13. (a) The assignment of observers shall terminate in any political subdivision of any State—

''(1) with respect to observers appointed pursuant to section 8 or with respect to examiners certified under this Act before the date of the enactment of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, whenever the Attorney General notifies the Director of the Office of Personnel Management, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision described in subsection (b), that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) in such subdivision; and

''(2) with respect to observers appointed pursuant to section 3(a), upon order of the authorizing court.

''(b) A political subdivision referred to in subsection (a)(1) is one with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote.

''(c) A political subdivision may petition the Attorney General for a termination under subsection (a)(1).''.

(c) REPEAL OF SECTIONS RELATING TO EXAMINERS.—Sections 6, 7, and 9 of the Voting Rights Act of 1965 (42 U.S.C. 1973d, 1973e and 1973g) are repealed.

(d) SUBSTITUTION OF REFERENCES TO ''OBSERVERS'' FOR REFERENCES TO ''EXAMINERS''.—

(1) Section 3(a) of the Voting Rights Act of 1965 (42 U.S.C. 1973a(a)) is amended by striking ''examiners'' each place it appears and inserting ''observers''.

(2) Section 4(a)(1)(C) of the Voting Rights Act of 1965 (42 U.S.C. 1973b(a)(1)(C)) is amended by inserting ''or observers'' after ''examiners''.

(3) Section 12(b) of the Voting Rights Act of 1965 (42 U.S.C. 1973j(b)) is amended by striking ''an examiner has been appointed'' and inserting ''an observer has been assigned''.

(4) Section 12(e) of the Voting Rights Act of 1965 (42 U.S.C. 1973j(e)) is amended—

(A) by striking ''examiners'' and inserting ''observers''; and

(B) by striking ''examiner'' each place it appears and inserting ''observer''.

(e) CONFORMING CHANGES RELATING TO SECTION REFERENCES.—

(1) Section 4(b) of the Voting Rights Act of 1965 (42 U.S.C. 1973b(b)) is amended by striking ''section 6'' and inserting ''section 8''.

(2) Subsections (a) and (c) of section 12 of the Voting Rights Act of 1965 (42 U.S.C. 1973j(a) and 1973j(c)) are each amended by striking ''7,''.

(3) Section 14(b) of the Voting Rights Act of 1965 (42 U.S.C. 1973l(b)) is amended by striking ''or a court of appeals in any proceeding under section 9''.

SEC. 4. RECONSIDERATION OF SECTION 4 BY CONGRESS.

Paragraphs (7) and (8) of section 4(a) of the Voting Rights Act of 1965 (42 U.S.C. 1973b(a)) are each amended by striking ''Voting Rights Act Amendments of 1982'' and inserting ''Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006''.

SEC. 5. CRITERIA FOR DECLARATORY JUDGMENT.

Section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) is amended—

(1) by inserting ''(a)'' before ''Whenever'';

(2) by striking ''does not have the purpose and will not have the effect'' and inserting ''neither has the purpose nor will have the effect''; and

(3) by adding at the end the following:

''(b) Any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting that has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), to elect their preferred candidates of choice denies or abridges the right to vote within the meaning of subsection (a) of this section.

''(c) The term 'purpose' in subsections (a) and (b) of this section shall include any discriminatory purpose.

''(d) The purpose of subsection (b) of this section is to protect the ability of such citizens to elect their preferred candidates of choice.''.

SEC. 6. EXPERT FEES AND OTHER REASONABLE COSTS OF LITIGATION.

Section 14(e) of the Voting Rights Act of 1965 (42 U.S.C. 1973l(e)) is amended by inserting '', reasonable expert fees, and other reasonable litigation expenses'' after ''reasonable attorney's fee''.

SEC. 7. EXTENSION OF BILINGUAL ELECTION REQUIREMENTS.

Section 203(b)(1) of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–1a(b)(1)) is amended by striking ''2007'' and inserting ''2032''.

SEC. 8. USE OF AMERICAN COMMUNITY SURVEY CENSUS DATA.

Section 203(b)(2)(A) of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–1a(b)(2)(A)) is amended by striking ''census data'' and inserting ''the 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data''.

SEC. 9. STUDY AND REPORT.

The Comptroller General shall study the implementation, effectiveness, and efficiency of the current section 203 of the Voting Rights Act of 1965 and alternatives to the current implementation consistent with that section. The Comptroller General shall report the results of that study to Congress not later than 1 year after the date of the enactment of this Act.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–554. 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. NORWOOD

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109–554.

Mr. NORWOOD. 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. 1 offered by Mr. NORWOOD:

Page 11, strike lines 1 through 3.

Page 11, line 4, strike ''(2)'' and insert ''(1)''.

Page 11, line 7, strike ''(3)'' and insert ''(2)''.

Add at the end the following:

SEC. 10. CRITERIA FOR INCLUSION FOR PRECLEARANCE AND OTHER PROVISIONS OF TITLE I.

The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) is amended—

(1) in the first sentence of section 4(a)(1), by striking ''the first two sentences of'';

(2) by striking the second sentence of section 4(a)(1);

(3) in section 4(a), by striking ''or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection)'' each place it appears;

(4) so that subsection (b) of section 4 reads as follows:

''(b)(1) Subsection (a) applies in any State or subdivision of a State that the Attorney General determines maintains a test or device, or with respect to which the Director of the Census determines that less than 50 percent of the citizens of voting age residing

therein were registered on November 1 of a critical year, or that less than 50 percent of those citizens voted in the presidential election of that critical year. The critical years for the purposes of this Act are the 3 years in which the last preceding presidential elections took place.

''(2) A determination under paragraph (1) is not reviewable in any court and shall take effect upon publication in the Federal Register.'';

(5) in section 4(f)(4), by striking ''the second sentence of section 4(a)'' and inserting ''subsection (a)''; and

(6) in section 5, by striking ''Whenever a State or political'' and all that follows through ''1972'' and inserting ''Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based on a determination made under section 4(b) enacts or seeks to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on the day before that determination was made''.

The Acting CHAIRMAN. Pursuant to House Resolution 910, the gentleman from Georgia (Mr. NORWOOD) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I ask unanimous consent that I be able to submit for the RECORD an article from Dr. Ronald Gaddie of the University of Oklahoma and an article from the American Enterprise Institute.

The Acting CHAIRMAN. The gentleman's request will be covered by general leave.

MYTHS AND REALITIES OF THE NORWOOD AMENDMENT TO THE VOTING RIGHTS ACT

(By Ronald Keith Gaddie)

There is a myth abounding in the debate about the renewal of the Voting Rights Act, that the Norwood amendment guts section 5, limiting its scope only to Hawaii and largely removing Section 5 oversight in the 16 states currently covered in whole or in part. Professor Rick Hasen, with whom I largely agree, gave credence to this myth in his editorial in Roll Call. I agree with Prof. Hasen regarding the bailout amendment from Mr. Westmoreland. However, I think the Norwood Amendment deserves a more careful, data-informed treatment before it is dismissed.

This myth is simply wrong. Saying ''only Hawaii'' leaves the impression that the Norwood Amendment withdraws the Voting Rights Act from its original target, the South, and that it is being retired to a permanent sunshine sabbatical on Maui. The truth is far more complex, and far less threatening to the continuation of coverage by the Voting Rights Act.

In my supplemental testimony to the Senate Judiciary Committee this past June, I supported updating the coverage formula to refer to the Presidential elections of 2000 and 2004. In that testimony, I also argued that the trigger be set to the two most recent elections, so that it would have ''a capacity to consider the evolution of the electorate, and that the trigger be based on the voting-eligible population—citizens. Any state or jurisdiction administering elections where participation fell below 50 percent of the citizen voting age population would be subject to preclearance.'' The consequence of this trigger is not dire. Instead, most of the currently covered jurisdictions continue to be covered, and other jurisdictions where we observe both racial strife and low political participation will fall under Section 5 preclearance.

An examination of data from the two most recent elections gives us a notion of how the Norwood amendment would affect coverage. Norwood's trigger, based on participation in the 1996, 2000, and 2004 presidential elections, requires Section 5 in over 1,000 counties across most of the states in the union based on participation in 2000 and 2004. Lacking data for 1996, I limit my discussion to these elections, which resembles the trigger I proposed to the Senate (Note: these data, including a map of the potentially affected jurisdictions, are available at my website, http://soonerpolitics.com).

Where are these counties? Of the 1,010 counties covered, 486 were not previously subject to Section 5. Of these, 58 are in states already covered in part by Section 5: twelve in California, eighteen in Florida, five in Michigan, sixteen in North Carolina, six in New York State. Another 121 are in Arkansas and Tennessee, states not currently covered by Section 5. Kentucky, Missouri, Oklahoma and West Virginia account for another 155 counties, including any rural Appalachian counties or, in case of Oklahoma, counties with notable Native American populations. In sum, 334 new counties come from former Confederate or Border South states or from current section 5 states.

Another twenty-one counties come from New Mexico, where a state court in 2001 and 2002 accepted the presence of racially polarized voting in the southern part of the state and in the areas populated by Navajo and Jicarilla Apache. Of the remaining 131 new, covered counties, 67 are in Indiana and Pennsylvania, where population loss since the census might explain the presence of low voting rates. This leaves 64 counties scattered over sixteen states, including a variety of very populous counties like rapidly-growing Clark County, Nevada (Las Vegas) and also sparsely populated places such as Glacier County, Montana, the home of the Blackfeet Indian Nation and about 14,000 residents. Many of the counties that are picked up in the new states with very few covered counties also host Indian reservations, including counties in Nebraska, Michigan, Idaho, Montana, North Dakota, and Oregon.

So where drops out? It appears that 340 counties in currently covered states do not get picked up, plus Alaska and ten townships of New Hampshire. Of the 340 counties that are not picked up by the trigger, 43 are in Mississippi, 31 are in Louisiana, and 58 are in Virginia, and result in a 55 percent reduction in covered counties in these three states. Of 64 Louisiana parishes, 58 would not get picked up. These four states account for over half of the currently-covered counties that would no longer be covered.

An additional 118 counties come from the 254 counties of Texas, though the only major urban county to no longer be covered is Tarrant County (Fort Worth). Dallas (Dallas), Harris (Houston), El Paso (El Paso), and Bexar (San Antonio) counties and most of the South Valley continue to be covered. Jurisdictions that are not covered tend to be in sparsely populated west Texas. Also, twenty-two of 159 Georgia counties and nine of 46 South Carolina counties are not picked up by the new trigger. Most of the Georgia dropouts are in the Atlanta urban doughnut or outside the black belt, as too are the South Carolina dropouts. Only four of 14 Alabama black belt counties stay in, due to their high voter participation, and about half of the historic rural majority-black counties of Mississippi are also not picked up.

The original trigger of the Voting Rights Act was crafted to target jurisdictions with egregious voting rights and human rights problems. The updating of the trigger in the 1960s and early 1970s picked up non-Southern jurisdictions that had participation problems and also, coincidentally or not, often had other voting rights challenges that might not have been addressed in the absence of an updated trigger. The Norwood Amendment trigger preserves coverage in most of those original and updated jurisdictions, and also expands coverage in a fashion similar to the 1968 and 1972 trigger updates. And, in doing so, it picks up jurisdictions where noted advocates such as Laughlin MacDonald have stated the need for greater oversight, such South Dakota, by identifying areas in partially-covered states and uncovered states where lower participation might indicate the need for closer scrutiny by the Department of Justice.

The politics of the Voting Rights Act renewal dictate that the Norwood Amendment will not pass in the House. But on its face the Norwood Amendment is not predatory. Rather, it acknowledges a political reality of significant gains in participation in areas long-covered by the Voting Right Act, while also continuing and extending coverage in areas where voters are not participating, and where the need for stricter scrutiny of voting and registration practices could be in order.

TABLE I.—CHANGES IN S. 5 COVERED COUNTIES, NORWOOD AMENDMENT, USING 2000 AND 2004 ELECTION PARTICIPATION

	Currently covered counties	Counties covered by Norwood amendment	Net change, currently covered counties	Net change, currently non-covered States	Total number of counties in State
Alabama	67	36	−31		67
Arkansas	0	54		54	75
Arizona	15	12	−3		15
California	4	16	12		58
Colorado	0	6		6	64
Florida	4	22	18		67
Georgia	159	137	−22		159
Hawaii	0	4		4	4
Idaho	0	3		3	44
Illinois	0	3		3	102
Indiana	0	37		37	92
Kansas	0	8		8	105
Kentucky	0	63		63	120
Louisiana	64	6	−58		64
Massachusetts	0	1	1	14	

TABLE I.—CHANGES IN S. 5 COVERED COUNTIES, NORWOOD AMENDMENT, USING 2000 AND 2004 ELECTION PARTICIPATION—Continued

	Currently covered counties	Counties covered by Norwood amendment	Net change, currently covered counties	Net change, currently non-covered States	Total number of counties in State
Maryland	0	9		9	24
Michigan	2	7	5		83
Missouri	0	15		15	115
Mississippi	82	39	−43		82
Montana	0	1	1	1	56
North Carolina	40	56	16		100
North Dakota	0	4		4	53
Nebraska	0	1		1	93
New Jersey	0	2		2	21
New Mexico	0	21		21	33
New York	3	9	6		62
Nevada	0	4		4	17
Ohio	0	6		6	88
Oklahoma	0	38		38	77
Oregon	0	2		2	36
Pennsylvania	0	30		30	67
South Carolina	46	39	−7		46
South Dakota	2	9	7		66
Tennessee	0	67		67	95
Texas	254	136	−118		254
Utah	0	2		2	29
Virginia	123	65	−58		134
Wisconsin	0	1		1	72
West Virginia	0	39		39	55

AN ASSESSMENT OF RACIALLY POLARIZED VOTING IN MILWAUKEE, WISCONSIN

PREPARED FOR THE PROJECT ON FAIR REPRESENTATION, AMERICAN ENTERPRISE INSTITUTE

(By Charles S. Bullock III and Ronald Keith Gaddie)

The scope of racially polarized voting is not confined to the Section 5 states or to the South, but indeed occurs in places such as Wisconsin. During the 2002 federal trial to establish new state Assembly boundaries for the Badger State, the well-regarded University of Wisconsin political scientist David Canon entered testimony on behalf of plaintiffs arguing for the existence of racially polarized voting and significant differences in African-American versus Anglo participation in Milwaukee. The following data and analysis are drawn from Canon's reports and affidavits.

Canon's analysis focused on sixteen biracial elections within Milwaukee County. In fourteen of these contests, white turnout exceeded black turnout, often by double the rate of voter participation.

In his analysis, Canon found nine instances of ''legally significant'' racially polarized voting in black-versus-white contests: the 1992 Milwaukee County Executive primary, the 1992 House district 5 primary, the 1995 at-large school bard primary, the 1996 Supreme Court primary, the 1996 Milwaukee Mayor's race (General election), the 1998 gubernatorial primary, the 1999 at-large school board election, and the 2000 Supreme Court general election. Eight of these contests were primaries or non-partisan contests, and in those eight contests, the white turnout rate was on average double that of the black turnout rate.

The average black vote for the black candidate (86.2%) in the eight polarized, primary or nonpartisan contests was comparable to the average white vote for the white candidate (85.2%). These levels of polarization are comparable to levels observed in the most polarized southern elections, and exceed the degree of polarization in recent Georgia elections. Overall, in the nine instances of legally significant polarization identified by Canon, black voters cast at least 89% of votes for the black candidate on six occasions while white voters cast at least 89% for the white candidates on three occasions.

Dr. Canon exhibits an explicit concern that Republicans in Wisconsin would use districting to locate black voters in such a fashion that a Voting Rights Act violation might occur. In his criticism of State Assembly redistricting plans advanced by the Assembly and Senate Republicans in 2002, Canon observed that: ''the black majorities are too small in the Republican plans, black voters will not be able to elect their candidates of choice in as many as four of the six black-majority districts. The highly-polarized nature of voting in Milwaukee County and the relatively low turnout of African-American voters means that the combined minority voting age population should be at least 65% and the African-American voting age population should be at least 60% in order to ensure that minority voters have an opportunity to elect candidates of their choice . . . given the relative lack of responsiveness of the Republican Party to the particular needs of minority voters, see ''Electing 'Candidates of Choice' and Effective Minority Representation in the 2002 Wisconsin State Legislative Districts,'' pp. 27–30, the link between the creation of majority black districts and this partisan goal, and the dilution of black voting power by making it more difficult to elect minority candidates of choice, I believe that the State of Wisconsin would subjected to legal liability under a ''totality of circumstances'' test under Section 2 of the Voting Rights Act.'' (page 48–49)

Taken a step further, we should note that the Federal panel hearing this case sidestepped the issue by crafting a ''best principles'' map base on compactness and minimum population deviation. This map continued the five existing minority districts at relatively high percentages, and rejected an argument of ''packing'' of districts under the Democrat's proposed maps in Milwaukee. While the argument is side stepped, and a generally Republican map resulted from the court's effort, they also implicitly accepted the logic of the Democrats by basically preserving the black districts of Milwaukee in a fashion consistent with the Democrat's expert recommendation.

Here, we see motive and opportunity, and we have expert analysis that demonstrates polarization akin to the South, and prescribing a remedy much more intensive than that used in many southern jurisdictions—Dr. Canon says that the 65% district is still necessary in Milwaukee, while the need for the district has passed in any southern jurisdictions covered by Section 5, as demonstrated by Professor Epstein.

Please also note that while Epstein's analysis was not accepted by the district court in Ashcroft, it was accepted by Justice O'Connor in her decision.

Mr. NORWOOD. Mr. Chairman, when the original Voting Rights Act passed this House, it was to correct voting discrimination evident in the 1964 Presidential election. The legal protections and enforcement scheme in the new law were all designed around that challenge.

The specific challenges of 1964 have long ago been rectified, yet the specific enforcement scheme contained in sections 4 and 5 remain based on 1964, 1968, and 1972 Presidential elections. Here are the current rules on the VRA:

To fall under section 5 Federal oversight, a voting jurisdiction has to have committed both of the following offenses:

One, they must have maintained discriminatory tests or devices to discourage voting in 1964, 1968, and 1972 Presidential elections.

Two, they had to have fallen below 50 percent voter registration or turnout in 1964, 1968, and 1972 Presidential elections.

Note that an area must have committed both offenses back then to fall under section 5.

We have a rare opportunity today to update the Voting Rights Act and bring it back into compliance with the original intent of the bill to safeguard voting rights all across the country, not just in the current 16 States.

Instead of continuing to face legal protections on 1964 conditions, this amendment will update them to modern results and toughen the standard, and, indeed, add more jurisdictions under the Voting Rights Act.

First, instead of requiring a jurisdiction to violate both of the standards to fall under section 5 oversight, a jurisdiction is placed in the penalty box for violating either one of the two triggers.

Second, the Presidential election years used to determine violations are updated to the most recent three elections, 1996, 2000, 2004. They would be automatically updated in the future to ensure that the act stays current.

Third, the penalty period for new violations is increased from the current 10-year bailout rule to 12 years, by requiring an area demonstrate three

clean Presidential elections in a row in order to get out of the penalty box.

Under this amendment, the Justice Department is ordered to automatically review nationwide results and add noncomplying areas to the section 4 list or section 5 oversight after each 4-year cycle. Any jurisdiction that does not violate either trigger for three Presidential election years in a row will be automatically removed from section 5.

That is a real incentive for State and local governments to move aggressively into compliance with the Voting Rights Act. It guarantees the terms for getting off the list, without bankrupting local governments with legal bills as do the current arbitrary 10-year bailout requirements, which in many cases are impossible to meet. And it is certain that a partisan Justice Department wants to make sure you stay under there for 10 years, and with enough time we will explain how they do that.

□ 1330

The Justice Department will therefore determine whether specific jurisdictions need to be added or deleted from Federal oversight list based on their performance in 1996, 2000, and 2004 rather than 1964, with automatic rolling updates to future election cycles.

The end result of this amendment would be expanded Federal oversight in areas with current violations, and section 5 oversight relief for areas with long-standing historic Voting Rights Act compliance.

My State of Georgia, under my amendment, will unfortunately, remain on the list since we fell below the 50 percent trigger in 1996.

There are currently 837 jurisdictions under section 5 oversight. That would be on the chart to the right. Under this amendment, there would be a minimum, with my new amendment there would be a minimum of 1,010 covered jurisdictions all across the country in 39 States. That is indicated by the chart on my left. The white areas are people not under 5; under my amendment the colored areas are people who would be under 5 because they broke the same rule under section 4 as we did in Georgia.

In fact, there would be substantially more than that. Our researchers could only find areas out of compliance in 2000 and 2004, without spending a great deal of money in 1996, but we will know 1996. So all these areas that failed to comply in 1996 would also be added to section 5 oversight as well. We just can't tell you for sure right now how many more that might be.

Mr. Chairman, this amendment will significantly improve voting rights protections by eliminating default amnesty for modern violations. It will provide understandable and clearly defined goals for areas not in compliance with either original trigger, and thereby encourage vigorous remedial action by those governments, and actually strengthening and updating the Voting Rights Act to go after current violations.

I do not understand why it is not important about violators in 2004, but we seem to not take that up in H.R. 9.

Our amendment provides long-overdue equity to the areas of our country that unjustly remain under penalty for 40-year-old violations that have long been remedied. And do not kid yourself, just because a partisan Justice Department objects to a submittal does not necessarily mean they are right. The Supreme Court has said on occasion that they are wrong. Nor does it mean that there has been any discrimination.

I urge Members to support updating the Voting Rights Act for the 21st century with this amendment.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 20 minutes.

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

Mr. Chairman, this amendment guts the Voting Rights Act, and let's make no bones about it. It does so by altering its coverage formula to cover only those jurisdictions in which voter registration and turnout fell below 50 percent in the 2004, 2000, and 1996 Presidential elections.

Based on the Census Bureau Current Population Survey, there is not a single State, except Hawaii, with voter registration and turnout below the 50 percent level required by this amendment. That means that only the State of Hawaii in its entirety would be covered, along with random scattershot jurisdictions across the country that do not have the century-long history of discrimination that the covered States do, and which the Supreme Court requires for the application of the preclearance and Federal observer conditions contained in the VRA.

The amendment not only guts the bill, but turns the Voting Rights Act into a farce.

To give you a sense of the absurdity of this amendment, let's take the example of Montana. In Montana, the amendment would only cover Glacier County, where there has been absolutely no evidence of voting discrimination, but where voter registration and turnout fell below the thresholds established by this amendment. That is the little blue spot on the Canadian border on Mr. NORWOOD's map.

The amendment, however, would not cover Blaine County, where just a few years ago a Federal District Court and a U.S. Court of Appeals found widespread evidence of discrimination against American Indians, who comprised one-third of all of the voters.

This amendment would also not cover Big Horn County, where a Federal court documented the virtually complete disenfranchisement of American Indian voters, nor would it apply to several other counties in Montana where voting discrimination has occurred, such as Rosebud County.

Under this amendment, similarly absurd results apply in 38 other States. So you might want to check on how this amendment affects your State before deciding whether to vote ''yes'' on it.

In addition, the amendment would render the temporary provisions of the Voting Rights Act unconstitutional. This amendment is designed to make all of the expiring provisions unconstitutional, and it simply guarantees that the Supreme Court of the United States will wipe this act off the books.

As recently as 1999, the Supreme Court upheld the constitutionality of the current coverage formula in the Voting Rights Act. In 1999, 7 years ago. In Lopez v. Monterey County, the Supreme Court upheld the Voting Rights Act's voting rule preclearance requirement finding that it ''burdens State law only to the extent that the law affects voting in jurisdictions properly designated for coverage.''

By radically altering the coverage formula of the Voting Rights Act in a way that severs its connection to jurisdictions with proven discriminatory histories, this amendment will render H.R. 9 unconstitutional and leave minority voters without the essential protections of the preclearance and the Federal observer requirements central to the VRA. The elimination of these provisions would threaten to destroy the advances of voting rights the VRA has made possible to date and must continue to protect and advance in the future.

There is broad agreement on this point. Justice Scalia, in his opinion in the recent Texas redistricting case, joined by the Chief Justice, Justice Alito and Justice Thomas, makes its clear that the Voting Rights Act with its current coverage formula will be upheld as constitutional, and that section 5 of the Voting Rights Act applies only to jurisdictions with a history of official discrimination.

The existing formula triggering coverage under the Voting Rights Act is not at all outdated in any meaningful sense of the term, and States covered are not unfairly punished under the coverage formula. Sixteen States are covered in whole or in part under the temporary provisions of the Voting Rights Act. The formula does not limit coverage to a particular region, but encompasses those States and jurisdictions where less than 50 percent of the citizens of voting age population registered or turned out to vote in 1964, 1968 or 1972.

But coverage is not, and I repeat ''not'' predicated on these statistics alone. States are not covered unless they applied discriminatory voting tests. And it was this aspect of the formula that brought these jurisdictions with the most serious histories of discrimination under Federal scrutiny.

The U.S. District Court for the District of Columbia has held that ''Obviously, the preclearance requirements of the original act and its reauthorization had a much larger purpose than to increase voter registration.'' On the occasion of each reauthorization, Congress reviewed voting progress, including increases in registration and turnout, and the necessity of continuing coverage under the act.

The review was no different in 2006. The Judiciary Committee had 12 hearings, called 46 witnesses, and compiled more than 12,000 pages of evidence of continued discrimination in covered jurisdictions. In Georgia alone, 91 objections were interposed by the Justice Department since 1982, including four since 2002. In Texas, 105 objections were interposed. All of these incidents involved voting rule changes that the Department of Justice determined to be discriminatory.

Indeed, the reauthorization of this formula in H.R. 9 is based on recent and proven instances of discrimination in voting rights compiled in the Judiciary Committee's 12,000-page record. Moreover, the Voting Rights Act as it exists already includes provisions that allow for the expansion and reduction of covered jurisdictions as necessary, which ensures that the list of covered jurisdictions is appropriately revised and updated.

Insofar as voting conditions have improved over the years in the covered jurisdictions, that improvement is due precisely to the Voting Rights Act itself and the requirements preventing discriminatory voting rule changes from going into effect. This amendment would abolish exactly those provisions that are directly responsible for the enhanced voting protections that the VRA has secured for millions of Americans. As a result, the amendment undermines the VRA's goal of ensuring that progress made by minority voters continues and that America never backslides in its protection of minority voting rights.

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

Mr. NORWOOD. Mr. Chairman, I yield myself 1 minute. I would like to simply point out that most of what the chairman said I certainly don't agree with, and I fully expect the Supreme Court not to agree with it either.

I didn't write section 4, but I can read even though I am not a lawyer. It is very clear what the mechanism in section 4 says and means to put you under section 5, and there is no reason, I think, on earth, that every jurisdiction in this country shouldn't have to live under the same rule.

The scattered counties we are talking about over there that would go under section 5 end up being 200 or 300 more that aren't under there now. And, Mr. Chairman, if you think they have problems in Montana in discriminating, you ought to do something about it. All I can do is have them follow section 4 of the original VRA.

Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I appreciate my good friend from Georgia yielding the time to me, and I appreciate his work on behalf of the Voting Rights Act during the process of this debate.

Mr. Chairman, this bill is named after Fannie Lou Hamer, Coretta Scott King, and Rosa Parks. These brave women dedicated their lives to ensuring that everyone had access to the polls and the right to vote. It is up to us standing here today to honor their legacy by ensuring that the bill we pass to rewrite the Voting Rights Act will stand the test of time forever.

There is no question that the Voting Rights Act was needed in 1965. Georgia had a terrible record and merited the drastic remedy imposed on it by preclearance and section 5. The thrilling thing is, it worked; Georgia is not the same place it was. Today, we have more than 600 elected black officials; nine of the 34 statewide officeholders are minorities, and black voter turnout in the 2000 election exceeded white voter turnout. Georgia is a changed State, changed for the better because of the Voting Rights Act.

A cornerstone of the civil rights movement, my friend from Georgia's Fifth District, Mr. LEWIS, said, under oath during a lawsuit in 2002: ''We have changed. We've come a great distance. I think it's not just in Georgia, but in the American South, I think people are preparing to lay down the burden of race. There has been a transformation. It is altogether a different world.''

My concern is that failing to acknowledge the change will result in the VRA being found unconstitutional. There is no basis for continuing to single out certain States, especially when more than half of the findings of liability on section 2 claims have come from States outside the covered jurisdictions. The remedy of section 5 is no longer congruent and proportional to the discrimination that exists.

We must have a record on which to show continued drastic remedies are needed, and that record is not here from this reauthorization. The lack of evidence of State-sponsored discrimination is of major concern for the future of the VRA when viewed by a court. There is a lot of paper, but not many facts or statistics to show why Georgia is different from Tennessee or why Texas is different from Oklahoma or why racially polarized voting in Wisconsin shouldn't be addressed with a remedy such as the VRA. Updating the formula is the answer.

Mr. NORWOOD's amendment does not gut the VRA. It ensures its continuity for future generations. By rolling the formula, every jurisdiction is reviewed every 4 years. Low turnout generally means problems with voting, and this amendment uses the same formula already in law to identify these problems.

□ 1345

Any Member who votes against this amendment whose district is covered based on this amendment is being disingenuous about their views on civil rights. You argue for equal rights and the beauty of the VRA, but don't want it applied to your State or in your district.

Mr. Chairman, I urge the Members, such as Mr. CHABOT, Mr. FITZPATRICK, Mr. MCGOVERN, Mr. DIAZ-BALART, Ms. KILPATRICK, Ms. TUBBS JONES and Chairman SENSENBRENNER, who have talked about how good this bill is, to vote for this amendment. If it is good for the South, it should be good for your State and good for your district.

Mr. Chairman, I urge all Members to support the efforts made by Mr. NORWOOD.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I join Chairman SENSENBRENNER in opposition to the Norwood amendment. The amendment represents a fundamental misunderstanding of the Voting Rights Act and its structural design by arbitrarily selecting the last three election cycles as the starting point for confronting and combating voting discrimination. The amendment unhinges section 5 from its historical connections, disrupts the delicate balance embodied by the act, and makes it likely that the act would be declared unconstitutional.

The Voting Rights Act, as amended and extended on four separate occasions, struck a delicate balance that remains relevant today. The act imposes special requirements on specific jurisdictions that have a history and ongoing record of unequal policies.

The Norwood amendment misguidedly seeks to establish a remedy where one already exists. Voters may seek redress for recent voting rights infractions under existing provisions of the Voting Rights Act. And where a court finds sufficient justification based on actual evidence, it may impose the identical preclearance requirements that covered jurisdictions must satisfy currently. If the Norwood amendment only duplicated the existing protections of the Voting Rights Act, perhaps the only complaint would be that it is redundant and unnecessary.

In 1975, Senator Strom Thurmond offered a similar amendment to change the trigger to the next election, making virtually the same arguments that are being made by Mr. NORWOOD today. He stated: ''One of the main problems with the Voting Rights Act is that it is, as presently constituted, an ex post facto law which punishes several Southern States for events which occurred in 1964.''

In a remarkable colloquy that ensued between Senator Thurmond and Senator Jesse Helms from my home State, Senator Helms proposed yet another

amendment which would have a presumption of discrimination if registration and participation of voting-age citizens exceeds 50 percent in the last election.

Like the amendment offered by Mr. NORWOOD, this amendment should be defeated as we defeated the ones by Mr. Helms and Mr. Thurmond back at that time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the subcommittee chairman, the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I rise in opposition to this amendment.

Under the gentleman's amendment, which would utilize election data from 1996 and 2000 and 2004 Presidential election data, as the chairman mentioned, the only State that would be fully covered under the preclearance and Federal observer provisions of the Voting Rights Act would be the State of Hawaii. Not only does this undermine the policy of protecting minority voters who have been historically discriminated against, the central crux behind the Voting Rights Act, but it threatens the constitutionality of the Voting Rights Act and the progress made by minority voters over the last 40 years. And that is one of the principal things that the Subcommittee on the Constitution looked at and why we took so much testimony on this issue because we want to make sure that this stands up if there is a challenge in the Supreme Court, and there probably will be.

Section 4 of the Voting Rights Act sets forth a formula under which certain jurisdictions are subjected to voting rule preclearance and Federal observer requirements. While the formula utilizes neutral registration and turnout data from the 1964, 1968 and 1972 elections, coverage is really about the documented history of discriminatory practices which is reflected in the first prong of the coverage formula that brings jurisdictions that maintain prerequisites for voting or registration under the scrutiny of the Federal Government.

Examples of such discriminatory practices include that minorities, one, demonstrate the ability to read, write, understand or interpret any matter; two, demonstrate any education achievement or knowledge of any particular subject; three, possess good moral character; or, four, prove qualifications by the voucher of registered voters of members of any other class.

I can tell you firsthand that the testimony gathered during the 12 hearings, which is reflected in more than 12,000 pages of record, demonstrates a continued need for the preclearance and Federal observer provisions.

The Norwood amendment, without any historical basis, would revise the coverage formula which has been upheld by the Supreme Court as recently as 1999 in Lopez v. Monterey County.

In one amendment, the underlying policy of the Voting Rights Act would be put at risk; and the constitutionality of the remaining provisions of the Voting Rights Act would be threatened, jeopardizing the protections for minority voters and thereby possibly jeopardizing the advances in voting rights that the Voting Rights Act has facilitated to date.

I strongly urge my colleagues to oppose this amendment.

Mr. NORWOOD. Mr. Chairman, I just want to mention to my colleague that 43 of the people you had testify were 43 people who came in to justify what you had done in H.R. 9. Everybody has been here long enough to know how you set up hearings. There were three people in that whole group that disagreed.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER).

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

I moved to Georgia in 1969 from Minnesota, and I saw the abuses the Democrat leadership, the Democrat Governors and Democrat officeholders, were putting on black voters, restricting them the vote.

When I was elected to the Georgia house with DAVID SCOTT in 1974, at one time I was one of 19 Republicans in a 180-member house.

As we started to build the Republican Party, the Democrats needed those black votes and started treating them differently; but treated them in multimember districts, and we know what that means: put a large district with four posts in it, not enough minority voters to nominate a black candidate to run, but enough to ensure that four white Democrats will win.

That finally went away under provisions of the Voting Rights Act. But in 2001 our last Democrat Governor brought them back. He gerrymandered our State so badly that he created multimember districts throughout the State with four posts in a large district, guaranteed not enough black voters to nominate a black candidate, but guaranteed enough to elect four white Democrats.

Did he get it precleared by the Department of Justice under the rules? No, he sued the Justice Department in a friendly court in Washington, D.C. and he spent $2 million of taxpayers' money on outside attorneys to get a favorable decision. And Georgia was back in multimember districts in the election of 2002. That is how keenly this act has worked in some States for clever Democrat Governors.

If you believe it must be done, and I frankly saw the success of it during my years in the legislature, if you believe it must continue to apply, why in the world don't you want it to apply to every jurisdiction? Why in the world shouldn't everybody be looked at on a regular basis?

It may not be the kind of amendment that you like, but the chairman was offered many opportunities to sit down and negotiate the language, and chose not to do that.

But if this Voting Rights Act is good for Georgia and 15 other States, it ought to be wonderful for the country, and you should support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT) with a different view on what is going on there.

Mr. SCOTT of Georgia. Mr. Chairman, I appreciate you yielding me this time.

Let me just pick up from the last point: Why shouldn't it be applied to the whole Nation? The opposition knows full well: if that were the case, it would immediately be ruled unconstitutional. In every case, the Supreme Court was very clear that whatever the remedy is, it must fix the size of the problem where there has been demonstrated discrimination. That is the whole purpose of it.

Mr. Chairman, let me quickly with my time, I want to get to this amendment because it is very important that we show why this amendment is designed to do two things: one, to make this bill unconstitutional; and, two, to kill the Voting Rights Act.

The Norwood amendment would do one important thing: it would take the list of jurisdictions currently covered under section 5 and throw it in the garbage can. It would completely disavow every known jurisdiction that is now covered under the Voting Rights Act. That alone is enough for us to have a reason to defeat this amendment.

We know that jurisdictions on the list today are still discriminating because we heard testimony, 12,000 pages of testimony. I was there in the committee each and every day. And much of that testimony, Mr. Chairman, came directly from the State of Georgia.

As I said earlier, there is no State that needs the Voting Rights Act's protection as does Georgia. When my colleagues from Georgia say they are being punished, who is being punished? I will tell you who is being punished. It is those African American citizens down there who year after year, as we have testified, have said that they are being punished and discriminated against because of the violations of the act.

As we sit here and debate this bill today, the Voter ID bill from Georgia gives ample evidence that Georgia is still discriminating. The power of the Voting Rights Act is the power of section 5, and the power of section 5 is to make sure these procedures are precleared. It is designed to prevent discrimination. We dare not take that protection off the books, and that is what the Norwood amendment will do and why we must vote it down.

Mr. NORWOOD. Mr. Chairman, of course our amendment does not do that. It simply applies to every jurisdiction in the country equally, equal protection under the law.

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

Mr. DEAL of Georgia. Mr. Chairman, today, some 41 years after the first Voting Rights Act was passed by Congress, the facts that relate to infringements on voting have substantially changed. And here we are talking in this amendment about a portion of the Voting Rights Act that was deemed to be temporary and was deemed to be remedial in nature.

The bill we are asked to pass today, however, without this amendment relies on facts that are over 40 years old, and the Norwood amendment seeks to overturn those facts and base this legislation on facts that exist today, in fact, the three most recent Presidential elections rather than the election of Lyndon Johnson.

Now, the opponents of the Norwood amendment argue that it might render the Voting Rights Act unconstitutional to do that. Doesn't that give you some pause, some concern? If you can't justify this legislation on the facts of 2006, if you can't base it on the last three Presidential elections and those facts will make your act unconstitutional, that alone ought to cause you to vote against it.

This is here because the 15th amendment has given jurisdiction to Congress to do certain things, and we act on those facts. But the facts are still the facts even though this bill may attempt to say they are something different.

Just because some of our Members prefer to linger in the sins of the past, it is our responsibility to legislate on the facts of the present, and those facts do not justify an extension of section 5.

Mr. SCOTT of Georgia. If the gentleman would yield.

Mr. DEAL of Georgia. No, I don't have time to yield.

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman from Georgia (Mr. DEAL) controls the time.

□ 1400

With all due respect to my good friend, Mr. SCOTT, with whom I also served in the Georgia legislature, we are talking here about a portion of the act that was deemed to be temporary. That is why we are talking about an extension of it today, that alone, a temporary extension, something that was only 5 years in its initial duration, is now, 41 years later, being asked to make it for an additional 25 years.

I would submit that the Norwood amendment needs to pass. It is a welcome improvement to the legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Hawaii (Mr. CASE) to explain why Hawaii does not have a history of discrimination and should not be covered under the Norwood amendment.

Mr. CASE. Mr. Chairman, I rise in opposition to this amendment for the same reasons as have been articulated otherwise.

But I also rise in opposition because of this amendment's specific impact on my State of Hawaii, because under his amendment, Hawaii would be, per se, subjected to a preclearance requirement solely because of relatively low turnout in recent presidential elections.

Now, I am not proud that we have had a low turnout in recent Presidential elections; but I say to the gentleman very directly, the author of this amendment, that it is not because of any history of discrimination against our citizens with respect to voting, and we should not be subjected, by application of some mechanistic and standardized formula unrelated in any way to the facts to section 5 preclearance.

And that really demonstrates the fallacy of the amendment, the removal from relevancy of applicable conditions in any State, past, present or future in determining who is and is not subject to preclearance. It is and should be relevant, and there are available means to come out from under preclearance.

But this amendment is not that, and I urge its rejection.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, today, when walking through the Capitol, I saw President Roosevelt's words inscribed on a wall. They stopped me in my tracks. He said, ''We must remember that any oppression, any injustice, any hatred is a wedge designed to attack our civilization.''

These words should guide us in this debate. They were deemed so important that they are literally a part of the structure of our Nation's Capitol.

The Voting Rights Act is the most important and successful civil rights law in our Nation's history. From poll taxes to literacy tests, States historically disenfranchised voters based on their race, their gender and educational background.

While America exports democracy around the globe, we must not deny it here at home. Sadly, many Americans have lost faith in our electoral system. From the 2000 election in my home State of Florida, or Ohio in 2004, many Americans feel like some in their government don't want their vote to count. We must renew the Voting Rights Act to restore that lost faith.

Some say the preclearance provisions are no longer needed, and they are wrong. Since 1982, the Department of Justice has made more than 1,000 objections to discriminatory changes in State and local voting laws. If the gentleman from Georgia's amendment is adopted, these 1,000 objections would never be considered. This amendment deserves to be defeated. All the amendments need to be defeated, and the Voting Rights Act should be adopted in full.

Congress passed the Voting Rights Act because millions of Americans had been intentionally denied their equal right to vote.

Some of my Republican friends also want to take away language assistance at the polls, and they speak the emotional rhetoric of anti-immigrant jingoism.

But this bill isn't about illegal immigration—it is about Americans participating in their democracy.

The overwhelming majority of those who receive language assistance at the polls are native-born, tax-paying American citizens.

In 2004, there were 15 initiatives on Florida's ballot. This issue is not only about distinguishing Candidate A from Candidate B. The VRA ensures that citizens also understand these confusing ballot initiatives.

In my district voters receive assistance in Spanish, Creole, and Seminole dialects.

Instead of erecting more barriers to voting, we should identify ways to increase civic participation and make people more confident in their Government and their leaders.

I urge my colleagues to pass this bill with no amendments.

Mr. NORWOOD. Mr. Chairman, I yield 2 minutes to my friend from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Chairman, I rise today in support of the amendment of my friend and colleague from Georgia, Representative CHARLIE NORWOOD.

This amendment will correct a fundamental flaw of this bill. As currently drafted, H.R. 9 will not only apply 1964 standards to the world of 2006, but it will continue to apply it for the next 25 years.

Mr. Chairman, I know that some claim this amendment is a poison pill designed to kill the bill. But I would say that this amendment, rather, is a disinfectant that will save this bill from a constitutional challenge.

The Norwood amendment will strengthen this act by creating a rolling standard using turnout from the three most recent Presidential elections to determine a State's compliance requirements under section 5. This rolling standard will keep every State, whether south, north, east or west, on their toes with respect to the voting rights of their citizens. Just look, Mr. Chairman, at the additional jurisdictions that would be covered by the Norwood amendment.

It makes no sense to use the election of 1964 as a measure of voter participation in 2006, and the Norwood amendment fixes this flaw. It ensures the passage of a Voting Rights Act that is not only fair, but it also upholds the constitutional guarantee of equal protection under the law.

Mr. Chairman, in good conscience, how can we be justified in punishing the citizens of States covered by section 5 based upon voter participation in 1964? The Norwood amendment will correct this inequity and ensure that the underlying bill protects the voting rights of every citizen in every State by using a modern and accurate standard.

Mr. Chairman, again, I encourage all my colleagues, please adopt this amendment. Give this House an opportunity to renew a true and constitutional Voting Rights Act.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to my distinguished ranking member, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, ladies and gentlemen of the committee, I think it is very, very important that we realize that the coverage formula in this bill does not need to be changed, as is being proposed by the gentleman from Georgia, in order for it to be up to date. Jurisdictions free of discrimination for 10 years can come out from under coverage. There is a bailout provision. Let's continue to use that, because I think it is so important.

Now, during the course of all the hearings and testimony and witnesses, the gentleman from Georgia (Mr. NORWOOD) never testified before the committee.

This issue has been explored very carefully. When we crafted this bill, we wanted to make sure that it would stand the test of time, and this trigger in 4 that governs section 5 is so important.

The Supreme Court has spoken. There must be congruence and proportionality before the injury to be prevented or remedied, and the means adopted to that end.

Mr. NORWOOD. Mr. Chairman, who has the right to close?

The Acting CHAIRMAN (Mr. BISHOP of Utah). The gentleman from Wisconsin has the right to close.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT), and then I will do my close, and the chairman says he will then close.

Mr. GOHMERT. Mr. Chairman, I have an amendment that we were trying to propose some time back when this was about to first come up because I felt like, as we all know, there is racial discrimination and it still goes on. We need to fix it. And I thought my amendment should apply across the board.

But the reason I have not continued to push that, and after a number of sleepless nights of reading cases, I believe Mr. NORWOOD's language is better. It is a misnomer to say his applies across every jurisdiction. It will only apply to jurisdictions where there is racial disparity and discrimination. Why shouldn't we want to eliminate those?

The big elephant in the room that people seem to be unwilling to notice is, there is an emerging equal protection argument here that could destroy the whole Voting Rights Act, and that is, you are having States here and jurisdictions that have discrimination who are going to ram this down on areas who have improved so dramatically they are better off than some of those doing the cramming down on them. That is going to raise an equal protection issue that puts the whole act in jeopardy.

Mr. NORWOOD. Mr. Chairman, I want to say to Mr. CONYERS, I am not on the Justice Committee, the fair Justice Committee. I don't have any right to testify before the committee, nor am I asked to testify before the committee, nor would I, I doubt, be allowed to testify before the committee simply because I don't agree with H.R. 9 as it presently is written.

What we are asking here basically is that everybody be treated equal under the law. Section 4, I didn't write. Section 4 clearly says what the formula is. In fact, section 4's formula is why my State is under section 5.

Why in the world shouldn't we look at everybody in the country today, in the 21st century?

In 1964, my son was 2 years old. He was part of the 30 percent of Georgians that are still in Georgia today. I don't think he had anything to do with 1965.

I was 23 years old. I didn't have a clue what was going on in 1965. Half of the 30 percent of the people in Georgia who were in Georgia in 1965 had nothing to do with this. You are finding my grandchild guilty for something my grandchild didn't do, is not doing and doesn't want to see happen. Yet you will not take this and apply it to other States who deserve to have the same equal protections under the law that we do in Georgia.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me just set the record straight. When the gentleman from Ohio (Mr. CHABOT) conducted the hearings before the Subcommittee on the Constitution, he allowed nonmembers of the Judiciary Committee to come and participate in the hearings and to ask questions of the witnesses that came before the hearing. And I know that the gentleman from Georgia, Mr. WESTMORELAND, did participate very actively. We were very happy that he came, and appreciate the contributions that he made.

So we have not been exclusionary at all. And a lot of other committees simply do not allow nonmembers of the committee to participate. Mr. CHABOT did.

But I would like to point out that much of the impetus behind this amendment comes from Georgia. And I think the fallacy of the amendment of the gentleman from Georgia (Mr. NORWOOD) is that he wants to base coverage exclusively on voter participation and not on any other factors, and that is what the constitutional flaw is.

The reason that section 5 does have the preclearance requirement is based on a number of factors, including the past history of discrimination and discriminatory voting practices.

In Georgia there have been 91 objections since the last reauthorization by the Department of Justice, and seven of them have been objections that have resulted in withdrawal of voting changes since 2002. So the arguments that Georgia isn't doing all this bad stuff anymore are not borne out by the statistics of what has been submitted to the Justice Department and where preclearance has been rejected.

During the general debate today, I introduced two rather extensive reports into the record from outside groups that gave the history of section 5 objections and voting rights problems in the State of Georgia since the 1982 reauthorization.

Now, the amendment that Mr. NORWOOD has proposed is a Trojan horse. It is designed to make the section 5 protections unconstitutional. And I guess the argument that I am hearing, the result of which is that if you can't win here, jiggle the law so that it ends up being declared unconstitutional in court.

This has been an important part of the Voting Rights Act. We should not run the risk of changing the formula that has met the test of time with repeated constitutional challenges. That is why the Norwood amendment should be rejected.

I urge a ''no'' vote.

Mr. BAKER. Mr. Chairman, the road to justice is a difficult journey. It is not a mere step, but rather a lengthy endeavor. The result of the endeavor is to seek out those who have committed wrongdoing and deliver punishment in accord with the offense. All that any may hope, is that through the travail, there will be reflection on the truth. The truth is determined by careful, objective analysis of the facts, as best they can be determined. Facts are what result from examination of the evidence. When evidence show that the accused was not in the state at the time when the offense occurred, there is sufficient reason to find the accused was not a participant in the offense. It is even more explicit that the accused did not participate in the offense when the person was not yet born. Yet, that does not insulate the unfortunate from accusation. Accusation is the understandable action from those affected by wrongdoing. Someone is at fault, and failing clear evidence to establish the responsible party, accusations flow until the evidence and the facts lead all to justice. All of us should find affront in unsubstantiated accusation.

Here is where I discover reason for concern in the matter before us. The bill now pending, when enacted, will seek to serve justice. Notwithstanding the evidence, or the facts, for the next twenty five years, all those who follow in the scourged seven states will be branded with the racist label. This follows 25 years application of the previous penalty, which was assessed based on the facts and the evidence of the 1960's.

In the case now pending, the decision to condemn will be built upon the evidence now 42 years buried in history. It is not evidence or facts discovered today. The actions of the grandfather will now determine the fate of the grandson.

What is it that I ask? I have always found merit in the principle that where action is justified for one, it should be justified for all. Public policy should be applicable to all within jurisdiction of the government. Do we believe that discrimination ends at a county line? Is it really your view that justice is served in 43 other states, while bigotry only survives in a constrained geographic corridor? Where is the evidence? What are your facts? Why is it this legislation will mandate supervision of seven states, and not the whole of our Nation?

Many have been incensed even by the thought of this discussion, because they mistakenly view this legislation as all that stands between them and their right to vote. The 15th

Amendment to the Constitution apparently is of no consolation, although it ensures the right to vote to every American across the entire Nation. The bill now pending leaves 43 States on a different legislative landscape.

There is much in history to regret. We should not forget, or fail to learn from the troubled past. But we must also think about the present. Careful, analytical thought must precede action. Action to condemn or punish should be taken only when the evidence establishes the facts. All should be presumed innocent until proved guilty beyond a reasonable doubt. This principle establishes our freedom from the actions of an otherwise tyrannical government.

How do we come to this moment? Am I to believe that my grandchildren, not yet born, are condemned to a life of racial intolerance? How can this be? All reason is to be cast aside?

And if, my colleagues, you believe this policy to be well advised and necessary, why is it then ill advised to make it applicable to your constituents? And failing that, would you not examine the evidence, determine the facts, before condemning my constituents?

The pending amendment by the gentleman from Georgia, Mr. NORWOOD, would remedy most of my concern. Failure to adopt that amendment will leave those in Louisiana without an opportunity for fair deliberate consideration. Without the adoption of this provision, I cannot support the underlying bill.

For those who demand justice, it is now time to demand justice for all.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. NORWOOD. 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 Georgia will be postponed.

□ 1415

AMENDMENT NO. 2 OFFERED BY MR. GOHMERT

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–554.

Mr. GOHMERT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GOHMERT:

Strike section 4 and insert the following:

SEC. 4. EXTENSION OF TITLES I AND II.

Section 4(a) of the Voting Rights Act of 1965 (42 U.S.C. 1973b(a)) is amended—

(1) in paragraph (7), by striking ''at the end'' and all that follows through ''1982'' and inserting ''before August 6, 2016''; and

(2) in paragraph (8), by striking ''at the end'' and all that follows through ''1982'' and inserting ''on August 6, 2016''.

In section 7, strike ''2032'' and insert ''2016''.

The Acting CHAIRMAN. Pursuant to House Resolution 910, the gentleman from Texas (Mr. GOHMERT) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

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

I would like to thank the leadership for making this amendment in order. It is a simple amendment. It just changes the reauthorization period so that it comes up again for review in 2016 rather than in 2032.

The Voting Rights Act was first enacted in 1965, and at that point the original framers and drafters of this important act had it authorized for 5 years. In 1970 Congress extended it for another 5 years. They realized the importance of constant review of this important act. And then they adjusted the coverage at that point since the evidence showed that there was ongoing and new discrimination. Then in 1975 Congress extended the act for 7 more years.

It appears that Congress was getting a little more lazy in their obligation to continually monitor this act. So in 1982 Congress amended the act by providing that Congress ''reconsider'' the administrative provisions of the act in 1997 and the provisions expire in 2007. So even as lazy as they got, they still said we had better review this, reconsider it in 15 years. So we went from 5 years to another 5 years to 7 years and then to 15 with reauthorization at 25. And now this bill proposes another 25.

My amendment would simply shorten that period to 10 years from now because I believe there is empirical evidence that shows that this act needs to be reviewed much more often. The Supreme Court has unequivocally established that they will regularly change the playing field and regularly change the rules.

Two recent independent studies have found the following to be true: that in Georgia, Mississippi, and South Carolina, States covered by section 5 of the Voting Rights Act, African Americans now are registered to vote at higher rates than Caucasians. In Texas and Arizona, States that come under the Voting Rights Act in 1975, and although there are still gaps in Caucasian and Latino voter participation, the gaps are smaller than in the noncovered States such as California and New Mexico, which have a comparable Latino population. And then, finally, in States covered by section 5, the percentage of African American elected officials is actually much higher than in nonsection 5 States even where there is a higher African American population. That shows that this does need to be relooked at.

I would actually prefer to do like the original framers proposed, and actually did, and have it reviewed in 5 years and then the next in 5 years. But I am also realistic. I realize that a 5-year would not pass and actually it does not get us past considering the next census data; so we are proposing 10 years from now.

Mr. Chairman, we need to review this act again sooner than 2032 to be sure that the Voting Rights Act of all individuals are being protected and if the formula needs to be readjusted in 2016 so that areas experiencing racial disparities in voting can fix those problems, and even then you would have a 10-year history that would satisfy all this concern I keep hearing about constitutionality of changing things.

If there are additional areas where there are increased racial disparities, they need to be addressed. Some should even be addressed now, but indications are that some jurisdictions that are in need of section 5 protection will refuse to fall under the act while cramming it down again in areas that are actually in better racial condition regarding racial disparity. This, of course, again, risks constitutional issues of equal protection, all of which point to a need for review in far less than 25 years.

I would also like to finish by saying that this is far too important a piece of civil rights legislation not to force reconsideration before 2032. The right to vote is a lynch pin of our Republican form of government. Its protections should not be rejected or neglected for 25 years. I still look forward to the day when we can actually live Dr. Martin Luther King, Jr.'s dream where individuals are actually judged by the content of their character and not by the color of their skin.

The Voting Rights Act has done a great deal of good. It has. Why would we neglect our responsibility to continue to monitor and to get it right, make it better, rather than making it punitive and neglected for too many years? I do have grave concerns.

And I understand your position is you think this is a poison pill. You think we are trying to do something that may create problems for the Voting Rights Act vote. I can assure you that is not the intent here. It has done some good. I would like to continue to see it do good. But I am telling you, you are raising issues by not addressing it more often.

So until we have the dream Martin Luther King had, then we should not neglect our obligation to monitor and reconsider what the initial drafters saw as a temporary measure for 5 years.

And I thank you for the ability to come before the floor. I appreciate the Rules Committee. I appreciate the chairman's pushing such an important piece of legislation.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 20 minutes.

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

First of all, the amendment offered by the gentleman from Texas (Mr.

GOHMERT) is not really a 10-year reauthorization. It is a 9-year reauthorization since the Voting Rights Act's temporary provisions do not expire until August 6, 2007. So this really is kind of a little bit less than what has been advertised.

The last time the Voting Rights Act was reauthorized, it was reauthorized for 25 years; and there is no reason why it should not be reauthorized for another 25 years. Minority citizens register, turn out, and cast meaningful ballots as a result of the protections extended by the Voting Rights Act. And while we have made great strides in achieving Martin Luther King's goal of having people judged by the depth of their character rather than the color of their skin, without the Voting Rights Act's being there, their vote will not be treated equally with the votes of every other citizen in that jurisdiction or of the United States of America.

History has also shown that when Federal oversight is eliminated, minority voters suffer the most. And the purpose of this legislation is to protect the progress made by minority voters over the last several decades and to continue that progress for the next 25 years.

The 12 hearings conducted by the Judiciary Committee and the enormous evidentiary record shows that all Voting Rights Acts violations that have occurred in covered jurisdictions support the conclusion that renewal of the Voting Rights Act for another 25 years is warranted.

Anyone who votes for this amendment will have to tell their constituents why the following information and testimony did not justify the full 25-year renewal of the preclearance provisions of the Voting Rights Act. The committee report makes clear ''more section 5 objections were lodged between 1982 and 2004 than were interposed between 1965 and 1982.'' So we are talking about the fact that the number of actions that have required objections in precleared States have not gone away or significantly diminished. And since 1982, the Department of Justice has objected to more than 700 voting changes that have been determined to be discriminatory. And I have talked earlier in this debate about the number of objections, both since 1982 and since 2004, that have been objected to as being discriminatory.

Let me say that with the 9 years proposed in the Gohmert amendment rather than the 25 years, when this act comes up for renewal in 2016, as the gentleman from Texas wants, there will be significantly less record because it is a significantly shorter period of time. And believe me, the people who have been opposed to the Voting Rights Act, and we have heard a lot from them today and will continue to hear a lot from them, will say, look, things are getting much better. The last time it came up they had 24 years of records and it was yea big, and now let us look at this. It has not been quite as much. And believe me, a court is going to take judicial notice of that as well.

Now, in the face of the current evidentiary record of abuse, it would be shortsighted and irresponsible not to reauthorize the VRA for at least as long as the last reauthorization President Reagan signed into law in 1982. Moreover, renewing the preclearance and Federal observer provisions of the Voting Rights Act for an additional 25 years is necessary to allow a meaningful change to be measured and to make eradication of discrimination in the voting process an achievable goal. Most activity under section 5 of the Voting Rights Act occurs during redistricting, which only happens every 10 years following each census.

If the Voting Rights Act is not renewed for an additional 25 years, it will capture only one redistricting cycle, and that will not provide enough evidence of the past use and practice to allow Congress to make the same reasoned determination regarding renewal 10 years from now that this Congress is allowed to make on the previous record of 25 years.

For this reason adopting this amendment will effectively preclude the Congress from ever reauthorizing the Voting Rights Act again because it will deny Congress the sufficiently large set of data the Supreme Court has held necessary for the Voting Rights Act to be reauthorized.

Further, this amendment, if adopted, would completely nullify the current incentive the VRA provides to encourage covered jurisdictions to maintain clean voting rights records for 10 years in order to be eligible to utilize the bailout process. This amendment sends the message to covered jurisdictions that the VRA will not apply to them in the future regardless of their conduct over the next 10 years.

In sum, to protect minority voting rights for decades to come, to prevent tying Congress' hands in 10 years by denying it the sufficient record on which to decide future renewals as required by the Supreme Court, and to prevent nullifying the current Voting Rights Act's incentive to maintain clean voting records for 10 years, this amendment should be soundly defeated.

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

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

I appreciate the chairman of the Judiciary Committee's bringing up the period of extension that my amendment provides. It is exactly 10 years from now, 2016. That is what the amendment has said all along, 2016; and it does raise a very interesting point.

What I think most people do not realize is that the bill on the floor today does not actually reauthorize the Voting Rights Act for 25 years from now. It actually reauthorizes the bill for 26 years from now. So that should be understood by others. And I would only submit that since evidence now exists that there is even a jurisdiction in Wisconsin, California, New Mexico, a number of places that are not currently covered, you bring this back up 10 years from right now and a 10-year additional history may very well be plenty of history to assuage the concerns about historical discrimination.

If areas continue to have the discrimination that are not currently covered and it continues for 10 years, then that should be enough to effectively convince people on both sides of the aisle that the Voting Rights Act needs to be extended and it needs to be expanded so it truly is remedial and not just punitive.

□ 1430

Mr. Chairman, there are others who wish to speak, and I yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I rise once again to argue for strengthening the Voting Rights Act. When I first heard about the rewrite, I was shocked to learn that we were going to put the same States that had problems in 1964, 1968 and 1972 under coverage for an additional 25 years without solid evidence that they continue to have State-sponsored discrimination different than any other State.

Chairman SENSENBRENNER has talked about that; we do not have enough history if we just do it for 10 years.

We have had 41 years of history, and we cannot make a judgment on that, of the States that are not under section 5. We do not know how many violations they have. Some here today have cited the number of objections in Georgia. One of the recent objections in Georgia came from Dougherty County in Albany, Georgia, where a black majority city council had their objections that were sufficient for the Justice Department to rule.

Let me just read about some of the other objections in Georgia we keep hearing about. Six of these were creation of additional judicial slots in superior and State courts, objections for which the Federal courts found no merit since they approved these additional judgeships.

Another four objections went to redistricting plans. The first three forced Georgia to draw districts that courts later found to be unconstitutional under Miller v. Johnson. The fourth involved the post-Miller plans to correct for racially drawn State legislative districts.

An eleventh objection involved Monroe municipal elections that a court deemed to have already been precleared.

An October 1992 objection in Union City was withdrawn, and there is no indication that the city made any changes to secure removal of the objection. That might be a twelfth inappropriate DOJ objection.

The key number is, since 2001 there have been only five objections. This is

when every jurisdiction in the State of Georgia, 159 counties, 300 cities, 180 school boards, 180 house districts, 56 senate districts, were redrawn in redistricting plans. That is hundreds and hundreds of plans that only had five problems, and only four were objections to redistricting plans, and one of those was, the objection was a plan drawn by a black majority city council in Albany, Georgia.

When we talk about these objections, let's talk about facts. Let's just don't say objections. Let's talk about that most of these objections had no facts.

We do not know how many objections will be brought up across this country because of racial discrimination, because in 2002 a lawsuit brought in Wisconsin said that there was more polarized voting at a higher percentage in Wisconsin than in the South.

Let's look at this whole country, let's look at it for 10 years, and then let's come back and see what the results are.

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

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

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of the reauthorization and against all amendments.

Mr. Chairman, I rise to take part in an ongoing historic dialog that unfortunately, we must continue to address in the United States Congress.

The issue before us today is whether we should reauthorize certain sections of the Voting Rights Act. I grew up in the fifties and sixties when we had segregated water fountains, schools, an restrictions on voting.

We are here to decide if we should continue mandating pre-clearance for any changes in election policy in jurisdictions that are known to have a history of disenfranchising the rights of minority voters.

My home state of Texas is included on that list.

Over the last forty years, the renewal of this Act on this Floor has embodied what we hope this country will be: a Country where regardless of race, religion, or political party, we come together to ensure that the core of our democracy continues to thrive.

The right to vote is the core of our democracy and we must protect this right for all Americans.

Recently, the Department of Justice failed to pre-clear an election plan for a bond election in the area I represent.

Polling places were few, and it was the opinion of many that putting polling places only in select areas for this election was a violation of the Voting Rights Act.

DOJ agreed and the election has been postponed until a better plan can be put in place.

This is but one recent example of how the Voting Rights Act ensures people have access to the polls so their voice can be heard.

As we support an emerging Democracy in Iraq and the success of the elections that were held there, we need to remember that this Country has also struggled to achieve Democracy and one that everyone can participate in.

Let us be an example to Iraq in the world that a true Democracy includes ALL Americans and that we are committed to preventing the discrimination that millions of Americans had to endure in the past.

I urge my colleagues to reauthorize these Sections of the Voting Rights Act and send a message that this Country is still the example of how representative government should work.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I join Chairman SENSENBRENNER in opposing the Gohmert amendment to extend the vital protections afforded by the expiring provisions of the Voting Rights Act for merely 9 years.

The gains made under the Voting Rights Act mark impressive racial progress for our Nation and should be celebrated.

But to acknowledge progress is not to disavow the continued obstacles faced by minority voters for which the Voting Rights Act provides protections. These obstacles are not easily removed. My own election to Congress close to 3 decades after the Voting Rights Act was passed illustrates that 10 years is simply not enough.

If we are serious about continuing the progress all seem to praise, we must be equally serious about keeping in place the mechanisms that made that progress possible. Just 3 years ago, ruling on the propriety of race-conscious admissions standards, Justice Sandra Day O'Connor concluded in the affirmative action case, ''It has been 25 years since Justice Powell in Bakke first approved the use of race to further an interest in student body diversity in the context of public higher education.''

Justice O'Connor went on to recognize that in the area of public education 25 years of protections were, sadly, not enough. Despite the measurable progress in that arena, the Court understood the need for continuing protection, but expressed hope that an additional 25 years would be enough to overcome our Nation's unfortunate history of racial hostility and division.

Voting protections are just as necessary today as educational help is in the college arena. I ask opposition to this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to this amendment.

The Voting Rights Act should be reauthorized for another 25 years and not a 10-year renewal that is recommended in this amendment. That is just too short a period of time.

The reauthorization process for the Voting Rights Act is not a quick one. In fact, for the last 9 months, the subcommittee that I have the privilege to chair, the Subcommittee on the Constitution, has spent 8 to 9 months and been really immersed in these hearings to establish a significant record so the renewal will pass constitutional muster.

As I said before, we have spent more time on this particular issue than any other issue that we have been involved in in the 6 years that I have had the privilege to chair that particular subcommittee. And I fear that a shorter reauthorization period could jeopardize the act by not allowing both Congress and the civil rights community to study the impact and need for the act.

In addition, traditionally, redistricting has occurred on the State level every 10 years, and if the Voting Rights Act is also reauthorized every 10 years, it makes this process even more burdensome and gives States less of an incentive to comply with the requirements of the Voting Rights Act.

The Subcommittee on the Constitution has established the need for renewing the Voting Rights Act for another 25 years, evidence like the more than 700 voting changes that have been determined to be discriminatory since 1982 as further proof of this need.

This amendment not only jeopardizes the carefully crafted bipartisan bill that has been offered, but could diminish its impact and, most importantly, its ability to withstand constitutional scrutiny. That is one of the chief challenges that we face, why we went into such detail, why we had so many witnesses, why we had 12,000 pages of testimony; because we know that it is likely that there will be a constitutional challenge.

So I would urge my colleagues to oppose this amendment.

Mr. GOHMERT. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman. I think what we do in the U.S. Congress is important. I think what this committee has done on this bill is important. Indeed, we hear from the committee members over and over again, we had many, many witnesses, 12,000 pages of testimony. They put some effort into it.

So why is that same committee afraid of leaving the door open for future Congresses in 10 years from taking another look? Because I can tell you this, as a member of the State legislature who served on the reapportionment committee in 1991: The Voting Rights Act is fluid. It evolves, it changes.

We have seen the Bossier Parish decision. We have seen the Ashcroft v. Georgia decision. We have seen the LULAC decision in Texas. All have profound impacts on the Voting Rights Act, and therefore, I think it is important for Congress to come back in 10 years and take a look at it.

I know the committee has been a little clever with 9 years, but you guys, we could say your reauthorization is 26 years, but the intent is 10 years. We all

know that, but what Mr. GOHMERT is saying is, the Voting Rights Act changes, and anybody who has served in the legislature and anybody who has watched the Voting Rights Act knows it changes without one single vote of Congress.

This is the first time we have been voting on it in 25 years, and yet it is totally different than the interpretation of 1982, the interpretation of 1991. Reapportionment in 2001 was totally different than the 110 years before that, and I can say this, it is going to impact lots and lots of minorities.

We tend to think of this as black v. white. There is a huge growing Hispanic population that is totally almost removed from this argument today. Those are the ones 10 years from now that are going to have the most impact. So I urge my colleagues to support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), my distinguished ranking member.

Mr. CONYERS. Mr. Chairman, we have to remember one historical fact. For 400 years, we have been dealing with the problem of discrimination and racism in America. I think it would be simplistic in this Congress that we would think, after 40 years, we do not need to worry about it that much anymore and shorten the period of time.

It is going to take a while for us to evaluate the progress that is being made, and I am proud to say progress is being made, but the bailout provision is there and it works quite well.

Now, in addition, we have to be very careful about the fact that some jurisdictions will play the wait-out game. They will wait out for the 10 years to expire, and then we will be back in a big problem again.

Keep this a 25-year measure.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to thank Chairman SENSENBRENNER, Chairman WATT and Ranking Member CONYERS for the tremendous work they have done on getting us to this point with this very important piece of legislation.

Mr. Chairman, I want to address this issue of time. Those of us who have read Martin Luther King, Jr.'s, letter from the Birmingham city jail may recall that King dealt with the question of time. In dealing with that question, he said that he had come to the conclusion that the people of ill will in our society make a much better use of time than the people of goodwill. He thought in his writings that we are going to be called to repent in this generation not just for the vitriolic words and deeds of bad people, but for the appalling silence of good people.

This Congress broke its silence on voting rights violations some 41 years ago. Although the 1964 elections triggered the Voting Rights Act, the 1965 Voting Rights Act was rooted in 10 generations of slavery, from 1619 to 1863, giving you 244 years. That is 10 generations. Then another 102 years of what we call ''creative devices'' that came into being in 1863 and the Voting Rights Act of 1965 got rid of.

These creative devices, when I first ran for office, I ran from Charleston County in something called ''full-slate voting.'' It meant that there were 11 positions available and one African American running, in order for any vote for that African American to count, you had to vote against that person 10 times, because for your vote to count, you had to cast 11 votes for that position. That was the law that this act got rid of.

We also had something called ''numbered posts'' that set up racially polarized voting. The Voting Rights Act got rid of that.

We also had at-large voting, rather than voting from districts. The Voting Rights Act got rid of that.

Now, Mr. Chairman, I heard the gentleman earlier talked about what was going on in Georgia. For some strange reason, nobody is talking about what happened in the 41st year of this act when Georgia put in place voting cards in order to vote. You had to have a picture, government-issued identification card.

□ 1445

That is a creative device that ought to be submitted to the Justice Department. Now, it was; and the Justice Department accepted it. But the courts looked at it and said, this is unconstitutional. All of this is made possible by various sections of the Voting Rights Act. It ought to be extended for 25 years. I plead to the Members of this body to do so.

Mr. GOHMERT. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from California (Mr. DANIEL E. LUNGREN).

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

Mr. Chairman, I rise in support of this amendment in order to enhance and support the constitutional framework upon which this law before us is predicated. The reason I say that is that, you know, 25 years ago, as I mentioned, I was working with the distinguished ranking member of the full committee on extending this law for 25 years.

At that time, there seemed to be evidence supporting that. But I have been gone for 16 years in this House. I come back and find there are very few Members here who were here when I was here before. As a matter of fact, sometimes I talk to Members and I feel like I am sort of the museum piece being pulled out for people to observe.

The only point I make is 25 years is a long time. And if you look at the testimony before the Senate Judiciary Committee by Professor Hasen from Loyola Law School in Los Angeles, he points out that this kind of amendment may very well be the kind of amendment that saves this law under consideration by a future Supreme Court with respect to its constitutionally.

Why? Because he said, beginning in 1965, Congress imposed the strong preclearance remedy on those jurisdictions with what the Supreme Court called a pervasive, flagrant, and unremitting history of discrimination in voting on the basis of race.

In South Carolina v. Katzenbach, the court upheld section 5 of the act as a permissible exercise of congressional power. But what has changed since 1965, as Professor Hasen says, both the law and the facts. And he suggests that we may be creating an infirm law by extending it for 25 years because the Court has said you have to have a connection with the historic discrimination, and it has to be proportionate to that.

And it has to pass those two tests. And the very argument that we extend it for 25 years, I think, argues against the defense of this in court. And rather than saying that the gentleman from Texas's amendment is an amendment that weakens this law, I believe it strengthens it. I suggest again, we have three counties in California that are under preclearance coverage only because in 1972 they had military installations, and so the people there were counted in the census, even though they voted in their home States.

One of those counties has 49.6 percent participation. Those counties have not been able to get out from under it. Now we are going to say, for another 25 years, because of the presence of military in your sparsely populated counties during the height of the Vietnam War, you are not going to be able to get out.

I find that difficult to justify if you are appearing before the Supreme Court saying that we have carefully tailored this bill. So I would just ask my colleagues, look at this amendment. It is not a gutting amendment. It is an intelligent amendment that really goes to supporting the constitutional framework of this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, let me just say that one of the issues that many of my constituents call and they are very concerned about is time. They are concerned whether or not they are going to lose their right to vote. No, they are not. But I want to read a brief statement from the administration, the Bush administration:

''The administration is strongly committed to renewing the Voting Rights Act and therefore supports House bill H.R. 9. The Voting Rights Act is one of the most significant pieces of civil rights legislation in the Nation's history, and the President has directed

the full power and resources of the Justice Department to protect each citizen's right to vote and to preserve the integrity of the Nation's voting process. The administration is pleased the House is taking action to renew this important legislation. The administration supports the legislative intent of H.R. 9 to overturn the U.S. Supreme Court 2003 decision in Georgia v. Ashcroft.''

That says it all. Bipartisan support. Democrats, Republicans, and the administration. This is an American bill.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the very distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of the Voting Rights Act Reauthorization and Amendments Act, H.R. 9, and strongly oppose the Gohmert amendment. It reduces the 25-year reauthorization period of the expiring provisions to 10 years. The provisions set to expire in 2007 include section 5, which requires jurisdictions with a history of voting discrimination to obtain Federal approval for any new voting practices or procedures implemented.

Section 203 ensures that American citizens with limited English proficiency get the help they need at the polls. Sections 6 through 9 authorize the Attorney General to appoint Federal election observers where there is evidence of attempts to intimidate minority voters at the polls.

These provisions require the creation of a credible record. Most important, each of the expiring provisions depends upon the conduct of State elections, all of which operate independently and on schedules that do not coincide. Furthermore, lawsuits that come out of these expiring provisions make the creation of a record a very difficult task.

If Congress were to reauthorization the Voting Rights Act for short periods of time, as this amendment suggests, it would create an incentive for jurisdictions to wait out their obligations rather than comply, thus contributing to the widespread noncompliance with the statute that continued into the late 1970s.

In order for Congress to let voters know whether discrimination still exists in particular jurisdictions, it must be able to review voting changes through multiple redistricting cycles. The 3 years following the decennial census represent the time of the highest volume of voting changes and the greatest opportunity for discrimination.

The 25-year reauthorization period already in H.R. 9 is the product of numerous oversight hearings as well as analysis by Representatives, scholars, and election law practitioners. The amendment by the gentleman from Texas should be defeated because it simply is not sound.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me thank the authors of the bill. I rise today in strong opposition to the Gohmert amendment. You know, what is considered to be punishment for some Texans protects the legal privilege of other Texans. Another native Texan added Latina protection.

The passage of the 1965 Voting Rights Act has changed the face of this Nation, enabling millions of Americans the opportunity to vote. When I hear about 25 years being too long, it reminds me of how many years passed before we got the privilege. I do not think 25 years is too long, because we are in the midst of looking at a violation right now in Texas in redistricting.

Mr. Chairman, I appreciate the fact that this gentleman supports the Voting Rights Act, but I do not support the 10 years; I support the 25 years.

There are many who say there is no longer a need for the Voting Rights Act. Unfortunately, this is not the case.

At every election minorities continue to face an uphill battle exercising their right to vote.

In preparing for this reauthorization, the Judiciary Committee reviewed hundreds of examples of voter intimidation and discrimination.

It is unfortunate, but this level of discrimination will not be eradicated in the next 10 years.

Additionally, 10 years is not enough time to effectively review patterns of discriminatory conduct.

This is not a punishment for Southern states. It's a pledge that Congress will work to ensure all Americans have the ability to vote and to have that vote counted.

In addition, no state is force to comply with these provisions for another 25 years. There are ways for jurisdictions to exit both Section 5 and Section 203.

The Voting Rights Act is current, necessary, and protects the rights of millions of Americans.

Now is the time to reauthorize this historic cornerstone of civil rights for another 25 years. It is imperative to our rights, our freedom and our democracy.

Mr. GOHMERT. Mr. Chairman, as I understand, the chairman for the Judiciary Committee will be closing. Is that correct?

The Acting CHAIRMAN. He has the right to close, yes.

Mr. GOHMERT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in conclusion on this amendment, it is an amendment for 10 years from now. I did not realize originally, as did many others, that this was extending actually 20, the bill before us extending 26 years from this summer.

But let me reinforce my point earlier, and Mr. LUNGREN's point earlier about the dangers of having this go too long. This was testimony before the Senate Judiciary Committee from Professor Richard Hasen. He is with Loyola Law School. I don't know the gentleman personally. But they are in Los Angeles, California. I understand he is probably not a conservative Republican.

But his position before the Senate Judiciary Committee was: ''Congress should impose a shorter term limit, perhaps 7–10 years,'' he said, ''for extension. The bill includes a 25-year extension and the Court may believe,'' talking about the Supreme Court, ''it is beyond congruent and proportional to require, for example, the State of South Carolina to preclear every voting change no matter how minor through 2031.''

He was thinking it was 25 instead of 26. But in any event, it brings the point home, if you really want this to all survive constitutional muster, if you really want it to stay and continue to help, then why does it not make sense to continue to monitor it?

I know there are so many games that get played around this floor, but I am telling you and I am giving you my word as I stand before this body, I will work with anyone, Mr. Chairman, in this body, when there is proof of racial discrimination to help work to make this act stronger and better to stamp that out.

You run the risk of creating an unconstitutional act and undoing so much of what has already been done. We have heard the argument, gee, it takes too long to reauthorize. I applaud my friend, Mr. CHABOT, who has done such great work, heard from all of the witnesses. As he has indicated, he has taken months of testimony.

But I would humbly point out that it has actually taken a year less to get this thing to the floor to reauthorize than apparently was anticipated, because here we are a year before the bill was actually going to expire renewing it for 26 more years from now.

So I am not trying to play games. We are better continuing to monitor this. This is too important to put it off and not relook at it constantly. But folks, you know, Mr. Chairman, you know if it is not coming up for reauthorization, it is hard to get anything done to fix something that is broken.

Besides that, the Supreme Court may fix it for us as ruling it more punitive than remedial. With that I would encourage the Members of the House, through you, Mr. Chairman, to please let's vote to extend this for 10 years from now and not for 26 years from now.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, there are three reasons why this amendment should be rejected. First of all, it flies in the face of the fact that there have been more section 5 objections lodged by the Justice Department since the last reauthorization than during the first 17 years of operation of the Voting Rights Act.

Since 1982, over 700 objections have been lodged. That means we still need

this law, and we need the law on the books for a long time.

Second, adopting this amendment will effectively prohibit Congress from ever reauthorizing the Voting Rights Act again, because it will deny us, the Congress of the United States, a sufficiently large set of data the Supreme Court has held necessary for the VRA to be authorized.

What the gentleman from Texas's amendment does is, it gives Congress 16 years less data in the future by shortening the reauthorization period from 25 years to 9 years.

Finally, the amendment, if adopted, would completely nullify the current incentive the Voting Rights Act provides to encourage covered jurisdictions to have clean voting records for 10 years in order to get out through the bail-out provisions. This is only a 9-year extension. The way I was taught math, 9 is less than 10.

So there is no incentive whatsoever for a covered jurisdiction to clean up its act to be able to bail out, because the act will expire before they can have the 10 years to do it. Vote against the amendment. It is a bad one.

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

□ 1500

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GOHMERT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. SENSENBRENNER. 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 Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–554.

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. KING of Iowa:

Strike sections 7 and 8.

The Acting CHAIRMAN. Pursuant to House Resolution 910, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, especially I want to thank Chairman SENSENBRENNER for the hard work that they have done to put together the framework for the reauthorization for the Voting Rights Act. And also I want to thank the sponsors of my amendment, Mr. ISTOOK, Mrs. MILLER from Michigan, Ms. GINNY BROWN-WAITE of Florida, Mr. SPENCER BACHUS from Alabama, for joining me in this and many others who have worked hard throughout the last 4, 5, and perhaps even 6 weeks to get us to this point where we can have a debate on this amendment and end up having a vote on how to improve the Voting Rights Act.

I think it is important from a symbolic standpoint to be able to improve and vote on the Voting Rights Act. We are able to do that because also of the indulgence and the patience and the good years that come from all the leadership in this Congress, and I appreciate that a great deal.

What my amendment does is it recognizes that the Voting Rights Act was established in 1965. 1975, not as an original part of the act itself but as I would say a decade-old afterthought, came this imposition of foreign language ballots in 1975, and that came in as a temporary measure. Now, today, it is not so temporary from 1975 until 2006, but it is set up to sunset August 6, 2007.

So what my amendment does, Mr. Chairman, is it would lift the Federal mandate imposing foreign language ballots on localities by allowing the amendment to sunset, and the mandate is due to expire in 2007.

It is that simple. And the reason is this, that it is consistent with federalism. The Federal Government doesn't need to be imposing foreign language ballots on any locality anywhere in this country. They can make those decisions locally.

Anyone who is a citizen of the United States that is a naturalized citizen has had to demonstrate their proficiency in both the spoken and the written English language, so they have no claim to a foreign language ballot if they are a naturalized citizen. So, therefore, there isn't a need for foreign language ballots unless someone is here by birthright citizenship and hasn't had enough access to English to be able to understand a simple ballot. But in those circumstances we protect those people by allowing a right to assistance. They can bring an interpreter of their choice into the voting booth with them to do that interpretation.

So all my amendment does, the King-Istook-and others amendment, it lifts the mandates and allows the local electoral districts to retain their local control and their right to print in the languages they choose; and there are plenty of examples across the country that do that.

Some of the things that are objectionable about this would be, for example, the determination of how a district is imposed by the Federal Government on foreign language ballots, and one of those things is surname analysis, Mr. Chairman. So we have a computer program that sorts the last names of people. If it kicks out that a certain percentage of them have a Spanish last name or a Chinese last name, then there will be foreign language ballots that go to those districts, whether everyone there maybe came here with Cortez. That is how bad it has gotten. It has been abused.

And we protect the rights for localities. So it is a reasonable and general amendment that lifts the Federal mandate for foreign language ballots and lets local governments to do what they choose.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 20 minutes.

Mr. SENSENBRENNER. Mr. Chairman, this is a poison pill amendment. If this amendment is adopted, the supporters of this legislation will withdraw their support, and the extension to the Voting Rights Act would be defeated. So from a practical standpoint, the amendment should be opposed; but on a substantive standpoint, it should be opposed as well.

A recent survey of 1,000 registered voters was conducted on the Voting Rights Act's provision requiring bilingual ballots for taxpaying legal citizens under certain circumstances.

Let me make this clear. The amendments in the Voting Rights Act have nothing to do with illegal immigrants voting. Illegal immigrants are not eligible to vote. We are dealing with people who are United States citizens. And United States citizens ought to have their right to vote protected even if they are not proficient in English.

When those surveyed were asked specifically whether they supported or opposed the renewal of the Voting Rights Act with bilingual ballot provisions, 70 percent of the registered voters supported or strongly supported a renewal bill that contained the bilingual ballot provisions for taxpaying legal citizens. I ask the membership of the House to stand on the side of those 77 percent, an overwhelming majority.

When those polled were asked specifically what they thought of the part of the VRA that required States and counties where over 5 percent of the citizens are not fluent in English to provide assistance in their native language, 65 percent either strongly favored or favored those provisions.

Even though section 203 affects only 12 percent of the country, it was enacted for sound reasons and is still needed to remove barriers to voting by legal taxpaying citizens who do not speak English well enough to participate in the election process. According to the 2000 Census, most of the people who are potential beneficiaries of section 203 assistance are native-born legal citizens, meaning they are not immigrants who were naturalized, they are people who are citizens because they were born in the United States of America.

The Judiciary Committee's records shows that adults who want to learn

English experience long wait times to enroll in English as a second language literacy centers. And, once enrolled, learning English takes adult citizens several years to even obtain a fundamental understanding of the English language. Even after completing literacy classes, it is often not enough to understand complex ballots.

I strongly support the proposition that Americans be fluent in the English language. However, effectively denying them their right to cast ballots that they cannot comprehend will not advance this goal, but will frustrate it.

Section 203 was enacted to remedy the history of educational disparities which have led to high illiteracy rates and low voter turnout. These disparities still continue to exist. As of the year 2000, three-fourths of the 3 million to 3.5 million students who are native-born citizens were considered to be English language learners, meaning the students don't speak English well enough to understand the basic English curriculum. ELL students lag significantly behind native English speakers and are twice as likely to fail graduation tests. California has over 1.5 million ELLs, Texas 570,000, Florida 25,000, and New York over 230,000.

The intricate complexity of many ballot initiatives cannot be understood by those who understand minimal English. Chris Norby, the elections supervisor for Orange County, California, testified that many ballot initiatives include triple negatives that confuse even fluent English speakers. In California, the June 6, 2006 ballot was written for those at the 12th through 14th grade comprehension and reading levels.

And let me point out that this type of assistance is most critical in those States that have lots of referendum questions on the ballot. It is pretty easy to determine a vote for which candidate one prefers by looking at the names and marking the ballot in the appropriate way; but with the initiative questions and the referendum questions on the ballot, those have been written in many cases by Philadelphia lawyers and it is real hard to understand the true meaning of the question so that one can cast the proper vote to reflect their sentiments.

The amendment will also hurt the elderly who are exempt from the naturalizations test language proficiency requirements and are not required to learn any English whatsoever before they become legal naturalized citizens.

Current law allows the jurisdiction to get out from coverage under section 203 if it shows the D.C. Federal court that the applicable language minority population's literacy rate is at the national average or above. So teach the people how to read and you are out from underneath it. If they don't know how to read English, then they should be under it. In this way, section 203 provides an incentive for jurisdictions to develop successful ways of helping non-English speakers learn English. Adopting this amendment would remove that incentive and subvert the goals it purportedly advances.

Furthermore, the assistance authorized under section 208, which is the provision that authorizes voters to be accompanied into the polling booth under the Voting Rights Act, does not provide adequate protection for many language minority voters. With the increased number of linguistically isolated households in this country, seeking assistance of a family member is not feasible. The assistance provided by section 203 is the only certain form of assistance that language minority citizens can rely on to exercise the right to vote and enjoy autonomy and independence in the voting booth.

I would like to remind members that 2 weeks ago, on June 28, the House soundly rejected on a bipartisan basis and by a vote of 167–254 an effort to defund the Department of Justice's efforts to enforce section 203 during the consideration of the Commerce Justice State appropriations bill.

I believe that one of the cornerstones of American society is the ability to speak English. English is the language of commerce in this country, and I believe every citizen should strive to become proficient in the English language. However, punishing those who don't attain this goal and taking away the incentive for local jurisdictions to develop educational programs to increase the literacy rate above the national average is not the answer. That is why this amendment should be rejected.

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

Mr. KING of Iowa. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I rise today in support of the amendment offered by my good friend from Iowa, Representative KING, and I would ask for its adoption.

This commonsense amendment will remove a substantial and unnecessary burden for our State and local governments by allowing the sunset of sections 7 and 8 of the bill which mandate the printing of multilingual ballots on the basis of data collected in a flawed manner by the Census Bureau.

Under current law, if the Census reports that 5 percent of the State's population speaks primarily a language other than English, even though most of them can speak English quite well, then the whole State must print ballots in that language for every precinct. Once a State or voting jurisdiction meets this 5-percent threshold, any other minority language can be added with a significantly lower threshold.

Mr. Chairman, this is insanity, and, furthermore, it is an unfunded mandate on our States. There are already existing avenues to assist individuals, as the chairman just said, who may have difficulty reading a ballot in official English, and there is no reason whatsoever to waste taxpayers' dollars on printing thousands upon thousands of ballots that will probably never be used.

This amendment will not prevent any State from printing multilingual ballots, but will only remove this burdensome Federal mandate on the States. Let's adopt this commonsense cost-saving provision and stop the insanity.

Mr. KING of Iowa. Mr. Chairman, I would inquire as to how much time I have left.

The Acting CHAIRMAN. The gentleman from Iowa has 15 minutes remaining.

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

Mr. SENSENBRENNER. Mr. Chairman, how much time do I have?

The Acting CHAIRMAN. The gentleman from Wisconsin has 12½ minutes remaining.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I rise to support the opposition of my chairman to this amendment.

I am really amazed sometimes how much of an effort we put forth to support democracy around the world and yet won't do the same thing right here at home.

One of the things I have on my wall at home is the first ballot after apartheid that was used in South Africa. Our government, the United States Government, encouraged the folks of South Africa to put photographs of the candidates on the ballot so that they would know who they were voting for because they couldn't read.

□ 1515

Can you imagine us doing that here in the United States, even though it would facilitate people's ability to vote? Yet here we are trying to confuse this issue with the issue of immigration, illegal immigration, when it has nothing to do with that.

The majority of voters protected by section 203 are not even immigrants. Section 203 provides language assistance to cover United States voting-age citizens who are not fluent in English. According to the 2000 census, three-quarters of all voters covered by section 203 are native-born voting-age citizens in the United States. So this notion that this is somehow a part of the anti-immigrant movement is just a fallacy.

We need to be doing whatever we can to enable our citizens to vote, and this amendment goes in the face of that. I think we should oppose it and move on with the passage of this bill.

Mr. KING of Iowa. Mr. Chairman, I yield myself 30 seconds.

I wonder if I might have been stereotyped here. I didn't hear anything about immigration on this side. I didn't hear anything come out of Mr. GINGREY about immigration. We are

talking about the Voting Rights Act, and I think that is what this debate will be about on this side, the Voting Rights Act.

But I would point out that there is a reason why natural-born citizens utilize this more than anyone else, and that is because one of the criteria that is used to measure is the question on the census that says, Do you speak English: not at all, not well, well, or very well? And if you answer well, you still are put into the limited-language-proficient category.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, first of all, let me say that I wholeheartedly support the passage of the Voting Rights Act, the renewal of it. I think it is very, very important, critically important for this Congress to act on this issue today.

And let me say to my friends in the Congressional Black Caucus, obviously I have never had the African American experience, but I am sincerely moved when I hear such great civil rights leaders as John Lewis, and others who have spoken today with such passion about the injustices that happened in regards to voting.

Before I came to Congress, I served for 8 years as the Michigan secretary of state, with the principal responsibility as my State's chief election officer. So I feel I have some credibility to speak to this issue, because during those 8 years I actually had the occasion to have to actually threaten legal action against an African American clerk who I thought was disenfranchising African Americans in the city of Detroit of the right to have their votes counted.

I am also very proud of the fact that in 2001 the NAACP gave me the highest grade in the entire Nation for any secretary of state for election reform and for voter integrity programs.

I am also proud to be a member of the party of Abraham Lincoln, and while I strongly believe in clean elections, fair elections, and voting integrity, I also believe in States' rights and local control.

This amendment is all about States' rights and local control. It has nothing to do with the immigration issue. It has nothing to do with racial equality. It simply says that the Federal Government does not mandate to the States or the local units of government that they provide bilingual ballots. And if the State or local units decide they want to do so, fine, that is their option.

Mr. Chairman, consider for just a moment that in southeast Michigan alone we have the largest Arabic population in the Nation and we have the largest Macedonian population in the Nation. My home county has an Italian cultural center, a German cultural center, a Ukrainian cultural center, and a Polish cultural center, which are a reflection of the very proud ethnic heritage of the area. If the local election officials want to provide them with bilingual ballots, that should be their choice, not a Federal mandate. And the same should be so all across our great Nation.

Vote ''yes'' on this amendment.

Mr. KING of Iowa. I thank the former secretary of state of Michigan, and I now yield 1½ minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman from Iowa, and I am going to give you three reasons why we should support this amendment.

First is that it is an expensive, unfunded mandate on local governments. The county in which I live, Orange County, California, very diverse county, in the last cycle spent $600,000 on bilingual ballots when only seven-tenths of a percent, seven-tenths of a percent of the ballots requested were multilingual or bilingual ballots.

Secondly, the current law is discriminatory. In Orange County, California, we are required under the Voting Rights Act to print ballots in five languages, but yet in the school district where my kids went to school, which is only one city out of 35 cities in Orange County, there are 83 different languages spoken at home. So what about those other 78 language speakers? Aren't we discriminating against them by not putting out ballots in their languages, too?

Now, I happen to think it would be less discriminatory if they were only in English, because then everyone would have the same opportunity to understand the ballot as everyone else. But the point of this amendment is that that is for the county to decide. Some counties may not have 83 different languages, while others do. That is for them to decide.

And, third, I think it is interesting that the chairman brought up Chris Norby, a supervisor in Orange County, as being in opposition to this amendment. Chris Norby is actually very strongly in favor of this amendment. The issue that was discussed was the complexity of ballot initiatives.

Now, ballot initiatives, and California is kind of the hotbed of those things, and I personally have been involved in drafting them, but they are complex and they are complex to translate. That is the point.

Mr. KING of Iowa. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Iowa for the time, and I would like to ask my good friend, the sponsor of this amendment, to engage in a brief colloquy.

Mr. KING of Iowa. I would be happy to engage in a colloquy with the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman and my colleagues, as a long-time advocate for the sovereign rights of Native American tribes and in recognition of the importance of preserving those languages indigenous to America, I do need to ask the gentleman from Iowa for a few points of clarification.

First and foremost, does this amendment restrict a tribe or local government's ability to print a ballot in any language it deems necessary to better serve its voting population?

Mr. KING of Iowa. No, this amendment does not impose restrictions on printing ballots in languages other than English.

Mr. HAYWORTH. Mr. Chairman, current Federal law allows a voter to receive necessary assistance from someone while in the voting booth. This statute makes it possible for a tribal elder, who may be more comfortable communicating in an indigenous tribal language, to be aided by a translator while participating in the democratic process.

Does this amendment in any way restrict any American from receiving such assistance?

Mr. KING of Iowa. The answer is ''no,'' this amendment does not change the Federal law that allows voters to bring their own interpreter.

Mr. HAYWORTH. I thank the gentleman from Iowa for clearly stating his amendment does not infringe on tribal sovereign rights to print ballots in native languages or on the ability of a tribal member to receive translational assistance while voting.

With this assurance, I will support this fiscally responsible amendment before us, which removes a costly and unfunded Federal mandate currently being forced upon these local tribal and State governments.

Mr. KING of Iowa. I thank the gentleman from Arizona, and I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I want to thank the gentleman for yielding, and I rise in gratitude to Chairman SENSENBRENNER for his leadership on the reauthorization of the Voting Rights Act. It is historic in its scope, and I admire his thoughtfulness and the dignity with which he has gone about this process.

I also rise, although in opposition, with deep respect for the gentleman from Iowa, whom I would support for anything, including Pope. Even though, from time to time, we differ on issues, he is a man of integrity and principle.

The arguments have been made today by the chairman, and they will be by others in opposition to the King amendment, in a substantive way, that even though section 203 only affects 12 percent of the counties of this country, it was enacted for sound reasons and we still need it; that to support the King amendment could literally hurt the elderly, who in many cases were excluded from the English proficiency requirements of naturalization and,

therefore, would, if this amendment passed, be denied the language assistance to participate as American citizens in the voting process.

There has also been the thoughtful discussion that we are not just talking about choosing between candidate A and B, but rather, Mr. Chairman, we are talking about ballot initiatives that can oftentimes be written in double negatives, and so language assistance is appropriate for Americans in exercising their blood-bought right to vote.

So I just simply rise today in opposition to the King amendment; to say that language requirements belong in immigration law, not in the ballot box.

I myself have authored an immigration reform proposal that would require all new guest workers within 2 years to pass a 40-hour course in English proficiency. And I believe, as many of my colleagues who support this amendment believe, that it is central to assimilation and to becoming a part of the American experience to achieve English proficiency. But I say with deep respect to my sincere colleague, Mr. KING, not here, not in the ballot box, and not for Americans.

There is a certain amount of sacred soil in America. I tend to think this floor, Mr. Chairman, is sacred soil in democracy. But I think the four corners of that curtained ballot booth are also sacred soil, and we ought to do everything that is necessary in our power to make sure that Americans can exercise their blood-bought, God-given right to vote in an informed manner.

And so I rise to oppose the King amendment and to thank again the gentleman for his sincerity.

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for the highest compliment anyone has ever received on the floor of this Congress, and express the same of my friend, Mr. PENCE.

Mr. Chairman, may I inquire of the Chair how much time I have left?

The Acting CHAIRMAN. The gentleman has 9½ minutes.

Mr. KING of Iowa. Mr. Chairman, I would be happy to yield 1½ minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), also a cosponsor of this amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the chairman very much for yielding this time. I rise today in support of this amendment, which I am cosponsoring along with my good friend and colleague Congressman KING.

Bilingual ballot requirements were not in the original Voting Rights Act. As a matter of fact, they were only added in 1975, and were always intended to be a temporary crutch, not a permanent mandate. And that mandate, by the way, is an unfunded mandate.

Now, many of us came from backgrounds in the State legislature and/or local governments, and what was the one thing we complained the most about? Unfunded Federal mandates. This, ladies and gentlemen, is an unfunded Federal mandate.

To become a citizen today you must demonstrate that you can speak English. These requirements have encouraged new immigrants to learn our language and become part of our society. We must return to this tradition to reunite our society and erase the divide between new citizens and those with two, three, and more generations in this great Nation.

Certainly, if you were a citizen living in Mexico and you wanted to participate in the latest Mexican election and English was the language that you spoke, I guarantee you that the recent Mexican elections did not have English ballots for those who only spoke English.

Mr. KING of Iowa. Mr. Chairman, I would be happy to yield 1½ minutes to the next governor of the State of Oklahoma, and a cosponsor of this amendment, Mr. ISTOOK.

□ 1530

Mr. ISTOOK. Mr. Chairman, I support this amendment. Congress should not dictate that American ballots must be printed in multiple languages.

Over 30 States, including Oklahoma, are now required by Congress to print bilingual or multilingual ballots in at least some parts of those States. In Oklahoma, it is required in Marmon County and Texas County. I have a sample of the ballots that will be used there on July 25, and this is for State and local races, not Federal elections. The candidates for county commissioner will be surprised that they have been relabeled as candidates for ''comisionario del condado.''

Instead of this confusion, we need the unifying force of an official language, English, which is the language of success in America.

To become an American citizen, we require people to read, write and speak in English. That is to help them to assimilate in our melting pot, truly to become Americans. We mock that when the cherished right to vote does not involve English any more.

My father was the son of immigrants, and he grew up bilingual, but English is what my father taught me and what he spoke to me. America's strength is not our diversity; it is our ability to unite around common principles even when we come from different backgrounds.

We have too many laws that undercut our unity. Today we can fix one of those laws, and we should. Please join me in doing what the American people want and expect us to do. Support this amendment and support the unifying force of a common language, the English language.

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous consent request to the gentlewoman from South Dakota (Ms. HERSETH).

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

Ms. HERSETH. I thank the gentleman for yielding.

Mr. Chairman, I would like to lend my strong support to H.R. 9, The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I would also like to commend House Judiciary Committee Chairman SENSENBRENNER and Ranking Member CONYERS for their leadership in working together to craft a bill that received overwhelming bipartisan support in the committee. The committee approved H.R. 9, as amended, by a vote of 33 to 1 on May 10, 2006. I am pleased that the leadership has scheduled H.R. 9 for floor consideration today and hope that the full House will pass this vital piece of legislation, as it was reported by the Judiciary Committee.

The preservation of all of the rights guaranteed to Americans under law in great measure depends upon the security of Americans' voting rights. Ensuring an equal opportunity for all citizens to vote is a fundamental governmental duty. All Americans recognize the importance of ensuring the right to vote. That is why the 109th Congress will address few more critical pieces of legislation than H.R. 9 in 2006, a year of Federal, state, and local elections.

The Voting Rights Act of 1965 was the product of a remarkable time in America, when courageous and visionary people from different backgrounds and communities came together to move the Nation from an era when too many Americans were denied one of the most fundamental freedoms. The Nation has made great progress since that time toward the goal of full voting rights for all. Reauthorizing the Voting Rights Act will ensure that we continue to move forward with protecting, preserving, and enhancing the gains that we as a society have made.

Some of the core provisions of the Voting Rights Act are set to expire in 2007. Importantly, H.R. 9 would reauthorize these provisions for 25 years. Expiring provisions of the Voting Rights Act require covered jurisdictions to seek ''preclearance,'' either with the U.S. Department of Justice or a specific federal court, of any proposed voting changes, such as redistricting. Two counties in South Dakota are subject to these requirements.

Section 203 of the Voting Rights Act requires that language assistance be provided to language minorities, including certain Native American communities. A number of jurisdictions in South Dakota are covered by Section 203.

Statements made by a number of the proponents of the King amendment seem to suggest that the only non-English languages come from foreign countries. But the fact is, in my home state of South Dakota and across America, any voters speak Native American languages—languages that were spoken here long before English was ever uttered in this hemisphere. Parts of Indian Country are covered by Section 203—a section with strong bipartisan support—based on a history of practices and procedures that disenfranchised certain language minorities. American Indians were here when many of our ancestors immigrated to the United States.

Just yesterday I had the opportunity to celebrate and honor the service of Native American code talkers who fought bravely during World War II. Native Languages were the basis for a military communications code that was never cracked by the Axis powers. They

saved countless lives and protected the freedoms we enjoy today.

Native Languages have always had a place in America and should continue to have a place in America. They are part of our history and have played an important role in defending this country. The rights of Native Language speakers should continue to be protected at the ballot box through all of the protections afforded by Section 203. That is why I strongly urge my colleagues to reject the King amendment.

It is incredibly encouraging to see the strides American Indians in South Dakota have made in recent years, including in the political process. I believe that full political participation, and especially voting, is one of the keys to continuing these welcome developments. Voting is not only the expression of support for a particular set of ideas, but is also an expression of hope, and belief in the future.

One of the ways we can help ensure that these hopes become a reality is to reauthorize the Voting Rights Act, because the Act continues to play a critical role in ensuring the integrity of the political process. It helps assure not only that an effective legal procedure exists for correcting violations of voting rights, but that violations can and will be prevented from developing. It is also a beacon that sends the message to all American citizens that voting rights must be respected.

Thus, I thank the leadership for scheduling H.R. 9 for floor action, and I urge my colleagues to give H.R. 9 their full support.

Mr. SENSENBRENNER. Mr. Chairman, I yield for the purpose of a unanimous consent request to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

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

Mrs. CHRISTENSEN. Mr. Chairman, I rise in opposition to the King amendment which would disenfranchise millions of Americans.

Mr. Chairman, the purpose of the Voting Rights Act is to ensure the right to vote to every American citizen.

While I oppose all of the amendments to the bill, I rise now to specifically speak to the King amendment which would deny this fundamental right to American citizens who have not yet fully accomplished English proficiency, or who are just more comfortable with their primary language.

Not only would the King amendment discriminate against the millions of naturalized citizens whose native language is Spanish, it would also discriminate against Native indigenous Americans in Alaska and American citizens who are Puerto Rican and for whom Spanish is their primary household language.

This is a mean spirited amendment and must be voted down by every Member of this House of good will and who believes in a fair and just America.

I urge my colleagues to oppose the King amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous consent request to the gentlewoman from California (Ms. HARMAN).

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

Ms. HARMAN. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, I rise in support of the Voting Rights Act and in strong opposition to this amendment to strike renewal of section 203, a key provision.

The Voting Rights Act is a touchstone of the American Civil Rights movement. It brought millions of Americans into the heart of American democracy. The Act demonstrated to the world, and to history, that we are capable of recognizing the mistakes of our past and acting to fix them.

This is a subject I know intimately. Many years ago, in the early 1970s, I served as Chief Counsel to the Constitutional Rights Subcommittee of the Senate Judiciary Committee. in 1975, the Subcommittee managed amendments to the Voting Rights Act, and we drafted, debated, and passed section 203 on my watch.

I knew then that section 203 was a vital protection of voting rights. It is no less important today.

By 1975, poverty, poor education, and institutionalized discrimination had combined to turn English-only ballots into a de facto literacy test. Many citizens did not register to vote because they could not read election materials or communicate with poll workers.

Section 203 helped lower these barriers by requiring that jurisdictions with a significant population of "language minorities" provide election information in more than one language. It has since been applied to 500, jurisdictions in 31 states.

The success of section 203 cannot be overstated. Study after study has demonstrated that when bilingual assistance is provided, more citizens register to vote, and more registered voters go to the polls. And since 1975, minority voter registration has continued to climb and more minorities have been elected to public office. The result is a stronger, more vibrant, and more representative democracy.

But the job is not yet done.

Today, as in 1975, millions of Americans do not speak fluent English. Some are recently naturalized citizens. Many others are native-born citizens, who may have been raised in homes where English was not their primary language. Because of poor schooling, discrimination, or other factors, these citizens still may not be proficient in English.

Section 203 gives these Americans a voice, allowing them to participate in their native languages

We must remember that the individuals protected by section 203 are citizens. They are family, friends, neighbors, and co-workers. And they are entitled to the same rights as any other citizen—including the right to cast an informed vote.

I urge my colleagues to defeat this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I thank the chairman for yielding me this time.

I would like to preface my remarks by expressing my profound admiration for the author of this amendment who I think is a great American patriot. In the Rules Committee, I supported his right to be heard on the floor today.

And I rise in opposition to the amendment. I think that we have made great progress. One of the beauties of America is we are constantly improving as a Nation. We have improved to the point that citizens, for example naturalized citizens, it is important to point out that the elderly, pursuant to our laws, when they have been residents, legal residents of the United States for many years and they seek to become an American citizen, according to our laws, they can take the exam to become an American citizen in their language of preference, their language of origin.

What we said in amendments to the Voting Rights Act, those people have a right to understand what they are voting on. Whether it is a simple choice of candidate or a complex ballot issue, elderly citizens who are naturalized have a right to understand what they are voting on.

Also, there are millions of native-born Americans whose language, primary language, is not the English language. And so we believe, just like we certainly are extremely proud of those citizens, whether they are naturalized or en route to be naturalized or native born and they defend this country, and we are certainly grateful to them and proud of them when they do so, we think they should have the right when they vote to be able to understand the ballot initiatives that they are voting on or other questions.

So I really think, Mr. Chairman, that the fairer we are as a society, the greater we are. The more fair our country is, the greater our country is. This is an example. We have opened an opportunity for full participation, for citizens whose primary language is other than English, to the ballot box. And I think we should be proud of that as a country.

So I again commend Chairman SENSENBRENNER for bringing forth this legislation and oppose the amendment before us at this time.

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS) who has worked very hard on this issue.

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

Mr. STEARNS. Mr. Chairman, I rise in support of this amendment. Let me ask the people, including my good friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), CANDICE MILLER was the Secretary of State of Michigan, and she told me there are 23 Arabic dialects in Wayne County, in one county, in Michigan. Now are all of you prepared to have 23 separate languages on the ballot? Is that fair?

This amendment does not infringe on anybody's ability to cast an informed vote. States can still choose to provide language assistance and individuals can still choose to bring their friends as translators into the ballot box and help them understand.

This is simply a commonsense amendment that merely removes a

Federal mandate to provide translations. Are you going to ask the Federal Government to force a State to have 23 Arabic dialects in Wayne County? It is a States' rights issue.

Let's look at what Margaret Fung of the Asian American Legal Defense and Education Fund said: ''I think all of the language assistance is supplemental to what, hopefully, will happen, which is that everyone will learn English.''

Immigrants arriving on our shores add to the vibrant fabric of our Nation, but it is important as a melting pot that all of these immigrants learn to speak English.

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous consent request to the gentleman from New Jersey (Mr. PAYNE).

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

Mr. PAYNE. Mr. Chairman, I rise in opposition to the King amendment and urge its defeat.

Mr. Chairman, I want to thank Chairman SENSENBRENNER and Ranking Member JOHN CONYERS for their hard work on the Voting Rights Act and for the opportunity to speak on the importance of passing this landmark piece of legislation.

I stand in opposition to the King amendment to strike sections 7 and 8 of the bill which ensure that all American citizens, regardless of language ability, are able to vote on a fair and equal basis.

Recent discriminatory actions in the States of Georgia, Texas, the Dakotas and even in my home State of New Jersey underscore the importance of including provisions such as language assistance for potential voters and the pre-clearance of electoral changes for covered jurisdictions.

In fact, in New Jersey there are approximately 1 million Spanish-speaking voters, which quite clearly exemplifies the need to extend provisions such as section 203. In 1999, the Department of Justice's Civil Rights Division found that Passaic County, New Jersey, was discriminating against Latino voters by denying equal access to the electoral process. The Civil Rights Division entered into a consent decree with the County of Passaic, and now the elections are monitored by the Federal observers. A three-judge panel of the U.S. District Court of New Jersey appointed an independent elections monitor to ensure that the county complies with the court orders. The monitor assisted the county in its efforts to comply with the court's orders.

Today, the House of Representatives stands at a fork in the road. On one side, we can journey down the path where we ignore past and recent history that has shown discrimination and disenfranchisement still prevents U.S. citizens from exercising their inherent right to vote. I am one of the Members of this Chamber who marched for civil rights back in the 1950s and 1960s.

From my first-hand experiences, I can attest that our gains have been hard-fought and a long time coming. Fortunately, we still have the opportunity to choose the right path of action.

The reauthorization of the Voting Rights Act is a reaffirmation of the values upon which America was founded. The American principles of justice and fairness compel this Congress to pass this piece of legislation without weakening amendments. Martin Luther King Jr., whose life and death symbolized the struggle for equality and justice along with his wife Coretta Scott-King, said that, ''Injustice anywhere is a threat to justice everywhere.'' If we pass the Voting Rights Act with these odious and retrogressive amendments, we are not only turning our back on the sacrifices of those who were harmed and killed for our right to vote but also turning our back on our diverse constituencies who have entrusted us to stand up for justice and equality for all.

I applaud the bipartisan efforts that have cleared the way for this bill to be voted on and I urge all Members of the House of Representatives to complete this journey with the swift and clean passage of this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, just very briefly, the Tri-Caucus strongly believes that the VRA continues to effectively combat discrimination and protect the gains achieved for minority voters.

It is well documented that language assistance is needed and used by voters. For instance, the U.S. DOJ has reported that in one year, registration rates among Spanish and Filipino-speaking American citizens grew by 21 percent and registration among Vietnamese-speaking American citizens increased over 37 percent after San Diego County started providing language assistance.

In Apache County, Arizona, the Navajos have increased their turnout; and the Navajo Code Talkers, who sacrificed their lives during World War II, were able to participate in this process.

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I rise today in my fullest support for the King amendment, and also his work to make sure that all political barriers to participation are removed. But we are clear that foreign language ballots do no such thing.

There are three reasons why I support the King amendment. First, section 312 of the current code says anyone coming into this country as a naturalized citizen must be able to be proficient in reading, writing and understanding the English language. So there should be no basis for requiring the ballots to be in another language.

In fact, we are ignoring the current law in providing a disincentive for new citizens to assimilate into this country without this amendment.

Secondly, as already pointed out, this is in fact yet another unfunded mandate on the States. Talk to your county commissioners and they will tell you how much this costs them. And I should also point out that this amendment does absolutely nothing, nothing to require that all ballots be in English. We simply say under this amendment that the States and localities will decide how to implement it themselves.

Third, this bill currently is an arbitrary and capricious attack against individuals by insulting the voters by simply implying that with a foreign language surname that they cannot understand the language. I support the amendment.

Mr. KING of Iowa. Mr. Chairman, I yield 1½ minutes to the cosponsor of this amendment and a member of the Judiciary Committee, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I rise today in support of the Voting Rights Act Reauthorization as an original cosponsor. I also rise in support of this amendment.

From the 1790s to the 1970s, our forefathers came to this country, America, from across the globe. They spoke a multitude of languages. They became American citizens. They exercised their right to vote, and they did so in English.

Teddy Roosevelt was right when he said: ''There can be no divided allegiance here. We have room for but one flag, the American flag. We have room for but one language here, and that is the English language.''

It was good enough for our forefathers, it was good enough for our grandparents, it should be good enough for us. There is a tradition in this country. For 180 years, we voted in English. That is the true American tradition, and this amendment is true to our heritage, not what has existed unnaturally for the last 20 years.

Mr. KING of Iowa. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the King amendment. Mandating election materials and ballots be provided in languages other than English is a travesty and will lead to no good for this country and no good for the people who supposedly we are trying to help. It is a horrible, long-term attack on the unity of the United States of America.

When we come from various ethnic groups and races, what unites us, it is our language, the English language. We are hurting America by making it easier for people not to learn English. We are hurting those people by giving them an incentive not to learn English. This is multiculturalism at its worst. Bilingual ballots ought to be made history.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 15 seconds.

If that is the case, why do a million and a half people in California who are native-born citizens require these types of bilingual ballots? These are Census statistics.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to the King amendment which I refer to as ''let's return to the good old days.'' The good old days of literacy tests, because that is what

they are talking about. Make no mistake about what we are talking about here today.

In 1975, a bunch of brilliant people finally came up with an answer, and they said we have found a way to become inclusive, to increase voter participation, to make citizens more responsible, to engage them in our society and assimilate into society with a little bit of assistance at the polling place. That is what language assistance is all about. It is about inclusion, not exclusion.

Everything you have heard from the other side and the proponents of this particular amendment is about exclusion, about reducing voter participation. That is what is at stake here today.

I will ask anybody here in this body today that is considering voting for this particular amendment: Do you have campaign material in your career or on your Web site or your newsletters in another language? Let's not be hypocrites. Let's be honest and do the right thing today.

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Chairman, I rise in support of this amendment. It is interesting that individuals are required to take their U.S. citizenship test in English, not in another language, but in English.

It is also interesting that we provide an opportunity if they want to take a translator to the polls to help them, they are able to do that also.

But in my district, which is basically Orange County, individuals received a letter which is called an outreach letter offering foreign language ballots. These were sent to any individual who had a foreign-sounding name such as Martinez or Chen. The response I received was overwhelming, and it was pure anger that the assumption was made because my name happened to be Chen or Martinez that I was not a U.S. citizen capable of speaking English.

Less than seven-tenths of 1 percent of the 1.5 million people in Orange County actually requested non-English ballots, yet they only have to provide five ballots today: English, Spanish, Korean, Chinese and Vietnamese. The next Census has predicted that they will have to produce an additional five languages. This is a reasonable amendment. I ask for an ''aye'' vote.

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous consent request to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, Section 203 works: when language assistance is available, voter participation goes up. When language assistance is not available, voter participation goes down.

We are talking about citizens. In fact three-fourths of those affected by Section 203 are natural born Americans.

Section 203 only applies where there is a large number of citizens in the jurisdiction with the same language—enough voters to affect the outcome of an election—and enough for those who don't like how the affected community votes to have an incentive to try to depress the vote.

Section 203 is not a burden to communities. The evidence presented in our hearings was that the cost is negligible. For example, the bilingual poll worker will be paid the same amount as any other poll worker who would have been hired anyway.

Finally, Mr. Chairman, this amendment will not result in voters being encouraged to improve their English. Our hearing record revealed voters in affected jurisdictions waiting years to get into adult education classes. A repeal of Section 203 may make it less likely that those education programs will be properly funded in the future, and a repeal will definitely result in lower voter participation.

Mr. Chairman, we should encourage voter participation by defeating the King amendment.

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Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, the King amendment is a vote in favor of discrimination against language minorities. This point was driven home by a Federal court in Osceola County, Florida, just a few weeks ago.

Osceola County was purposefully denying voter registration and assistance opportunities to Spanish language voters, including a large Puerto Rican population. The Department of Justice sued and secured a consent decree requiring the county to comply with Federal law. In July 2002, Osceola County became covered by section 203 of the Voting Rights Act. However, the county continued to neglect its duties under Federal law. The Federal court found just 2 weeks ago that there is considerable evidence to suggest that the county's institution and maintenance of an at-large voting system was motivated by a desire to dilute the vote of an emerging Hispanic population.

Now, we are not talking about something that happened 40 years ago. This is just a few weeks ago now, in 2006.

Eliminating section 203 will encourage jurisdictions to disenfranchise emerging language minorities, which will be compounded by depriving these taxpaying U.S. citizens of the assistance they need.

Really, do you think that people who speak flawless English, who can't understand balloting initiatives that are complex, if they have a hard time, then what do you think someone who has English as a second language can do? Not very much without the assistance of section 203.

The CHAIRMAN. The gentleman from Iowa has 1½ minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I will take the opportunity to close with that minute and a half.

I would speak, first of all, to Mr. PENCE's statement that now is not the time. Now is actually the only time in a half a century where this Congress has the opportunity to have a voice on the reauthorization of this. It was reauthorized in 1982, until 2032 if the language prevails. It is in the bill. We have to do it now.

Citizens are required to demonstrate proficiency, in both spoken and written word, of the English language. They don't have a claim. Naturalized citizens do not have a claim to foreign language ballots. American-born citizens do have, and they can make that claim locally, like they do in places like Wisconsin, where the electoral board of Wisconsin just determined that they would be printing ballots in the languages both of Hmong and Spanish. So they have demonstrated how local control actually works, Mr. Chairman.

And then the waste is demonstrated in places like California where a small precinct, 650 people, 33 separate ballots for 650 people in languages English, Spanish, Chinese, at a cost of $100,000 for that county alone. Three hundred counties are covered by this. We don't need to be imposing this upon the American people.

The heavy hand of the Federal Government can be lifted off. People will still be voting in the languages of their choice because they will be controlled by the locale, consistent with the 10th amendment, States' rights, federalism, fiscal responsibility, and the philosophy of the majority of this Congress, the Republican Party and the view of the individual opportunity to vote. We will protect those rights.

But my amendment would lift the Federal mandate imposing foreign language ballots on localities by allowing the mandate to sunset. The mandate is due to sunset and expire in 2007. We let the wisdom of our forefathers take care of that.

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, this is a poison pill amendment. It is no secret that if this amendment is adopted, the voting rights extension will be doomed because the supporters of this bill will withdraw their support. So if you want a VRA, vote ''no'' on the King amendment.

I would repeat the fact that we are dealing here with United States citizens. Illegal immigrants, legal immigrants who have yet to be naturalized are not eligible to vote. Three-quarters of the people who do require language assistance for ballots are native-born

Americans. They achieved their citizenship by birth in the United States of America. And should we deny them the opportunity to understand their ballots because their background or the educational system where they grew up did not make them functional in English?

I believe English should be the national language. I believe that English is the language of commerce, and one cannot achieve the American dream without being functional in English. But, at the same time, should we deny people who are citizens, most of them native born, the opportunity to understand the ballots because this part of the Voting Rights Act ends up being repealed or allowed to sunset?

I answer that question, ''no.'' And that is particularly important in States that have a lot of ballot initiatives, some of which have got triple negatives the way they have been drafted.

The registrar of voters in Orange County, California, said that ballot questions are drafted there to reflect a 12th to 14th grade level of education. Believe me, if you are not functional in English, and it is a post-high-school grade level that the ballot questions are drafted in, certainly we ought to give these people assistance.

Reject the amendment.

Mr. MEEK of Florida. Mr. Chairman, I rise in strong opposition to the amendment by Representative KING of Iowa to repeal the language in the Voting Rights Act that requires certain jurisdictions with concentrations of citizens who don't speak English very well to provide language assistance to voters who need it and the American citizens who request it.

My district is one such jurisdiction. Over 34 percent of my district is made up of foreign-born American citizens. Besides that, nearly 45,000 U.S.-born citizens in my district speak some language other than English in their homes. These are Americans. They live here, work here, raise families and pay taxes here. They vote here.

This amendment is an attack on the fundamental right to vote for millions of citizens across the country. It's crucial that everyone in our democracy has the right to vote. Yet, having that right legally is meaningless if certain groups of people are unable to accurately cast their ballot at the polls. Voters may be well informed about the issues and candidates, but to make sure their vote is accurately cast, language assistance is necessary and reasonable in jurisdictions with concentrated populations of limited English proficient voters.

Some try to tie this to immigration, but this is not about immigration. According to the most recent information from the Census, more than 70 percent of citizens who use language assistance are native born, including Native Americans, Alaska natives and Puerto Ricans. Even though most new citizens are required to speak English, they still may not be sufficiently fluent to participate fully in the voting process without this much-needed assistance. Ballots are often too complicated even for native English speakers. To deny needed assistance to American citizens goes against who we are as a democracy.

Before the language assistance provisions were added to the Voting Rights Act in 1975, many Spanish-speaking United States citizens did not register to vote because they could not read the election material and could not communicate with poll workers. Language assistance has encouraged these and other citizens of different language minority groups to register and vote and participate more fully in the political process, which is healthy for our democracy.

Some try to say that language assistance costs millions of dollars. Language assistance is not costly. According to two separate Government Accounting Office studies, as well as independent research conducted by academic scholars, when implemented properly language assistance accounts only for a small fraction of total election costs. The most recent studies show that compliance with Section 203 accounts for approximately 5% of total election costs.

Let's examine what is at stake here:

In 2003 in Harris County, Texas, officials did not provide language assistance for Vietnamese citizens. This prompted the Department of Justice to intervene and, as a result, voter turnout doubled and a local Vietnamese citizen was elected to a local legislative position.

The implementation of language assistance in New York City had enabled more than 100,000 Asian-Americans not fluent in English to vote. In 2001, John Liu was elected to the New York City Council, becoming the first Asian-American elected to a major legislative position in the city with the nation's largest Asian-American population.

In San Diego County, California, voter registration among Hispanics and Filipinos rose by over 20 percent after the Department of Justice brought suit against the county to enforce the language minority provisions of Section 203. During that same period, Vietnamese registrations increased by 40 percent.

Those who have tried to master a second language know the near-paralysis that sometimes grips you. Confusion, embarrassment and frustration are constant companions for those trying to change the way their tongues work and their minds think in the important, pressure situation of voting. Such mundane tasks as ordering at a restaurant or going to the bank become challenges—every word a potential mistake in comprehension.

The language in section 203 is not about coddling immigrants, and this amendment shouldn't be about punishing new citizens for having to learn a second language under fire. Section 203 is about making sure that a fundamental right, the right to vote, is without obstacle.

I urgently ask that my colleagues join me in defeating the King amendment and standing for the rights of all Americans to cast the vote they intended.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. 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 Iowa will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. WESTMORELAND

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–554.

Mr. WESTMORELAND. 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. WESTMORELAND:

Add at the end the following:

SEC. ____. EXPEDITED DECLARATORY JUDGMENT IN CERTAIN CASES.

Section 5 of the Voting Rights Act of 1965 is amended by adding at the end the following: ''The Attorney General shall, not later than 3 years after the date of the enactment of this sentence, and annually thereafter, determine whether each State and political subdivision to which the requirements of this section apply meets the requirements for a declaratory judgment under section 4(a). The Attorney General shall inform the public and each State or political subdivision of the determination with respect to that State or subdivision. The Attorney General shall consent to the entry of judgment in favor of a State or political subdivision that seeks such a declaratory judgment if the Attorney General has determined that State or subdivision currently meets the requirements.''.

The CHAIRMAN. Pursuant to House Resolution 910, the gentleman from Georgia (Mr. WESTMORELAND) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

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

Mr. Chairman, I rise today to offer an amendment to help save the Voting Rights Act. After carefully studying the issue and collecting information about the renewal, I have serious concerns about the constitutionality of this rewrite of the VRA.

When Congress last renewed the Voting Rights Act 25 years ago, it adjusted the system for providing bailout, a way for covered jurisdiction, if its record is clean, to get out from under coverage.

Congress believed that there would be a flood of bailout petitions, as a result, from jurisdictions with clean records. Instead, only 11 counties, and I believe they are all from Virginia, out of the thousands of jurisdictions covered have bailed out.

So today, hundreds of jurisdictions that are otherwise able to bail out simply are not doing so; and the committee did not appear to explore this question in detail during its hearings. My concern is that a failure to provide a better way to get out from coverage will result in the Supreme Court looking at the preclearance portion of this act in a negative way.

We must provide a better way for jurisdictions to get out from under the coverage. Although the bailout procedures are in place, many times small jurisdictions cannot figure them out or are afraid of asking to bail out and being rejected.

In order to bail out, a county has to hire an attorney and sue the United States Department of Justice in Federal court in Washington, D.C. Let me say that again. My hometown of Grantville, Georgia, with a population of 2,270 people, that has never had an objection lodged against it, would have to sue the United States Department of Justice in Washington, D.C., in order to bail out.

My amendment seeks to address the bailout issue by requiring the Department of Justice to assemble a list, using its existing databases, of all the jurisdictions that are eligible to get out from under Federal oversight, and then consent to entry of judgment, letting those jurisdictions out from coverage. The genesis for this idea came from Professor Rick Haysen, who is one of the leading election law experts in the country and has carefully studied the constitutional issues surrounding the renewal of the Voting Rights Act. He openly supports this amendment and urges all Members to look carefully at it.

The amendment does not change the existing bailout requirements, nor does it prevent any other party from intervening in an action for bailout and objecting, requiring a full trial.

The amendment does not get the VRA; it does not make a bill change to the bill, except to ease the process for jurisdictions that do not have problems with discrimination to get out from under coverage.

Some say this is a difficult burden to place on the Department of Justice, or that it cannot obtain all the information necessary. But the DOJ is free to request information of every jurisdiction in this country whenever it so desires. And it has the evidence of lack of objections in its possession.

Mr. Chairman, I urge all Members to carefully consider this question. We all want to preserve the legacy of the Voting Rights Act, and not giving careful consideration to the constitutionality of the renewal will probably result in the Supreme Court throwing it out.

To prevent that from happening, I urge that all Members support the Westmoreland amendment to H.R. 9.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 20 minutes.

Mr. SENSENBRENNER. Mr. Chairman, the provisions of the Voting Rights Act that prevent covered jurisdictions from enacting discriminatory voting changes and allow Federal observers to monitor elections in covered jurisdictions are crucial provisions that are protected and should continue to protect minority voters.

Further, covered jurisdictions can cost effectively remove themselves from coverage under the Voting Rights Act, as 11 counties in Virginia have done, if they can show a clean record on voting rights for 10 years.

However, this amendment would turn the Voting Rights Act on its head by requiring the Voting Section of the Department of Justice to conduct an annual, once a year, review of nearly 900 jurisdictions, and thus, drain all of its resources away from preventing voting discrimination.

The amendment would require travel to nearly 900 jurisdictions every year for the review of voluminous records, the interviewing of thousands of people to determine whether all the jurisdictions' voting changes have been submitted for preclearance, as required by the Voting Rights Act, and that all other bailout criteria have been met.

This would require not just a review of all the materials that covered jurisdictions may have submitted to the Department of Justice, but also a review of all the materials a covered jurisdiction may not have submitted to the DOJ. Placing this burden on the Federal Government does nothing to make the Voting Rights Act more constitutional, but it does everything to make the Voting Rights Act hopelessly incapable of effective administration, to the detriment of minority voting rights.

J. Gerald Hebert, a former Justice Department Voting Section lawyer, and the attorney who represented all 11 counties in Virginia that successfully bailed out of the Voting Rights Act, has written the following regarding what the Justice Department would have to do at all 900 covered jurisdictions under the Westmoreland amendment. And remember, this means each and every one of those jurisdictions:

''It has been my experience that to determine eligibility for bailout takes a rather comprehensive assessment of all aspects of the voting election process in a State or political subdivision. This would include, for example, a description of the opportunities afforded minority voters to become registered voters, the extent to which minorities participate in the political process, including their success as candidates, whether they have worked in the registration office, the extent to which they have served as poll officials in the jurisdictions, et cetera.

''Moreover, to assess bailout eligibility, it is usually necessary to review voter turnout numbers to determine the extent to which the electorate is participating in national, State and local elections.

''Views of the minority community are also routinely sought in bailout cases. The Attorney General would need to contact minority leaders in every jurisdiction to obtain their views on bailout.

''In addition, in order to assess whether a jurisdiction has faithfully complied with section 5, usually a review of all the records of the jurisdiction is undertaken to study whether any voting changes have been implemented by the jurisdiction without the requisite preclearance.''

Now, clearly, requiring such an assessment every year by the Justice Department would prevent it from its primary responsibility of enforcing minority voting rights. In reality, there are only a handful of attorneys in the Voting Section of the Department of Justice, and this amendment does not include one penny of additional funding to hire the additional resources that would be necessary to conduct this annual assessment.

Further, under this amendment, the Department of Justice would be given the unprecedented authority to determine on its own whether the provisions of the Voting Rights Act that protect minority voters from discriminatory voting changes will remain in effect.

□ 1600

The amendment states: ''The Attorney General shall annually determine whether each State and political subdivision to which the requirements of this section apply meet the requirements'' that would remove a jurisdiction from coverage under the Voting Rights Act. That is an unprecedented voting rights policy that places far too much power in a single Department of a Federal executive agency, giving it the unfettered authority to remove entire States from coverage under one of the most important civil rights protections enacted in the last century.

Giving so much power to a single executive branch agency over the vastly important decision of whether a given jurisdiction is covered or not covered by the Voting Rights Act's temporary provisions invites abuse. And the protection of voting rights should never be made subject to a regime that invites incentives other than the protection of voting rights.

In addition, this amendment invites lawsuits against the Department of Justice itself for its alleged failure to adequately conduct a review that it would be required to conduct in all 900 jurisdictions. So the gentleman's amendment says that this has got to be done every year in 900 jurisdictions. He does not give the Justice Department a penny to hire any additional people to conduct the review. And then it invites lawsuits against the Justice Department because they failed to do so because they do not have enough money to be able to do it.

In addition, the amendment compels the Department of Justice to prospectively take a litigation position, that it ''shall consent to the entry of judgment'' based on a previous determination even if subsequently discovered facts render the previous decision unjust. Meaning it ties the Justice Department's hand from acting based on newly discovered evidence.

The amendment denies the Justice Department the ability to assert itself in litigation as it sees fit in court, based on its assessment of tactics and legal considerations. This directive affronts established executive litigation authority and upsets the separation of powers.

In sum, this amendment, far from being a reasonable clarification of the

Voting Rights Act, will invite chaos. It will cripple the enforcement resources of the Voting Division of the Department of Justice. It would redirect limited resources away from voting rights enforcement, give the executive branch unprecedented and unfettered authority to remove crucial voting rights protections over large parts of the country, and impermissibly lock an executive branch agency into a litigation position.

Of all four amendments that have come before us today, this one is the worst. Please reject it.

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

Mr. WESTMORELAND. Mr. Chairman, the distinguished chairman of the Judiciary has argued that my amendment places an impossible burden on the Department of Justice. All we are asking them to do is to look at the jurisdictions that are now covered under section 5, and hopefully, I thought that the Department of Justice was looking at these jurisdictions. I thought they were keeping up if there was any violation or not any violation. The chairman of the Judiciary has just really caused me some concern to think that we are under the coverage of section 5, but nobody is looking at us. Nobody is looking to see if we are doing the right thing or not. I am confused. Maybe we need to do some more legislation to make sure the Department of Justice is doing their job.

They are the ones that know if there have been any objections. They should be the ones that have the information to know if a city or county should be able to bail out or not. Maybe this is why jurisdictions aren't bailing out.

I listened to the chairman read all the stuff. I felt like I was listening to an algebra problem. That is the reason we do not know if we can bail out or not. With all of its lawyers and all of its resources, if the Justice Department cannot figure out who can bail out, how in the world is a small city or county going to make that determination?

The chairman of the committee appears to be arguing my point. The bail-out procedures are so complicated that even the Justice Department cannot figure them out. That seems to indicate that we may need to take another look at the bail-out provisions in this law, which does not appear to have been done by those 12 hearings with all these different witnesses that never once looked at the flawed bail-out procedure.

I would also ask whether this burden is better borne by the Federal Government or by small cities, such as my hometown of Granville, and counties that are not able to come to Washington to litigate their past history.

Mr. Chairman, I yield 7 minutes to my colleague from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for the time.

I find this sort of interesting, Mr. Chairman. It seems like you are concerned about the bail-out provisions and the cost to the Justice Department if they actually do their job, which they are not; but no one seems to be at all concerned about the cost of bilingual ballots or counties or States having to print 35, 37 different ballots on the box. Nobody cares about that unfunded mandate, only that the Justice Department could not possibly afford to do what it is supposed to do.

Actually, I hope that you are the one that argues the case when this goes to the Supreme Court, Mr. Chairman, and use that very same argument you just put on us about Mr. WESTMORELAND's amendment.

This amendment has the support of some of the strongest supporters of section 5 renewal, and it is there for a very practical reason. The Supreme Court would likely throw out a 25-year extension of section 5 if no attempts have been made to update the rules that determine whether counties remain under Federal oversight. The court allowed section 5 to stand for one reason. Even a nonlawyer can read it in there. It was to be a temporary remedial tool. There was not a thing in that law that says past discrimination puts you under section 5. There is nothing written in the bill that says that. You say that because of the findings, but it is not in the bill.

But the rubber-stamp renewal of section 5 for another 25 years would mean the original 837 counties would be under Federal oversight for 65 years, affecting people that had absolutely nothing to do with any of this. It does not take a legal scholar. Even I can determine 65 years is not temporary.

There must be a more realistic method for counties to win release from the penalty box than under the current law, which is almost impossible, if they have truly ended discriminatory practices or if they have followed the rules under section 4.

This amendment allows the Justice Department to help section 5 counties simply determine if they are eligible for bailout. What is the Justice Department for if not for that? It provides an expedited means for counties to regain their constitutional rights if they have met the bailout standards according to DOJ and no one else objects to their petition. This is not only fair. It gives many counties in compliance with the act a realistic chance to win release from section 5 for the first time.

It is hard work being fair, Mr. Chairman. It requires a lot of effort for everybody to be equal under the eyes of the law. And that is what basically Mr. WESTMORELAND's amendment is asking for. I actually think further amendments to the bail-out section are needed as well, though we are not doing it today. But the Westmoreland amendment will help justify allowing section 5 to withstand court challenges, while providing long-needed equity for counties that have indeed remedied past discrimination.

I am going to be honest with you. There is hardly any way to get out of the bail-out provisions. In 25 years, 11 counties have been able to do so. Don't you think more counties would have if they could possibly have done it? Those 11 counties that got out have minority populations of under 5 percent. They live right across the Potomac River. This nonsense about it costing $5,000, you cannot hire a lawyer to come uptown for $5,000. It costs big dollars for small cities and rural counties to get out from under this whether they are guilty or not, but nobody seems to care whether they are guilty or not. It does not concern anybody about fairness here.

Partisans, and there are plenty of them and you all know it, at DOJ try to make sure that there are objections to submissions. A very perfect example: all you have got to do is have one submission objected to by the Department of Justice. In the last 5, 6 years, we have had six objections in Georgia. One of them comes from a small little town in south Georgia where the city council is majority/minority. They had a change they wanted to make in their voting laws, and they submitted it to the Justice Department. The Justice Department says, oh, no, you can't do that, we object. It is not as if they are always right. It is just that they get the last word until the Supreme Court gets ahold of them.

That one objection puts my State back in the penalty box for 10 years. That is an unfair circumstance. That keeps us there for another 10 years. It does not matter what is right. It does not matter what is fair. It does not matter what is legal. It means you just cannot get out of it. It is designed to be that way. It is people in the civil rights division in the Justice Department that are very bias, very partisan; and they work darn hard at making sure we cannot get out of the penalty box.

I have heard over and over today people talk about a bill passed in Georgia. They are simply trying to make sure only American citizens vote. That is all it was all about. It is so easy to vote in Georgia. We have illegal alien citizens of other countries trying to vote all the time. A simple voter ID, it was precleared by the Justice Department that, Mr. Chairman, you think so much of. We were told it was all right. Then it goes to court. Well, you know how you do that? You venue shop. You go around and wait until you can find a judge that will say what you want to say, and that is exactly what they did in this particular case. So that is an objection; so now we get to stay in for another 10 years.

My last observation on this subject is all four of these amendments are commonsense amendments. They do not, in my opinion, have anything to do with bringing down section 5 or the Voting Rights Act, which I do not want them to do. They add some sensible changes to it. It has been 41 years since this was written.

Mr. Chairman, in 1982 you voted against section 203. Today you are promoting section 203. You are against the

King amendment. What happened? Did you change your mind in 25 years? Probably so. That is legal. That is fair. That is okay if you have changed your mind concerning how you feel about that in 25 years. A lot has changed in 25 years. A lot in our State and our country has changed.

Vote for these amendments and make this thing fair, and everybody will have equal protection under the law.

Mr. SENSENBRENNER. Mr. Chairman, I would like to yield 4 minutes to the very fair subcommittee Chair from Ohio, who presided over 12 hearings and 46 witnesses and 12,000 pages of testimony. It is tough being fair.

Mr. CHABOT. I thank the chairman for yielding.

I, first of all, want to indicate that I rise in opposition to this amendment.

First, what are the existing provisions of the Voting Rights Act that this particular amendment applies to? Well, the temporary provisions of the Voting Rights Act require jurisdictions with documented histories of unconstitutional practices to preclear voting changes with the Department of Justice or the U.S. District Court here in Washington, DC, District of Columbia.

These provisions also authorize the Department of Justice to assign Federal observers to monitor elections in covered jurisdictions to protect the rights of minority voters. Together, these provisions have been crucial to the success of the Voting Rights Act and the progress made by minority voters over the last 40 years.

The current provisions of the Voting Rights Act strike the right balance expanding and contracting coverage as necessary. In fact, 11 jurisdictions have successfully bailed out from coverage while other jurisdictions have been brought under the watch of the Federal courts.

Now, the amendment offered by the gentleman from Georgia would alter the balance contemplated by the Voting Rights Act and that is maintained by H.R. 9, the bill that we have before us.

□ 1615

Under the gentleman's amendment, the Department of Justice would be affirmatively required to conduct investigations into the bailout status of the approximately 900 covered jurisdictions and to announce the results of its investigation annually, thus diverting precious resources away from its administration and enforcement responsibilities under sections 5 and 203.

Not only would this amendment shift the burden of bailout from the covered jurisdiction to the Attorney General, but the amendment would render the Department of Justice ineffective in performing any of its responsibilities under the Voting Rights Act, to the detriment of minority voters in this country.

Under this amendment, minority voters would no longer be able to rely on the protections and enforcement actions undertaken by the Department to enforce voting rights laws. Rather, the Department would be visiting each and every covered jurisdiction to review voluminous records to determine which voting law changes the jurisdiction has complied with and which ones they have not, 900 jurisdictions.

In addition, this amendment has the effect of creating an unprecedented and what could be considered unconstitutional amount of authority to the Department of Justice to determine which jurisdictions should be removed from coverage. This is unprecedented voting rights policy that has the potential to undermine the most important civil rights law in our history.

H.R. 9 is bipartisan legislation, and I would urge my colleagues to maintain the bipartisanship and oppose this amendment.

Mr. WESTMORELAND. Mr. Chairman, may I inquire as to how much time remains for each side?

The CHAIRMAN. The gentleman from Georgia (Mr. WESTMORELAND) has 7 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 10 minutes remaining.

Mr. WESTMORELAND. Mr. Chairman, I yield 3 minutes to my colleague from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I rise today in support of the amendment offered by Representative LYNN WESTMORELAND, and I would ask all my colleagues to join me in supporting it.

I was surprised a little earlier to hear the chairman say that of the four amendments this is the worst of the lot.

Mr. Chairman, I would suggest that it is one of the best of the lot, and with all due respect to Mr. SENSENBRENNER and Mr. CHABOT, I wish there was as much concern about the unfunded mandates that this bailout provision in H.R. 9 puts on local jurisdictions and the unfunded mandates that the multilingual ballot requirements put on local jurisdictions as their concern of the financial burden and time constraints that it puts on the Justice Department.

This amendment will facilitate States and jurisdictions that have fully complied with the requirements of the Voting Rights Act to be expeditiously removed from its section 5 restrictions as already provided by law.

Mr. Chairman, this amendment will simply require that the Department of Justice on an annual basis proactively notify States and jurisdictions once they are eligible for relief from section 5 preclearance requirements. Once the Department of Justice determines a State or jurisdiction is eligible, the Department of Justice must promptly notify them and then consent to a streamlined judicial process for the State or jurisdiction, which in turn will significantly reduce the legal costs borne by our taxpayers.

Simply put, since the Department of Justice has the responsibility anyway to monitor and review States covered by the Voting Rights Act, the DOJ should also have the responsibility to notify States once they have qualified to be relieved from the restrictions and allow them to do so with a minimal amount of cost.

Again, Mr. Chairman, I want to encourage my colleagues, support this amendment. This may be one of the best of the four. In fact, support all four amendments.

It makes the underlying bill better and more equitable.

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous consent request to the gentleman from North Carolina (Mr. ETHERIDGE).

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

Mr. ETHERIDGE. Mr. Chairman, I rise in support of the bill that came out of the committee.

Mr. Chairman, I rise today in support of H.R. 9, the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

A few years ago, my son Brian and I were fortunate to have the opportunity to travel with Congressman JOHN LEWIS to Selma, AL, to participate in a reenactment of the 1965 voting rights march over the Edmund Pettus Bridge. On the 36th anniversary of Bloody Sunday, the most famous civil rights confrontation of the 20th century, I was deeply moved to hear firsthand accounts from JOHN LEWIS and others about that fateful day. When the original marchers got across the bridge, the Alabama State troopers savagely attacked and brutally beat them simply for peacefully demanding their rights as American citizens.

The sacrifices at Bloody Sunday produced the most effective Federal election reform in our Nation's history and guaranteed the voting rights of millions of American citizens.

The Voting Rights Act of 1965 protects our citizens' right to vote primarily by forbidding covered States from using tests of any kind to determine eligibility to vote, by requiring these States to obtain Federal approval before enacting any election laws, and by assigning Federal officials to monitor the registration process in certain localities. Although the Voting Rights Act is a permanent Federal law, it contains some temporary provisions that will expire in 2007. Sections 4 and 5 pertaining to pre-clearance of congressional district maps by the U.S. Department of Justice and the bilingual provisions contained in section 203, were considered constitutionally controversial and were made temporary in order to revisit the issues.

Mr. Chairman, I support reauthorization of H.R. 9 and oppose all amendments which attempt to weaken it. With the help of the Voting Rights Act, I am proud to say that my State of North Carolina has made substantial progress in lessening voting discrimination. However, more progress can be made and because sections 4, 5 and 203 continue to be necessary in some jurisdictions, they must be reauthorized. We must continue to protect the rights of all American citizens to fully participate regardless of race, color, ethnicity or native language.

Some argue that ballots should only be printed in English; however, the fundamental

right to vote must not be subject to a modern day equivalent of a literacy test. I oppose the amendment proposed by Representative KING which will effectively deny some citizens the right to vote.

I also oppose the amendments offered by Representatives WESTMORELAND and NORWOOD of Georgia. Section 5 of the Voting Rights Act is working for North Carolina and is an important protection for our citizens. My State of North Carolina has 40 counties which are subject to preclearance by the U.S. Department of Justice. In testimony before the Senate Subcommittee on the Constitution, Civil Rights, and Property Rights, Donald Wright, general counsel for the North Carolina State Board of Elections said ". . . there is a consensus that the temporary provisions have had the effect of moving the consideration of adverse effects on the voting rights of minorities to the 'front of the bus,' as opposed to the 'rear of the bus' where it was for much too long. There also continue to be instances in which section 5 prevents discriminatory voting changes from being implemented in North Carolina. To tamper with these temporary provisions may jeopardize the substantial progress minorities have made in our State."

Upon signing the Voting Rights Act, President Lyndon Johnson said, "The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men." I fully support passage of the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments of 2006 for 25 years.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Chairman, I rise in opposition to this amendment because it will actually make it harder for the Justice Department to use its authority under section 5 to prevent discrimination from taking root.

It will do this by forcing the Department to treat those jurisdictions where the disease of discrimination is in remission as though the disease was cured once and for all.

It will make it harder for the Department to do its job by forcing the Department to turn way from treating the disease where it is still rampant, and spend all of its resource reexamining and re-reexamining and re-re-reexamining those places where it is in remission.

No doctor trying to eliminate a disease would regard remission as a cure, and neither should the Voting Rights Act.

No doctor trying to eliminate a disease would ignore those who are obviously sick and spend all his time treating a patient whose disease is in remission, and neither should the Voting Rights Act.

I was raised on the Ten Commandants, as was the sponsor of this amendment, and one of those commandments is one that I know he knows. It says, "Thou shall not steal."

Well, this amendment does not come right out and violate or break that commandment, but it does make it easier for those folks to break that commandment.

I, therefore, urge my colleagues to oppose this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous consent request to the gentleman from Michigan (Mr. UPTON).

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

Mr. UPTON. Mr. Chairman, I rise in support of the legislation.

Mr. Chairman, I came to the Congress in 1987—the 100th Congress.

We had a number of stars in our freshman class—

JIM BUNNING—A Hall of Fame baseball pitcher,

Fred Grundy—an accomplished actor,

Amo Houghton—The 1st CEO of a Fortune 500 Company elected to the Congress,

JOHN LEWIS—a hero of the Civil Rights movement who plotted and marched with Dr. Martin Luther King, Jr.

As colleagues, JOHN LEWIS and I have travelled the roads back to Birmingham, Montgomery and Selma. We stopped along the way numerous times and heard the stories relived.

We travelled the bus route of Rosa Parks and we stopped at the church which had been bombed killing those sweet little girls.

I credit those brave Members of Congress that took action in the 1960's that addressed some of the racism and bigotry that still stain and haunt our history of a just nation.

Passage of civil rights legislation which included the Voting Rights Act was the right step.

Today, it's still not hard to find racism and discrimination. Yes, folks are still trying to prevent Americans from participating in our electoral process.

About a year ago, I sat on the House floor with the Dean of the House and my respected colleague, JOHN DINGELL, from the great State of Michigan.

We looked at the CONGRESSIONAL RECORD and the names of Members of Congress that voted for and against the different civil rights bills of the 1960's.

I was surprised to see how some of our former colleagues voted.

And, my bet is, that some of those that voted no then, would have the courage to vote yes now. That they would see the positive impact that those bills have brought about.

Mr. Speaker, we are the Peoples House—but we cannot be the Peoples House if we construct barriers for the people to participate.

The Voting Rights Act provides protections and removes the barriers. It needs to be extended.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I thank the chairman and the ranking member and the CBC chair for their moving forward this equal protection under the law for all Americans.

I tell you, the gentleman who proposed this said that this is to help save the Voting Rights Act. In fact, it is an attempt to destroy it, because this amendment turns section 5 on its head under this amendment. Instead of enforcing the Voting Rights Act and stopping voting discrimination, the Department of Justice would be forced to spend nearly all of its time conducting investigations.

As the ranking member of the Committee on House Administration, which oversees Federal elections, voter disenfranchisement continues nationwide, and this is the wrong time to weaken this voting rights bill with all of these poison amendments.

Three Presidents cannot be wrong. The architect of this one, the late President Lyndon Johnson's daughters are asking for this to be passed without these poison pill. We had the late Ronald Reagan, who continued this piece of legislation for 25 years, and our present administration, the President who strongly wants to renew this.

We must move forward. We must let generations to come know that we were steadfast in keeping the promise of this America.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Chairman, many of my colleagues have expressed some bit of surprise at the virulence coming from the Republican Members of the Georgia delegation. Well, let me just say that I am not surprised at all, because I was born in Georgia and I live there. I served in the Georgia legislature with a few of them.

But let me also say that just this week the second attempt by the Georgia legislature to impose a voter ID bill on the people of our State was struck down by the courts in violation of the Voting Rights Act.

We also learned in 2002, in my own election, with the crossover vote, that crossover voting can be used as effectively as the all-white primary was in days past.

So we need the Voting Rights Act. We need it because we are looking at the State of Georgia. We see what you are doing. And now the Nation also sees that the State of Georgia desperately needs to be under the Voting Rights Act because some things still have not changed.

Mr. WESTMORELAND. Mr. Chairman, the district court specifically did not rule on the issues raised by the plaintiffs in the case that my colleague from Georgia is talking about, the Voting Rights Act.

Mr. Chairman, I have no other speakers at this time, and I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), my distinguished ranking member.

Mr. CONYERS. Mr. Chairman, this Westmoreland amendment has some huge problems.

I would like to remind you that a 25-year veteran of the Department of Justice Voting Section commented that the bailout amendment proposed is

completely unworkable unless the staff of the Voting Section is tripled or cuts corners in making its determination. There is no way the existing staff can possibly do what this calls for and make a binding determination of eligibility for bailout. And plus, we do not include one dime in this proposal to take care of all of this.

We turn section 5 on its head, and we will not be stopping voting discrimination.

This amendment would cripple the Voting Section at the Department of Justice, making enforcement of the Act nearly impossible. There are 900 jurisdictions covered by section 5. How could we do a report on them every year?

Reject the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield for the purposes of a unanimous-consent request to the gentleman from North Carolina (Mr. WATT).

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

Mr. WATT. Mr. Chairman, I rise in opposition to Mr. WESTMORELAND's amendment.

This amendment imposes far more federalism costs on states than does the current structure of the Voting Rights Act that its opponents criticize. In short, the amendment would permit the Department of Justice on an annual basis to snoop through every governance document maintained by a jurisdiction to determine whether it meets the eligibility requirements for bailout. This process will be far more onerous than that presently imposed on jurisdictions. Now jurisdictions are in control of what they provide to the Department, both for preclearance and bail-out purposes.

The mechanism established under this amendment also requires DOJ to expend tremendous amounts of time and resources exposing nondiscrimination while leaving discrimination unabated. This amendment turns the Voting Rights Act on its head and makes a complete farce out of our principles of democracy. It should be soundly defeated.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman.

As much as things change, they remain the same, and I oppose the Westmoreland amendment primarily because it interferes and interjects the Attorney General in a partisan decision on the enhancement of rights.

Let me document for you why the Voting Rights Act is still needed today. As Lucy Baines Johnson and Mrs. Robb have indicated, two daughters of Lyndon Baines Johnson, let me suggest to you that this map says and shows all the States that are being covered by this Voting Rights Act. If the Voting Rights Act is hindered by these four amendments, what we have is the inability of these individuals who are now suffering to have redress in the courts.

Even today, the Voting Rights Act is applicable to the State of Texas because of poorly drawn districts in 2002. It is applicable to South Dakota because of the violation of the rights of Native Americans.

So I suggest to Mr. WESTMORELAND, though he may be the loyal opposition, we, in fact, do need the Voting Rights Act without the intervention of the Westmoreland amendment which undermines and torpedoes the entire bill.

I ask my colleagues to join Senator Dole in her vote for the Voting Rights Act in 1965. Vote against these amendments and vote enthusiastically for the underlying bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield for a unanimous-consent request to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, this amendment presents a new process, which was not considered in our exhaustive hearings. In fact, testimony at our hearings showed that the present bailout process is reasonable and inexpensive—all 11 jurisdictions that tried to bailout were able to do so.

Although there is not a problem now—this amendment is a problem.

There are nearly 900 jurisdictions covered nationwide by section 5. This amendment forces the Department of Justice to conduct an investigation in each jurisdiction every year.

This amendment also reverses the longstanding requirement that jurisdictions bear the burden of establishing that they are free from discrimination, and instead places the burden on the Attorney General to determine whether each jurisdiction qualifies for bailout. Voting Section attorneys at the Department of Justice would have to spend time developing the evidence necessary to make these determinations, rather than focusing their efforts on enforcing the act. There is no funding for this additional responsibility.

There is no problem, so let's not make one. We should defeat the Westmoreland amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, Mr. NORWOOD said some things change in 25 years, and he is right about it. One thing that has not changed in 25 years is that people say one thing and have a different agenda.

We have heard all day that we are opposed to unfunded mandates, and now we want to put a new mandate on the Department of Justice with no new money.

We have heard, when Mr. WESTMORELAND writes about this topic in the pages of The Hill, that he wants to lift the South from the whims of Federal bureaucrats, and this amendment would empower the bureaucrats of the Department of Justice more than ever.

We heard his remarks, again on this amendment, by saying, I want to save the Voting Rights Act; and then he proposes to save it by making it harder to administer, more subject to judicial challenge, and far more complicated.

It has not changed. People say one thing and have another agenda.

I close by saying the agenda today appears to be to water down this act and strip it of a lot of its power, and that is wrong.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, this amendment by Congressman WESTMORELAND, my colleague from Georgia, is the most treacherous and dangerous of the amendments. There is no amendment that clearly points out what the desires have been for all four of these amendments. Their goal has been one thing and one thing only, and that is to kill the Voting Rights Act.

□ 1630

We cannot allow that to happen. We must understand what those words from Thomas Jefferson truly meant when he said that ''we hold these truths to be self evident, that all men are created equal and endowed by their creator with certain inalienable rights, and among those are life, liberty and the pursuit of happiness.''

And there is nothing to give us that right more succinctly and more importantly than the right to vote and to think that my colleagues from Georgia are the ones leading this dastardly fight to deny the right to vote to African Americans.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, first of all I want to thank the Chair for yielding me the time and also for his leadership. You have done a wonderful job in conjunction with Mr. CONYERS and the Chair of the Congressional Black Caucus.

I stand here, here we are at the last amendment. I come from Ohio. In 2000, 2004, we had dilemmas in our voting. Across the country there have been dilemmas with voting. And this is the first time since I objected to the Ohio vote that we have even talked about voting on the floor of the House of Representatives.

We are overdue. Every Member of Congress owes all of the voters of this Nation the vote in favor of renewing the Voting Rights Act. Your conscience should be bothering you if you are not thinking about the fact that minority voters across this country were denied the right to vote.

I have heard people talk about, well, my grandson did not do it. Your grandson did not do it, but your great grandfather probably did. And you owe and the support of all of those who deserve the right to vote the right to vote. Thank you for the time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 15 seconds to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, do we want to be responsible for

stabbing the Voting Rights Act in the heart? We must defeat with all that we have, with all of our power, with all of our votes the Westmoreland amendment.

Mr. WESTMORELAND. Mr. Chairman, Professor Rick Hasen was quoted today saying if Congress goes on and passes the current version, as is, with a 25-year extension, there is significant danger that the measure is struck down.

Professor Sam Issacharoff was quoted saying: ''To the extent that the coverage of jurisdiction continues to be triggered by what happened in 1964, it puts a great deal of constitutional pressure on the continued vitality of the act.''

Neither of these men are conservatives. Neither of these men support me. These are liberal law professors who are very learned in the election law field that support this amendment. So if you want to talk about somebody stabbing the Voting Rights Act in the heart, or if you want to talk about somebody that is doing this because they do not have any desire to see it continue, you need to talk to these people, these liberal professors who agree with me and support what I have said.

Mr. Chairman, I think the one thing that I have learned here today is that section 5, as looked at by the Department of Justice, is not really looked at. The only thing they are is a bunch of checkers. They just check things as they come in to them, rather than looking at these 900 jurisdictions.

By the way, if Mr. NORWOOD's amendment passes, it would be a lot more than the 900 jurisdictions to be looked at, because of problems all across the Nation. But our DOJ has more attorneys on staff than the city of Granville does or the county of Coweta or the State of Georgia. If they do not know what jurisdictions should be able to bail out, God forbid that any city, county or State does.

I ask that the Members of this House please support the Westmoreland amendment to H.R. 9.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I think those of you who have gotten to know me in the time I have been honored to serve here realize that the liberal law professors that instructed me at the University of Wisconsin law school about 40 years ago did not make very much impact then.

And maybe we should not listen to the group of liberal law professors that Mr. WESTMORELAND cites in support of his amendment today.

The fact is that this amendment turns the Voting Rights Act on its head, because in every one of the 900 jurisdictions, if the Westmoreland amendment is adopted, there is an army of Federal agents, if we fund them, that will come on down, look at everything that has gone on there relative to elections every year.

And of course this is an unfunded mandate, because the local officials that they have to talk are going to have to spend all their time talking to the army of Federal inspectors.

There are a number of other things that are wrong with this amendment as well, because it unconstitutionally requires by statute that the Department of Justice assume a litigation position. That is a violation of separation of powers.

The DOJ lawyers represent the United States of America Government and its people, and they should not have their hands tied, being told that they have to adopt a position even though the position might be contrary to the law that has been passed by the Congress and signed by the President of the United States.

This amendment expands Federal authority by people who have been complaining about Federal authority since the Voting Rights Act was passed 41 years ago. Let's not turn the VRA on its head. Let's reject this amendment. Let's reject all of the amendments.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WESTMORELAND. 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 Georgia will be postponed.

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 No. 1 by Mr. NORWOOD of Georgia.

Amendment No. 2 by Mr. GOHMERT of Texas.

Amendment No. 3 by Mr. KING of Iowa.

Amendment No. 4 by Mr. WESTMORELAND of Georgia.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. NORWOOD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) 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 96, noes 318, not voting 18, as follows:

[Roll No. 370]

AYES—96

Aderholt
Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bishop (UT)
Blunt
Bonilla
Bonner
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Campbell (CA)
Cantor
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Deal (GA)
Doolittle
Duncan
Everett
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Gutknecht
Hall
Hastings (WA)
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hyde
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Kline
Kolbe
Linder
Lucas
Mack
Manzullo
Marchant
McCaul (TX)
McHenry
McKeon
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Paul
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rohrabacher
Royce
Ryun (KS)
Shadegg
Shimkus
Shuster
Smith (TX)
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—318

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)

Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Carson
Davis, Jo Ann
Doggett
Evans
Graves
Harris
Hunter
McKinney
McMorris
McNulty
Northup
Nunes
Pence
Ryan (OH)
Sessions
Slaughter
Sullivan
Tiahrt

□ 1659

Mr. OTTER changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. MCKINNEY. Mr. Chairman, during roll-call No. 370, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 2 OFFERED BY MR. GOHMERT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. GOHMERT) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 134, noes 288, not voting 10, as follows:

[Roll No. 371]

AYES—134

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cantor
Carter
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Deal (GA)
Doolittle
Duncan
Ehlers
Everett
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Gutknecht
Hall
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Kline
Kolbe
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryun (KS)
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—288

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Buyer
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—10

Carson
Davis, Jo Ann
Evans
Graves
Hunter
McNulty
Northup
Sessions
Slaughter
Tiahrt

□ 1706

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) 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 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 238, not voting 9, as follows:

[Roll No. 372]

AYES—185

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilbray
Bilirakis
Bishop (UT)
Blackburn

Blunt
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Feeney
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (KY)
Linder
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
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—238

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bono
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
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
Kirk
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—9

Carson
Davis, Jo Ann
Evans
Graves
McNulty
Northup
Sessions
Slaughter
Tiahrt

□ 1713

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. WESTMORELAND

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND) 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 5-minute vote.

The vote was taken by electronic device, and there were—ayes 118, noes 302, not voting 12, as follows:

[Roll No. 373]

AYES—118

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chocola
Coble
Cole (OK)
Conaway
Cubin
Culberson
Deal (GA)
Doolittle
Duncan
Everett
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Granger
Gutknecht
Hall
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Kline
Kolbe
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Otter
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Rehberg
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryun (KS)
Shadegg
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOES—302

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor

Payne
Pelosi
Peterson (MN)
Petri
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—12

Carson
Davis, Jo Ann
English (PA)
Evans
Graves
Harris
McNulty
Northup
Sessions
Slaughter
Thomas
Tiahrt

□ 1719

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REHBERG) having assumed the chair, Mr. LAHOOD, 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. 9) to amend the Voting Rights Act of 1965, pursuant to House Resolution 910, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 390, noes 33, not voting 9, as follows:

[Roll No. 374]

AYES—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
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)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (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
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
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—33

Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bonner
Burton (IN)
Campbell (CA)
Conaway
Deal (GA)
Doolittle
Duncan
Everett
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hefley
Hensarling
Herger
Johnson, Sam
King (IA)
Linder
McHenry
Miller, Gary
Norwood
Paul
Price (GA)
Rohrabacher
Royce
Shadegg
Tancredo
Thornberry
Westmoreland

NOT VOTING—9

Carson
Davis, Jo Ann
Evans
Graves
McNulty
Northup
Sessions
Slaughter
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1738

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REREFERRAL OF H.R. 503, AMERICAN HORSE SLAUGHTER PREVENTION ACT

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that the bill, H.R. 503, be rereferred to the Committee on Energy and Commerce, and in addition, to the Committee on Agriculture.

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

There was no objection.

LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute for the purposes of

inquiring of the majority leader the schedule for the week to come.

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

There was no objection.

Mr. HOYER. I would be pleased to yield to my friend, Mr. BOEHNER, the majority leader.

Mr. BOEHNER. I thank my colleague for yielding.

Next week, Mr. Speaker, the House will convene on Monday at 12:30 for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices later on this afternoon.

On Tuesday, we expect to do House Joint Resolution 88, the marriage amendment.

For the balance of the week, H.R. 2389, the pledge protection bill; H.R. 5684, the United States-Oman Free Trade Agreement Implementation Act.

We do expect that if the Senate acts on the Castle stem cell legislation and several other bills that could be brought over to the House, where the House would consider the other two stem cell bills, and send all three bills to the White House. And then, depending upon what happens at the White House, whether we would vote on a veto override or not is certainly under consideration.

I do expect that we will have votes on Friday at this point. We will continue to work with Members on both sides of the aisle as the schedule develops. But the next two Fridays are scheduled. My hope is that we are able to finish our work, both next week and the following week, by Thursday night so that Members would not have to vote on Friday. But I cannot make that commitment at this point.

Mr. HOYER. Thank you, Mr. Leader, for that information.

Tuesday is the marriage amendment. Would it be fair to believe that these, they are listed relatively in chronological order, therefore, the pledge protection bill would come on Wednesday probably, and then Oman on Thursday probably?

Mr. BOEHNER. Probably.

Mr. HOYER. On the veto override, you expect H.R. 810 to pass the Senate and then be vetoed and come back to us at that point in time, which would be either Thursday or Friday, depending upon how quickly we were doing our business?

Mr. BOEHNER. Yes. It could be Wednesday if you are a real optimist.

Mr. HOYER. If it were Wednesday, are you going to try to keep the other two bills that would come over from the Senate with that bill? Are you going to try to do all three of them at the same time, or is that not necessarily the case?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

It is expected that the House would take up the other two stem cell bills, pass them, and send them with the Castle bill to the White House, and then be prepared to deal with whatever happens from there.

Mr. HOYER. So if you were trying to keep the three bills relatively together at the White House, is that what I am hearing you say?

Mr. BOEHNER. Yes.

Mr. HOYER. Then we might pass those earlier in the week?

Mr. BOEHNER. But I do not expect that they will get here until late Tuesday, and so I think the earliest we could take them up would be Wednesday morning.

Mr. HOYER. I thank the gentleman for that information. And I appreciate what you are saying about Friday. That will be dependent upon how quickly we get the work that is before us done. I understand that.

Mr. Leader, we have had some discussions, and we still have pending, as you know, one appropriation bill, the Labor-Health bill which is pending. It has, as you know, attached to it an amendment adopted in a bipartisan fashion on the minimum wage, taking the minimum wage to $7.25 in three increments.

Can you tell me the status of the Labor-Health bill? I know it is not on the calendar, but can you tell me its status?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

There is that issue and other issues on the bill that are still being discussed. There has been no resolution on those.

But I think I will anticipate the next question with regard to the minimum wage. I have had conversations with Members on both sides of the aisle about the issue. It is clearly under discussion, but there have been no decisions made as to what to do or when to do, whatever.

Mr. HOYER. I thank the gentleman for that information. He anticipated my question, but I noted in the paper that there are some 25 or 25-plus Members on your side of the aisle who have written suggesting that we bring this to the floor. I would think if that is the case that we do have a majority, I would think, who would be for bringing this to the floor and, quite probably, a majority who might vote for a minimum-wage bill, assuming it comes to the floor as a minimum-wage bill.

□ 1745

Mr. Leader, I am very hopeful that that can happen, and it would be wonderful if it could happen before we left here for the August break. But I hear you saying that is still under discussion, and, hopefully, the result will be a positive one from the perspective of having an up-or-down vote on the minimum wage. I thank the gentleman for that information.

Lastly, Mr. Leader, the pension conference, you and I are very concerned about it. Literally millions of people are very concerned about it. But it still languishes in the conference committee. Can you give us any update on where the pension conference is and what expectations there might be for the pension bill to come to the floor?

I yield to my friend.

Mr. BOEHNER. Clearly, protecting the American people's pensions and ensuring that we get better funding of private pension plans is the goal of this legislation. I can tell the gentleman that I think we are very close. There is some progress. We are close. We have discussed this for months and months here. It is a very difficult bill, as you are well aware, and trying to make sure that there is balance, that we dot the I's and cross the T's, that process is under way. But I am hopeful.

Mr. HOYER. Hope springs eternal. Let's hope the bill is not eternally, however, in the conference committee.

Mr. Leader, if I could comment as well, you and I had a discussion and I had a discussion with your predecessor on this issue as well and with Mr. BLUNT, when he was acting in the capacity you now have, with reference to the bipartisan inclusion of conferees in the decision-making process as to what the pension bill is going to be. In our experience in dealing with you when you were chairman of the committee, you did that. We appreciated that. We think it was the right thing to do. And, frankly, we think it manifested itself in some good products. But, Mr. Leader, I must tell you that the minority members and the ranking member have not been included, in the information I have, in the conferences or deliberations that have been going on with reference to the pension bill.

In light of the fact, as you point out, it is a complicated bill, a difficult bill, we think that would be useful certainly for us; but very frankly, we think it would be appropriate for the process itself.

I yield to my friend in hopes that he will, as he indicated he would, try to prevail on those powers that be to effect that happening, as he indicated he thought ought to happen.

I yield to my friend.

Mr. BOEHNER. As the gentleman is aware, this conference is being chaired by the Senate. There has been one formal conference meeting. But I can tell you there have been consultations with Members of both parties on both sides of the Capitol with regard to many of the issues that have been agreed to and issues that are yet to be resolved, and I fully expect those conversations will continue.

Mr. HOYER. Reclaiming my time, I hope that is the case. And perhaps I will privately discuss with you whom these consultations have been with because on my side of the aisle, they have not talked to me yet. But I thank the gentleman, and I will talk to him privately.

ADJOURNMENT TO MONDAY, JULY 17, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2389, PLEDGE PROTECTION ACT OF 2005

Mr. GINGREY. The Committee on Rules may meet the week of July 17 to grant a rule which could limit the amendment process for floor consideration of H.R. 2389, the Pledge Protection Act of 2005.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by noon on Tuesday, July 18, 2006. Members should draft their amendments to the bill as introduced on May 17, 2005.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format, and they should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

EVERY COUNTRY HAS A RIGHT TO DEFEND ITSELF

(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. Mr. Speaker, I rise today to condemn Hezbollah and Hamas for the recent kidnappings and killings of Israeli soldiers.

These acts of aggression have forced Israel to defend itself and its citizens and will have a damaging effect on the prospect of peace in the Middle East. If someone attacked across our borders and sent rockets into the United States and had killed or captured our own soldiers, you had better believe we would want to defend ourselves. Israel has the right to respond just like we would.

Israel fully withdrew from southern Lebanon in May of 2000 and from Gaza earlier this year only to suffer hundreds of unprovoked attacks from both areas since then. This is not the first time Hezbollah has taken action against Israeli soldiers. It also kidnapped and killed three soldiers in October of 2000.

These attacks are an attempt by Hezbollah to open a second front, so to speak, after the kidnappings in Gaza and their attack on Israel's sovereignty. Hezbollah's actions require Israel to defend itself, and Israel's actions to take out terrorist camps along its borders to prevent this from happening again are warranted and justified. Israel has to defend itself from these terrorist organizations that want to go back to pre-1948 before there was Israel. They don't want Israel on the map.

These countries with influence over Hezbollah must move quickly to bring the return of these soldiers.

Mr. Speaker, I condemn the acts of Hezbollah and Hamas and ask my colleagues to do so as well.

ISRAEL HAS A RIGHT TO DEFEND ITSELF

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

Mr. WELDON of Florida. Mr. Speaker, last month Israel was provoked when Hamas terrorists kidnapped Corporal Gilad Shalit, an Israeli soldier manning a check point. This was an unprovoked act of terror, an act of war against Israel by Hamas, which also controls the Palestinian Authority government.

As long as Hamas embraces terrorism and refuses to acknowledge the right of Israel to exist, terrorists will persist in the Palestinian land.

Earlier this week, Hezbollah kidnapped two Israeli soldiers in northern Israel. Israel has responded in an effort to rescue these soldiers and diminish the possibility of Hezbollah to launch missiles into Israeli population centers.

I rise to express support for our ally Israel as it deals with yet more terrorist acts. The kidnapping of the Israeli soldiers can certainly be considered a provocation of war. Unfortunately, Israel's withdrawal from the Gaza Strip has not led to a positive transformation of Palestinian politics or more security for the Israeli people.

We need to support Israel in this difficult time.

NORTH KOREA AND THE DEMOCRATS

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

Mr. MCHENRY. Mr. Speaker, while America marked the anniversary of our independence, North Korea demonstrated the danger of oppressive regimes.

International threats are often distressing, but the silver lining in there is that there is a galvanizing effect. Threats test our mettle and express not our weaknesses but our strengths as a Nation.

And make no mistake about it, this Republican majority in the House stands strongly in defending our Nation while Democrats have waged a two-decade-long campaign to undermine our national defense capabilities.

In May, just May, 117 Democrats voted to cut more than half the funding, $4.7 billion, from our missile defense program in the national defense authorization bill. In other words, the Democrats are applying their national defense strategy in Iraq to North Korea. It is called ''ostrich'': you stick your head in the sand and ignore the threats.

Well, at least there is consistency in their policy, Mr. Speaker. Maybe they will propose to cut and run from Alaska and Hawaii too because they could be attacked by North Korea with their missiles.

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.

VIOLENCE AND CORRUPTION IN IRAQI POLICE FORCE

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

Ms. WOOLSEY. Mr. Speaker, for months and months we have been hearing from the Bush administration that the training of Iraqi security forces is going as planned. America will stand down just as soon as Iraq stands up, they said. A milestone which we were assured was just around the corner.

Well, now we know the truth. Not only can they not stand up; they can barely crawl. And when they do crawl, all too often they are fighting each other or U.S. troops.

The Los Angeles Times published a shocking report over the weekend about the violence and corruption that is permeating the Iraqi police. According to the Times, we are talking about ''the rape of female prisoners, the release of terrorism suspects in exchange for bribes, assassinations of police officers, and participation in insurgent bombings . . .

''Officers have beaten prisoners to death. They have been involved in kidnapping rings, sold thousands of stolen and forged Iraqi passports, and passed along vital information to insurgents . . . ''

In one Baghdad neighborhood known as a militia stronghold, police tortured detainees with electricity and beatings.

I hasten to add, Mr. Speaker, that the United States and its military have no moral authority to combat such gruesome tactics. Why? Because the right to torture prisoners of war, indeed, the exhortation to torture them, was the official policy of our government for several years.

Of course, the minimum requirement of a functioning society in Iraq will be some kind of trustworthy law enforcement system. But with insurgents and militia groups having infiltrated the police, Iraqi citizens have absolutely no recourse, no legitimate authority committed to their safety and their security.

Another recent article, this one from the Washington Post, tells of a Baghdad resident who dialed the Iraqi equivalent of 911 after a Shiite militia, called the Mahdi Army, firebombed a local mosque. The call went through to the ministry of interior, which is allied with the Shiia and its militias. The dispatcher told the man that he, the caller, was a terrorist, said the Mahdi Army was just doing its job, and hung up. How is that for freedom on the march?

Mr. Speaker, rather than bringing stability and rule of law to Iraq, it has turned out that we have a chaotic killing field, a hot bed of terror over there. The only law that seems to apply is the law of the jungle. The streets are controlled by thugs and murderers. The Iraqi Government is impotent at best, complicit at worst. They are in a civil war.

The least we can do is remove our soldiers from this inferno. Bringing the troops home will not be a panacea for Iraq, but it will get Americans out of harm's way while we help facilitate the long, arduous process of Iraqi reconstruction and reconciliation.

Iraq cannot be put back together again as long as we persist with a military occupation. Every day that our soldiers are there makes it harder, not easier. Every day that the occupation continues, we move further away from, not closer to, the kind of democratic society President Bush says he wants in Iraq.

Bring the troops home. It is the right thing to do for America, and it may be Iraq's only hope for peace and stability.

□ 1800

TURN OUT THE LIGHTS: THE PARTY IS OVER

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

Mr. POE. Mr. Speaker, Americans are fed up. They are worn out, burned out and pocketed out of taking care of illegals who come here and expect a handout and a free ride, and now Americans, they are speaking out.

Recently, taxpayers in Houston forked out over $125 million in hospital costs in just 1 year by treating more than 53,000 illegals, taking advantage of the system in our hospitals, taking advantage of Americans, and really taking advantage of legal immigrants.

Mr. Speaker, it is morally wrong for illegals to enter this country with the expectation that they will live off of others. It is morally wrong for them to expect that Americans will pay to take care of them, take care of their health costs, their education costs and their social services costs.

But now it is becoming illegal for illegals to get these services that even many Americans do not receive. Taxpayers are finding their own answers, while some Federal lawmakers in Washington remain deaf to their desire because they are too busy dueling over illegal immigration doctrines.

State leaders are stepping in across the country. Just this week in Colorado lawmakers took a cue from their citizens by cutting through the conflict and passed 11 bipartisan bills, taking a tougher stance on illegal entry.

Just like Houston, illegals have been drawn to Colorado like moths to a flame, and like many States, Colorado has left the porch light on for them because they have bad laws that encourage illegal entry such as laws that protect employers that hire illegals, providing illegals benefits that many Americans do not receive such as unemployment, grants and even medical care.

This may explain why half of Colorado's immigrants are illegal, but those days may be over because now State legislators are aiming to flip the switch and turn out the lights and turn off the benefits that make being illegal so lucrative.

This week, they passed 11 immigration bills, including making people prove that they are legal residents of Colorado in order to receive State and Federal benefits. That is a far-reaching requirement which will require many of those 1 million people to prove that they are in the State legally to receive benefits. Without that proof, they lose the benefits that Americans have to pay for because Americans always pay, always pay for illegal entry.

Illegals will lose unemployment checks, grants to pay energy bills and even some public medical care, and even applying for these perks means a monetary punishment to illegals.

They are also now busting business owners who, until recently, have left their own porch lights on, guiding illegals their way in the name of a bigger bottom line. Those businesses who exploit illegals make a profit off of cheap labor, but Americans pick up the tab for all social services. Now, they are going to lose a grip on that filthy lucre that they have gotten.

Businesses that exploit those already living in the shadows of our society, beyond the scope of Federal work and wage regulations, it will cost those illicit businesses money in the form of fines if they do not keep records proving that they hire only legal residents.

And while many Americans do not turn out at the polls, it seems some illegals find some way to vote in this country, and now it is going to be a felony if they do so.

And while Colorado legislators have been hard at work, they are letting the voters make the really tough decisions. They are asking them in November on the ballot if they should sue the Federal Government for not enforcing Federal immigration laws. Voters will also be asked to deny tax benefits to business owners who hire illegals.

Mr. Speaker, each day my office gets inundated with calls, e-mails and faxes of people demanding their voices be heard, demanding we secure the borders, demanding that government enforce the law, and demanding that government uphold its greatest responsibility, protecting the citizens.

Mr. Speaker, the bills are mounting up. Illegals have run up their tab. Now it's time we turn out the lights because, Mr. Speaker, the party is over.

And that's just the way it is.

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

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

RECENT ACTIVITIES IN THE MIDDLE EAST

Mr. RAHALL. Mr. Speaker, I rise to claim my time.

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

There was no objection.

Mr. RAHALL. Mr. Speaker, I do not understand the motives behind all the actors involved in recent actions in the Middle East. I do not condone kidnappings, murders, terrorist acts whether in a military zone or across borders, whether as an act of resistance or whatever the terms are that one uses.

I do feel I understand somewhat the feelings of an oppressed, occupied people who have been treated less than human and who now, through no actions or fault of their own, are being bombed back to the Stone Age.

Not only are innocent civilians losing their lives as we speak, but also vital support systems, services and infrastructure needed for day-to-day living are being bombed hourly.

Also in severe jeopardy of losing its life is the new pro-American, pro-democracy government of the land of my grandfathers, Lebanon. Only a year and a half ago, as we all will recall, the Cedar Revolution brought such new life and new hope for this country.

The Lebanese Government has little knowledge nor collusion with, nor agreement with what the military wing of Hezbollah does. They have condemned these recent actions, as I have

done. Every actor in the region knows this, yet some try to convince the world otherwise for their own selfish motives, whether it is for land, for reoccupation or to send signals to other countries.

Believe it or not, certain U.S. media outlets play right into these motives by fueling these misperceptions of which others purposely strive to further.

Example. Today, at 3 o'clock, Shepard Smith on that ''fair and balanced'' outlet called Fox News stated, referring to the country of Lebanon, ''that country known to fund Hezbollah,'' and again at 3:13 p.m. today, he further stated, ''Lebanon continues to fire Katyusha rockets into Israel.'' It is time that this unfair, unbalanced, untrue and outright garbage be called to the carpet.

It is also time for all actors in the region to be called to the carpet, to step back and realize how disastrous their current paths are to their people and to the world. Hezbollah must stop tempting fate, stop shelling across the border, must release the bodies of Israeli soldiers and/or unharm those still alive and safe, as their leader claims.

Israel must stop their unmeasured response, realize they are creating more militants than they are destroying and will never destroy every one of them, and take their grievances directly to the countries involved.

It is long past time for cooler heads to prevail if peace is to ever have a chance in the Middle East.

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.)

WHY IRAQ WAS A MISTAKE

Mr. JONES of North Carolina. Mr. Speaker, I would like to claim Mr. MCHENRY's time.

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

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, today at 12 o'clock in the Liberty Caucus, which is a group of about 9 or 10 of us who meet in Mr. RON PAUL's office, we had retired Lieutenant General Greg Newbold, who spoke to us; and I have met with General Newbold in my office a couple of times. I am very impressed with this gentleman and his integrity and his honesty, and I want to read just a couple of paragraphs from a Time magazine article. It is entitled, ''Why Iraq Was a Mistake, A military insider sounds off against the war and the 'zealots' who pushed it.''

This article is not written by a reporter for Time magazine. This article was written by Lieutenant General Greg Newbold, Retired, and I just want to read a couple of paragraphs because I think he makes such a great point. Again, this article is April 9, 2006. I met with him in my office in May of this year.

This is paragraph one of two I want to read for the RECORD.

''From 2000 until October 2002, I was a Marine Corps lieutenant general and director of operations for the Joint Chiefs of Staff. After 9/11, I was a witness and therefore a party to the action that led us to the invasion of Iraq, an unnecessary war. Inside the military family, I made no secret of my view that the zealots' rationale for war made no sense. And I think I was outspoken enough to make those senior to me uncomfortable. But I now regret that I did not more openly challenge those who were determined to invade a country whose actions were peripheral to the real threat, al Qaeda. I retired from the military 4 months before the invasion, in part because of my opposition to those who had used 9/11's tragedy to hijack our security policy. Until now, I have resisted speaking out in public. I've been silent long enough.''

Mr. Speaker, I mention that, before I read the last paragraph, I had the pleasure, as I said earlier, to meet with General Newbold in May of this year. I had the pleasure of hearing him speak today, and he is a man of great integrity, like the majority of all of those in our military. He was on the inside before we went to war in Iraq. He heard the planning, was part of the planning, and as he said to us today, he said, You know, when we first had our meeting after September 11, we were told to develop a strategy for Afghanistan; and then the next time we have our meeting, we are asked, Where is the plan for Iraq?

This is, I think, such an important part that he writes:

''Members of Congress, from both parties, defaulted in fulfilling their constitutional responsibility for oversight. Many in the media saw the warning signs and heard cautionary tales before the invasion from wise observers like former Central Command Chiefs Joe Hoar and Tony Zinni, but gave insufficient weight to their views. These are the same news organizations that now downplay both the heroic and the constructive in Iraq.''

Mr. Speaker, I mention this because I think we in Congress, to meet our constitutional duties, do have a responsibility for oversight. I would think and hope that my party, as well as the other party, would want to know how did we get into Iraq, was the intelligence verified time after time, time after time before we committed our troops to Iraq. I think that we should know in fairness to democracy. A democracy will not stand without truth being told.

So I hope that my side, as well as the other side, would come together and let us hold hearings. I have actually asked the chairman of Armed Services to bring in General Newbold, General Zinni and General Baptiste and bring them in to the Armed Services Committee for hearings, even if it was a classified or a closed hearing, because we in Congress, in both parties, should be asking these questions.

I will close by saying that, again, it has been a pleasure that I would have the privilege to hear General Newbold today at lunchtime. He reiterated things he had said to me back in May to about 10 of my colleagues, and I do hope that we need not to make the same mistake in future wars.

We need to make sure that the Congress is informed and informed with credible evidence from intelligence that has been verified time after time before we are asked to give the authority to the President, whether it be a Republican or a Democrat, to commit our troops to Iraq.

So, Mr. Speaker, with that, I will close as I have many times on the floor of the House. I will ask the good Lord in heaven to please bless our men and women in uniform, to please bless the families of our men and women in uniform; and I will ask God to continue to bless America.

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 Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio 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 gentlewoman from South Dakota (Ms. HERSETH) is recognized for 5 minutes.

(Ms. HERSETH 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. OWENS) is recognized for 5 minutes.

(Mr. OWENS 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 Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

BUSH'S PLEBISCITARY PRESIDENCY

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

Mr. FRANK of Massachusetts. Mr. Speaker, to begin, I want to express my appreciation for the remarks of the gentleman from North Carolina who just spoke with regard to his call for oversight. It has been sorely lacking, and it is relevant to the point I want to make today.

Mr. Speaker, I meet, as we all do, with people in my district and people elsewhere in the country, and I have for a couple of years now been engaged in some debate with some of my liberal friends on the nature of our disagreements with this administration. And up until a few months ago, my argument was that we should focus on those policy issues where we disagreed, and there were many: the war in Iraq; an economic policy that undercuts working people, that promotes inequality; policies that weaken the environment; policies that undercut the rights of minorities.

□ 1815

Others have said, no, we have to go beyond that. We have to indict this administration for his whole philosophy of governing and people have questioned its commitment to democracy. I continue to disagree that we should question this administration's commitment to democracy.

Some of the words that get thrown around, authoritarianism and worse should not be used lightly. This remains today, in the sixth year of the Bush Presidency, a very free country. People are free to speak out, to dissent. People are free to be critical. So while I agree that this administration believes in democracy in the broadest sense, I am now convinced that it is a very different kind of democracy than that which has prevailed for most of our history, and which I think is the preferable form.

Yes, the President agrees that the source morally or the power of the government is an election, and he believes that the President ought to be elected. I will turn a little later to questions that have been raised about the integrity of the election process. And I think enough doubt has been raised so that we need to do more to reassure people that we are committed to protecting that integrity.

But let me take the President at his word now. After the election, he said, okay I have been elected. I agree that the President honors the concept that you gain power in a democratic society by winning the election. But here is the difference.

We have historically talked about our checks, about balances, about our three branches of government. We have contrasted that to the more unitary governments in other parts of the world, even democratic ones. We have a separate legislative and a separate independent judiciary and the executive branch.

We have talked, from the beginning of this country, in the debates over ratification of the Constitution, about the benefits of checks and balances. This is an administration which considers checks and balances to be a hindrance to effective governance. This is an administration that believes that democracy consists essentially of electing a President every 4 years and subsequently entrusting to that President almost all of the important decisions.

Now, given the role of Congress, the administration, which I believe deeply holds this view, articulated most consistently and forcefully by the Vice President, they could not have succeeded in imposing it on this country and its Constitution as much as they have without the acquiescence of this Congress.

And that is why I appreciated what the previous speaker, the gentleman from North Carolina, talked about, the need for oversight. I believe we have seen an overreaching by the President. I believe we have seen a seizing of power that should not have been seized by the executive branch. But executive overreaching could not have succeeded as much as it has without congressional dereliction of duty.

I hope that some of the signs I am now seeing of resistance finally in Congress to that will take seed. But I do not see that yet. What we have is a President who won the election in 2004, was declared the winner of the election in 2000, much more dubiously. You know, in some ways President Bush was lucky that there was this flap over the votes in Florida. Because that obscured the fact that George Bush became President of the United States, after the election of 2000, trailing his major opponent by a larger popular vote than anybody in American history.

If you assume that Florida was counted 100 percent accurately, a very hard assumption to make, George Bush still fell half a million votes behind Al Gore, the fact that he was a minority President, that is with Ralph Nader drawing off 3 million, while Pat Buchanan only drew off a half a million.

But despite that, George Bush took over because of all of the attention had been on Florida. But from then on, he took the position that as President, he was, as he later articulated it, the ''decider.'' That is not a word that you find often in American history. Yeah, the President is a very influential and very powerful person. But he is not the single decider. He is the most important in a system of multiple sources of power.

But thanks to the acquiescence of a Republican majority in this Congress, driven in part by ideological sympathy, he has been allowed to be the decider. So we have had a very different kind of American Government. We have had an American Government in which the President gets elected and exercises an extraordinary amount of power. It is democracy, but it is closer to plebiscitary democracy than it is to the traditional democracy of America.

Plebiscitary democracy, political scientists use to describe those systems wherein a leader is elected, but once elected has almost all of the power. Indeed, I believe, it certainly would seem to me the aspirations of the Vice President, that in some ways the approach of this administration to governance interestingly has more in common with that of Hugo Chavez in Venezuela than almost anybody else.

Elect the President. Let him win and then get out of his way. Now, this has become clear to me in recent months. We had a debate here a month ago on the floor of this House on the right of the President to ignore legislation passed 30 years ago, the Foreign Intelligence Surveillance Act, by which the President and Congress together set forward a method for wiretapping and eavesdropping in cases where we thought there were foreign threats to the U.S.

This is a case where the President and Congress together, in the Carter administration, explicitly adopted a scheme to listen in on people who meant us ill. It was followed by Presidents from Jimmy Carter through Ronald Reagan and George Bush and Bill Clinton. And then this President said, no, I do not like that. That is too confining, so I will ignore it. And I will instead use my power to do what I want to do and forget the requirements of the law, that is, he was doing here exactly what the law talked about doing in terms of goal, but ignored the method that the law set forward.

What Congress had decided with Presidential approval became irrelevant. Now, we debated that on the floor. And this really began to crystallize for me. And defenders of the President, opponents of our rule that said you cannot spend money to do this wiretapping in violation of the law, for the same thing the law calls for.

You know, it is one thing if the President says, well, there is no law here, I have got to do what I need to do. That is dubious and we can get to it. But where the law has been set out in a prescribed constitutional manner as to how you do something, and the President says I am not going to do it that way, I will do it my way, then you are into plebiscitary democracy. Then you are into the democracy that says no checks and balances. No, Congress, I will do what I think necessary.

Now, I wondered about the constitutional authority. And it was cited on the floor, what is called the ''vesting clause'' of the Constitution. And I thought, gee, that is a pretty important clause apparently; it gives him all that power. How come I do not remember it better?

So I went and relooked it up. Here is what it says: ''The executive power shall be vested in a President of the United States of America.'' That is it. That is the vesting clause. From those words the President and his defenders draw the conclusion that the President can ignore a duly enacted law of Congress if he thinks it should be done a different way.

Well, this is of course totally circular. It is a perfect totality. It says: ''The executive power should be vested in the President of the United States.'' It does not say what the executive powers are. It does say, yeah, the President is the boss of the Secretary of the Treasury or the Secretary of State, but it does not define executive power.

So what they have done is take a simple sentence that says the President is the boss of the executive and use that then to justify the insertion or the assertion of executive power in areas which should have been legislative or judicial. And that has been the pattern in this administration.

In 2001, I voted for a resolution, the authorization of use of force in Afghanistan. You know, when my Republican friends, and some of the other Republicans talk about how Democrats will not stand up to terrorism, I am struck by how they forget the war in Afghanistan. I voted to go to war in Afghanistan because that was the place from which Osama bin Laden attacked us.

Almost everybody, only one dissenter out of hundreds of Democrats, voted to go to war in Afghanistan. In fact, I wish we were doing a better job in Afghanistan. I wish the misguided and mistaken war in Iraq was not driving attention, taking attention away from the war in Afghanistan.

But I voted for the war in Afghanistan. I voted for the authorization to use force. It said in there, and it was unfortunately the model here where the Republicans draft up a resolution and put it through in a way that cannot be amended and only has 20 or 30 minutes to discuss on each side, it said the President may take all necessary actions in this regard.

Well, all of us who voted for it thought we were voting to authorize a war against Afghanistan if necessary to get Osama bin Laden. The Taliban was given the option of giving him up; they would not do it. We later found the President citing that as authority to order the arrest of American citizens on American soil who would then be held indefinitely in prison with no formal charges brought against them and no opportunity to defend themselves and no way to get out of prison.

That was one of the cases in Chicago where they arrested a man in Chicago, he is an American citizen, they said he was up to no good. He may well have been up to no good, although ultimately they did not even prosecute him. But they arrested him and said they had the right to just lock him up forever, an American citizen with no recourse of any kind because the President ordered it.

Well, there is a statute that says you cannot in America lock up an American without statutory justification. And people said, where is the statutory justification? And the administration said, and was maintaining it until the Supreme Court majority in the Hamdi case finally repudiated it, well, it said right there in 2001, Congress authorized the President to do whatever he had to do to deal with the situation of the attack in America. And that outrageously, illogically was cited as support for this.

But it was in defense of this notion that the President could do whatever he wants whenever he wants to. Now some have argued, well, the President can do anything unless he is explicitly told he cannot. Not in this administration. They believe the President can do anything he wants, even if he is told he can't. That has certainly been the case in national security.

It struck me when we recently dealt with the tracking of terrorist financing that the administration had done this with virtually no congressional cooperation. Now, the statute calls for them to be briefing Members of Congress. We all have seen the record of briefing.

This program started late in 2001. They briefed two people early in 2002, when the program was just starting. They briefed one person in 2003. They briefed nobody in 2004. And they briefed two people in 2005, and nobody for the first 4 months of 2006. Then they learned that the newspapers were going to print it, so after they knew it was going to become public, then they briefed 23 other people.

I was one of those offered a briefing. I turned it down because of the circumstances. They told me that they were going to tell me something that was a secret, when they told me, but was pretty soon not going to be a secret, but if they told it to me, I had to keep it a secret even if it was no longer a secret. So I said, never mind.

But I asked the Treasury Department, why are you briefing me after the fact that it was going to become public? They said, as a courtesy. Well, that sums it up. You know, the process of briefing Members of Congress is supposed to be part of the constitutional mandate for collaboration. It does not come from Miss Manners; it comes from the Constitution. It is not a courtesy; it is a requirement of collaborative government.

It is a chance to get back and forth about things. And it struck me, Congress would have clearly ratified their right to do the terrorist financing. Congress would almost certainly have given them a lot of the power they wanted with regard to the detainees in Guantanamo, perhaps more than I wanted to.

You know, we had the PATRIOT Act situation where the Judiciary Committee on which I then sat unanimously adopted a very reasonable, balanced bill which gave law enforcement full powers, expanded powers in the nature of what you needed to fight terrorism, but had some safeguards against abuse.

And that bill, having unanimously passed the Committee on the Judiciary, was reported by the Rules Committee. And the Attorney General, acting for the President, said, no, we do not like that bill. Here is a new one. And a new bill was written overnight and debated on the floor of the House with no ability to amend it.

□ 1830

So I didn't like that and voted against it. It showed that Congress was ready to do what the administration wanted. But even knowing that it could probably get from this rather supine Congress whatever they wanted, they haven't wanted Congress to do it.

It strikes me as to why: They don't want Congress to agree on their ability to detain people at Guantanamo or track terrorist financing or do a lot of other things, because accepting the right of Congress to agree with them implies that at some future date Congress might disagree. And the theory of plebiscitary democracy has no room for congressional disagreement once the President has made his decision. So we have a situation of unilateralism and a refusal even to take Congress in when Congress wants to be a willing partner.

Now, there are a couple of problems with that. First of all, I voted for the balanced PATRIOT Act. I believe that the law enforcement people are the good guys and women. I believe that we need to give them new powers when we are dealing with murderous fanatics who are ready to kill themselves. Our basic law enforcement theory of deterrence doesn't work against people who are ready to commit suicide, although that didn't stop us from authorizing the death penalty for suicide bombers a few years ago.

But I believe that the law enforcement people are the good guys, but I don't think they are the perfect guys. I think there were mistakes that were made by the FBI in Boston, outrageous mistakes. I think of Mayfield in Oregon, Captain Yee at Guantanamo,

Wen Ho Lee under the Clinton administration, a number of cases in Guantanamo of innocent people captured on the battlefield in Afghanistan because of the fog of war.

People make mistakes. What we should be doing is giving law enforcement full power, but also having some checks so that people who are unfairly accused can defend themselves and prove their innocence. Our problem is that when the administration does these things unilaterally, we have no way to know whether or not those safeguards are there. When the administration asserts the right to arrest American citizens on American soil, which happened, this is not a hypothetical, and lock that man up forever, fortunately the Supreme Court said, ''no,'' you can't do this, this is America. But when they assert that, the problem is not that they are being tough on terrorists, it is that they are being tough on an individual who chooses terrorism who has no conceivable way to defend themselves to say that there might have been a mistake.

Shutting out the Congress means that you think you are perfect, that you think you can do these things, that you can exercise these extraordinary powers and you don't need anybody to say, wait a minute, maybe you should do it this way or that way.

And, by the way, I do not think the argument is, well, we can't trust the Congress. I am not familiar with any pattern of Members of Congress divulging information or leaking. Frankly, the great majority of leaks I have seen in the 26 years I have been here have come from the executive branch, not from the Congress. They were leaks because of some policy dispute and somebody wants to leverage somebody else, and that includes leaks from the Bush administration when they thought it would help them make the case with Iraq, like Douglas Feith and others.

But the problem of shutting Congress out is that you don't get that input that allows you to exercise powers in a reasonable way, but helps you with safeguards.

In fact, what happens is this. You have things which are not, in themselves, controversial like tracking terrorist financing. Of course we should be doing that. Or surveilling foreign terrorists or wire tapping, of course, with the right reasons, you should do that. But when the administration does them unilaterally and refuses to allow Congress in and refuses to follow some of the rules that Congress has set down, they take noncontroversial things or less controversial things and make them controversial. That is when things become politicized. The debate over the terrorist financing tracking is not over the substance of that program, but over the secretive and unilateral and arrogant way in which the administration decided to do it and shut out any chance for Congress to participate.

So that is the problem with the plebiscitary approach. Yes, you elect a President and he is supposed to take the lead, but we don't elect perfect Presidents. You elect people who are important. And then we also have a Congress and a court that are supposed to be involved as well; and this administration has time and again refused to do that.

Now, it has been especially the case in areas of national security where, with ignoring the Foreign Intelligence Surveillance Act, or not briefing anybody seriously over terrorist financing, or taking the authorization of the use of force in Afghanistan and bending it way out of shape to make it a universal mandate to do things that no one thought it was supposed to be used for. Or arresting American citizens and holding them forever, arguing that you could do that without any court ever being involved. Having no process by which people innocently caught up in the fog of war in Afghanistan could say, wait a minute, I am not a terrorist, I am just some poor guy wandering around here. But they have also done it domestically.

One of the things this administration has used more than every other administration in history is the right, when signing a bill, a right that they claim to sign a bill, the Constitution says Congress passes a bill, the President can either veto it or sign it. And they say, okay, here is the deal, we will sign it, but when we sign it, we will say that we are really signing these parts and not the other parts, because we consider some of it unconstitutional, so we will ignore it. That is a wholly unconstitutional approach.

The President has a right to say, this is unconstitutional, I don't like it. His job then is to veto the bill. But what he does is he picks and chooses; he thinks the legislation is a supermarket. He walks in, he takes some from here, some from there, he discards what he doesn't like. That is not appropriate.

That is in the domestic area. The signing statements are an assertion of the plebiscitary power in the domestic area that we have seen in the international area, the right of the President to do whatever he wants, to take laws that Congress passed and pay attention to parts of them and not other parts.

There are other examples of this. The Constitution does give the President the right to make recess appointments, but this President has abused that. They are to be used, it seems to me, in unusual circumstances. This President has regularly appointed people to office and to high court seats who couldn't have won confirmation in Senates controlled by his own party. The pattern of recess appointments is a very, very serious one.

You also see it with regard to the people he appoints, because what they have argued is not just that Congress shouldn't be that powerful, but it is the unitary theory of the President. I was frankly surprised when I first came across the unitary theory of the President. I had not been aware of the schizophrenic theory of the Presidency or the notion of the twin Presidencies. But what we have seen in this administration, frankly, is a downgrading of public officials other than the President.

You know, one of the great positions in American history has been Secretary of the Treasury. Very distinguished, important people have been Secretary of the Treasury. It has been a very important part of a system in which various segments in this society participate in discussions. James Baker and Robin Rubin recently, George Schultz, a large body of very impressive Secretaries of the Treasury. Under this Presidency, we have a new one coming in, we can't judge him, but two very distinguished men, John Snow and Paul O'Neill were appointed Secretary of the Treasury, and ignored, belittled by the President's staff.

What we have again is the assertion that a President gets elected and essentially is the decider in ways that really go contrary to the notion of participation by other segments.

Yes, it is true you win an election and you gain some power. This is a very big, very complex country. It really is not a good idea for one individual, even one who was legitimately elected in an election in which there was no contest, and we certainly didn't have that in 2000, to be the decider, to diminish input from others.

Now, again, I have to reiterate that this could not have happened without the collaboration of a supine Congress. Never in American history has Congress been so willing to give away its constitutional function. I know people have said, well, what do you expect, it is a Republican President and a Republican Congress. That is what happens. No, the history of the United States is that even when the same party controlled the Presidency and the Congress, Congress did oversight.

Harry Truman, and people said, well, it is a war, what do you expect? Harry Truman became a national figure when he chaired a Senate committee in a Senate in which the Democrats were a majority, supervising closely the conduct of World War II by the Departments of War and Navy under Franklin Roosevelt. Can you imagine what a Halliburton would have been subjected to in World War II given that Harry Truman was there?

And efforts by this Congress, by my colleague from Massachusetts, Mr. TIERNEY, to institute such a committee, the efforts of our colleague from California, Mr. WAXMAN, to do oversight, they have been rejected by this Congress. So this Congress has not done oversight.

Let's take a more recent example. When Bill Clinton was President for the first 2 years and the Democrats were in the majority, we had a very tough, emotionally searing hearing doing oversight on Waco. We had a hearing in the Banking Committee on

Whitewater. Republicans thought it wasn't sufficiently condemnatory, but they got a chance to present witnesses; we had the hearing. It is only with the exception of President Bush and this Republican Congress that we have seen a collapse of the oversight function because members of the Republican Party belonging essentially to the same very conservative ideological faction that now controls the Republican Party as the President, has decided that partisan solidarity, and ideological solidarity even more, trump constitutional obligations.

So we have seen no oversight. That has played into the hands of the plebiscitary Presidency, into the hands of a President who is allowed more power than is healthy for a society.

And I reiterate, I am not charging authoritarianism. It still is a free country, and I encourage people to use that freedom and to be critical and to organize. But we are still talking about a very, very different mode of governance, the mode of governance in which, instead of the checks and balances and the collaboration and the input of a lot of people, you get one man making the decisions.

Now, I understand that democracy can be messy and it is not always neat, but we have not before this had an executive branch that considered it to be more of a nuisance than anything else. I believe that that is the attitude of the Vice President, and he has a major influence on the President, and they really regard things like checks and balances and judicial review and the role of the media as interference with their ability to govern.

Now, we do face a terrorist enemy. And if in fact these things detracted from our ability to defend ourselves, we would have a real dilemma, but they don't. The argument that democracy, that collaboration with the Congress, that judicial review, that an independent media, that these somehow detract from our ability to defend ourselves is not only morally flawed, it is factually wrong. This Congress would be very willing to participate with the President. And I think if a collaborative process in which thoughtful and well-informed Members of Congress who have gotten expertise in this and that area were able to meet in a collaborative way with members of the administration, the result would be to strengthen what we do. Instead, what we have is controversy after controversy after controversy because this administration does not learn, and they continue to follow the pattern of we will do it unilaterally, we do it without anybody else, we will do whatever we want. And it fails.

I talked before, and I just want to elaborate the constitutional point about the President ignoring the Foreign Intelligence Surveillance Act. My colleagues, when they defend the President, cite certain Supreme Court decisions. They never cite Youngstown Sheet and Tube against Sawyer, the steel case. In that case, the Court made a very important point, which is that there are sort of three situations in which you can talk about Presidential power. You can talk about cases where the President and Congress act together, and there the court said, you know what, that is when America is at its strongest.

That is the point I want to make. Constitutionally, our ability as a government to assert our power, to protect ourselves, to mobilize our resources is strongest when the President and Congress work together. It is strongest constitutionally and it is strongest politically and in every other way.

Then, the Court said there is the area where Congress hasn't said anything. Well, maybe the President can do it, maybe he can't. But the Court also said, but you know, and when Congress has said, do it this way, the President has no right to ignore it. Well, that is of course what they did in FISA.

Now, people have legitimately said to me, well, if that is the case, if they are violating some constitutional principles, why aren't they stopped? Because of the nature of our judicial system, it is very hard to bring a case before the U.S. Supreme Court. You have to have what is called standing; there has to be a specific controversy that affects you in a very particular way. This administration has exploited that. They abuse power in ways that they know cannot be brought before the courts. When they are brought before the courts from time to time, they lose, and they have lost most of the decisions before the U.S. Supreme Court about their exertion of extraordinary power. The problem is that they are able to exert that power and get away with it in some cases.

There is only one way for sure that an administration can be restrained from ignoring constitutional limitations and have that brought to court. That is if this Congress passes an appropriations amendment which says none of the money being voted here can be used for this or that or the other. That is the only way Congress can restrain a President from sending troops into battle, which was done in Nicaragua, although somewhat ignored by Reagan, but essentially it was obeyed. And, Angola and Vietnam. Only if this Congress says none of the funds appropriated herein shall be used for X will the Court enforce that. And we came close a little while ago where a majority on our side and a few on the other side said, no, let's tell them they can't ignore the FISA. But a majority of the House, overwhelmingly Republican, wouldn't go along. That is where the congressional dereliction of duty comes in.

□ 1845

Presidents can get away with this assertion of extraconstitutional authority. Congress doesn't have to give them the authority, all it has to do is not stop them. That is what we have done. And that is a terrible mistake, whether it is domestic or international.

And I want to repeat, with regard to national security, the problem is in many cases not what the administration has done, but the way in which they have done it.

Yes, this is a Congress overwhelmingly ready to give them the power to combat terrorism. We, almost all of us, understood after September 11 of 2001 that we needed a new law enforcement mode in which we got more aggressive, that simply deterring people by the threat of punishment doesn't work in an era of suicidal fanatics. But this administration saw this as a chance to vindicate this theory, I think, of plebiscitary democracy that says that democracy means, you elect me and then you get out of my way; and checks and balances and congressional oversight and media scrutiny, these are all interferences. And, again, there is no basis for arguing that these will stop us from going forward.

One of the arguments we got was, we can't use the court system. We have bad people here, and if we go to the court system, it won't work. Well, it has worked. John Walker Lynn was convicted, Richard Reid, the shoe bomber, was convicted. Moussawi was convicted.

The courts have been unfairly maligned by this administration. We have been able to convict people. Given the record of the courts, there is no justification to asserting your right to lock up an American citizen whenever you want to on your say-so and have no judicial process available to that individual whatsoever. Again, thanks to an 8–1 Supreme Court decision, that is no longer the case, but that was part of the assertion. That is part of the power that they are asserting.

So whether it is signing statements or misuse of the authorization of use of force in Afghanistan, or refusal to talk to Members of Congress on things, or exploiting the fact that it is very hard to get judicial decisions, all of these things come together in a pattern. That is why I say, I acknowledge now that when I told friends over these past couple of years that we should just go policy issue by policy issue and not talk about the overall framework of governance, I was wrong.

It is now clear to me there is a pattern to this administration's actions, and it is one that rejects not democracy, but the democracy of checks and balances and participation and cooperation and collaboration that we have long known; and it substitutes the democracy of the plebiscite, the democracy of the strong man who gets elected and is then allowed to go forward without interference. And I think that is wrong both from a philosophical standpoint and also from a practical standpoint.

I think the insistence of this administration to doing it by themselves and by rejecting efforts to draw in other sectors of this society weakens America and doesn't strengthen it, that it

makes things look more controversial than they need to be.

Now, there have recently been some stirrings here. I was very struck when we had a hearing of the Financial Services Committee, the Subcommittee on Oversight, of the strong and articulate voice of the chair of that subcommittee, the gentlewoman from New York (Mrs. KELLY), who objected to the unilateralism of it. There were some other showings in the Senate. Some Senators have said, no, you can't just ignore what the Supreme Court did and you can't just put a little lipstick on this and forget about it.

I wish the administration would understand that what we are talking about is strengthening America, not weakening it; that the democracy we have had, the checks and balances, they weren't suspended during World War II. People made mistakes during World War II, the relocation of the Japanese and others. Yes, those were terrible mistakes, but you had the Truman Committee and you had a very active Congress.

We have not in any previous emergency felt the need to go from the America of our Constitution to a model of a strong man elected and all power ceded to him. And I hope, though I doubt very much this administration plans to change its approach to this, but I hope that what we are seeing now is a willingness on the part of the Congress to assert the constitutional role of the Congress; not to be obstructionist, certainly not for partisanship because the Republicans control both Houses, but in recognition that an America which functions as it was intended to function, in a way in which the branches cooperate and correct each other and improve each other and work together, we are of a common goal, certainly in the area of national security.

We believe, many of us, that a process in which we work together will yield a better result; that a process which assumes that law enforcement is perfect and therefore can operate in secrecy, without any kind of input, that that will do more harm than good compared to what the alternative would be. Not more harm than good overall, but less good than you could otherwise do.

I believe there is a very strong majority in this Congress prepared to work with this administration in ways that preserve the need for discretion and in which the expertise collectively in this body on a number of issues can help us go forward with the measures we need to protect ourselves and, at the same time, preserve our liberties. And if this administration continues the pattern of these past years, it will damage our ability to come together and make this effort, and I think, over the long term, diminish the nature of our democracy, because the democracy of the plebiscite meets minimal democratic standards, but it does not represent the full richness of a democracy in which all can participate.

Now, my last point is this. Especially for this administration, with its focus on the election of the strong man, there needs to be better recognition of the widespread unhappiness about the electoral process. The election of 2000 clearly was a shambles.

Go back to the mob in Florida. You know, we have the man who has been declared to be ahead in Mexico, Calderon, predicting that Obrador, who is challenging the result, will muster a mob and they will march. Well, he might have been describing the Republicans in Florida in 2000, when a mob intimidated people against counting the votes.

And we had a Supreme Court opinion which did not meet the minimum standards, it seems to me, of legitimacy when they said, okay, the Republicans win this one, but please don't pay any attention to this in future races.

Given this administration's view that elections are all you need, it is all the more important for them to understand that we need to reassure the country that elections are fully, fairly conducted. I do not understand why people confident of their mandate, confident of their ability to win would object to some of the things that have been put forward to reassure people that the votes are counted as they are cast.

The worst you could say about that is that it would be a little unnecessary. An administration that spends money the way this one does can't really think that is a financial problem. And we have had examples of votes miscounted. We understand the vulnerability of machines to tinkering. There is no justification for continuing to fail to adopt safeguards for the counting of votes that will reassure people.

Mr. Speaker, the democracy we have had, the checks and balances, the back and forth, Congress being an interference from the standpoint of the executive, in some cases, strong-minded executives, clashing with the President, maybe being fired trying to get support in Congress, a very assertive media, we have had those for a long time, and we are the strongest country in the world. It is very hard to argue from history that these factors weaken us.

What we have is an administration that is radically trying to change the nature of our democracy. They want to simplify it, they want to neaten it. Democracy is not good when it is neat, certainly not in a country as vast as this one. No single individual, no matter how popular, can embody all of the wisdom and all of the values of the country.

The democracy we have evolved of full participation isn't always convenient for those of us in power, it isn't always as quick as people would like, but it has proven over time to be effective, and it could be not only effective today, but even more effective in our collective self-defense than the current model, which produces controversy where none is called for and division where we could have unity.

I am not optimistic that we will change the approach of this administration. But I do hope, Mr. Speaker, that our colleagues in this Congress will continue what I think are stirrings of change and reassert our historic role and restore the kind of messy and inconvenient and much better and more inclusive democracy that has been our country's legacy.

STEM CELL RESEARCH

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

Mr. WELDON of Florida. Mr. Speaker, I rise on the floor to address an issue that will be in the news a great deal next week. The Congress of the United States has debated on and off for quite a few years the issues surrounding new breakthroughs in cellular treatments for a variety of clinical diseases, and specifically what I am talking about here are stem cell therapies.

The debate that the Congress has been engaged in for some time now is the issue of whether adult stem cells, stem cells taken from my body, or any adult's body, or even a child's body, because they are considered adult stem cells, can more successfully be used to treat a variety of different clinical conditions; or whether cord blood, which is blood from the umbilical cord, or actually you can get stem cells from the placenta, from the cord itself; or whether this notion that has been put forward for quite some time now, that the stem cells taken from an embryo is actually the best hope for the future for treating a whole variety of different diseases, diseases that we today have no treatments for.

I have taken a keen interest in this issue for some time now for a variety of reasons, the first of which being I am a physician. I still see patients about once a month in the veterans clinic in my congressional district. I practiced medicine for 15 years, internal medicine, prior to my election in 1994. I spent many years treating diseases like Parkinson's disease and arthritis and Alzheimer's disease, diseases that we don't have cures for that people often cite as being potentially more successfully treated with embryonic stem cells.

Additionally, I have to say some of these diseases have affected my family. My own father died of complications of diabetes, and an uncle that I was very close to as a small child died of complications of Parkinson's disease. So I consider these arguments very, very personally, I consider them professionally, and I look at the science. I look very, very closely at the science.

Indeed, I think the science overwhelmingly, if you just pause for a

minute and look at the data, clearly, clearly shows that adult stem cells have great promise. Cord blood stem cells have not only great promise, but they are actually being used today. We have cured people with sickle cell anemia, something I would have never thought in my lifetime I would be able to stand up and say that we are curing sickle cell anemia. Cord blood.

Embryonic stem cells, on the other hand, not only have never been successfully used to treat any human condition whatsoever, they have not really been shown to be safe and effective, even in an animal model. Therefore, I find it bizarre and unusual that Members of the Congress would say straight-faced, incredibly, that the embryonic stem cells have more promise and the adult stem cells don't. The data actually suggests the absolute opposite.

And, as I said, the embryonic stem cells actually are very problematic and they have never been proven to be safe. They tend to form tumors, and we don't even have an animal model yet.

□ 1900

Indeed, this issue has become so bizarre it has actually become a campaign issue. I thought it would be good to have a debate and not just have me get up and do a monologue and show slides, but to have some of the Democrat proponents of embryonic stem cell research come to the floor and discuss this issue with me.

One of the big advocates for it is the gentlewoman from Colorado. I asked her to debate me, and she declined. I asked the chairman of the DCCC, Mr. EMANUEL, if he would be willing to come and debate me. He told me he was too busy. I can understand why these people don't want to debate. If you actually look at the science, look at the data, their arguments just don't hold up. There is no ''there'' there.

I would like to just cover perhaps some of the arguments that we would be getting into if they were here. One of them obviously, and I want to do some separating myths from facts, and one of them which we saw a lot of in the past, and you don't see this argument as much but it is still out there, that is the argument that embryonic stem cell research is not allowed or that it is illegal.

In point of fact, it is allowed in the United States. It is not illegal. The argument is should it be funded by the Federal Government.

About a year ago, we took up H.R. 810, a bill that allows U.S. taxpayer dollars to be used for the destruction of human embryos in pursuing embryonic stem cell therapy. I must digress to explain how we got to where we are today. This began back I think it was 1996 when we passed an amendment in the Labor Health and Human Services Appropriations bill, and this was signed by President Clinton, stating that no U.S. taxpayer dollars would be used for any research involving the destruction of a human embryo. We never made it illegal.

The advocates for H.R. 810 in their bill basically say we will now use taxpayer dollars for research that does involve the destruction of a human embryo, essentially overriding the provision that has been in law for some 10 years. And they contend that we need to do this because of the great promise.

I just want to point out that we are already funding embryonic stem cell research, because what happened in the 1990s after President Clinton signed the bill that had the prohibition in it against destructive embryonic research, researchers began to destroy the embryos in outside labs and then send the embryonic stem cells to the NIH, and it was a violation of the spirit of the law if not the legal letter of the law.

One of the things that President Bush did immediately upon coming to office is he reviewed this policy, and he said we are not going to do this any more because clearly in the statute we are not supposed to be funding research that involves the destruction of human embryos. But they had already destroyed some 72 human embryos, and they had 72 cell lines. President Bush said we will allow funding for this research using these existing cell lines because the embryos are already destroyed, but we will not permit the destruction of any more embryos.

Well, H.R. 810, which passed the House of Representatives a year or 9 months ago, would allow Federal funds to be used for the destruction of more embryos to get more of these embryonic stem cell lines. I worked against that bill. I thought that was the wrong thing for us to do based on the simple fact that embryonic stem cells is a bad investment for the taxpayer, and I think it is morally and ethically wrong. But nonetheless on that vote in this body the ''noes'' did not prevail; the ''ayes'' prevailed and we passed it out of the House, and it has been waiting in the Senate.

One of the big reasons I am here tonight is the Senate has finally agreed to take that piece of legislation up. But many of the Members of the Senate who feel the way that I do, that the destruction of human embryos is not something that we should be funding with taxpayer dollars, have proposed a plan to move three bills.

One of the bills is H.R. 810, the Castle-DeGette bill that allows funding for creation of more cell lines using embryonic stem cells. And then there is a second bill which is very exciting that calls for more funding for more research for methods of getting embryonic stem cells without destroying an embryo. Science is moving along so rapidly there is a way to do that.

And a third piece of legislation which is a piece of legislation barring a practice called fetal farming. I have been saying on the floor of this Chamber for years that embryonic stem cell research will not be where they will want to end. These researchers will then want to do something called fetal farming where they start doing research using human fetuses. That is the direction they will go in. They will make the same kinds of arguments that they have made with embryonic stem cell research that they are going to cure this and they are going to cure that, and that is the direction that they are going to go in.

The Senate is going to take up a bill, and I have introduced a bill in the House. They may pass all three of these bills, and we may then take up the ban on fetal farming legislation, my piece of legislation, and a piece of legislation introduced by ROSCOE BARTLETT in the House, the so-called alternatives bill, ways to get embryonic stem cells without destroying human embryos.

I want to say a little bit more about the Bush policy. There were 78 cell lines over at NIH when President Bush came into office. The advocates for H.R. 810 are saying that we need more cell lines; but point of fact, they have only had to use 22 of those.

I also want to point out that there is no bar on private funding for this embryonic stem cell research. Indeed, there are private dollars being used. But what is interesting, the State of California recently had a ballot referendum approving $3 billion worth of research over 10 years on stem cells. So their entire State annual budget will probably exceed what the NIH spends on adult stem cells and embryonic stem cells combined.

And there is research going on in New Jersey and at Harvard, so claims that this Federal ban, so-called Federal ban, and there isn't a ban, we are actually funding it using the cell lines that existed, it is just not true. There is lots of research going on. There is research in California, research in other States, research at private institutions, and there is embryonic stem cell research being funded by the NIH.

What is not being allowed is we are not continuing to use taxpayer dollars for this research because there is an ethical and moral dilemma here. You are destroying a human embryo. Indeed, the NIH last year spent an estimated $40 million on embryonic stem cell research.

Now I want to get a little more into some of the myths and the bogus statements.

One myth is that it is estimated that there are currently about 400,000 frozen IVF embryos which could be used in embryonic stem cell research. Well, it turns out that is not true. And this issue has actually been looked into. The RAND Corporation looked into it.

It turns out that of the 400,000 embryos stored in IVF clinics, and that's the source here, the Castle-DeGette bill, H.R. 810, calls for using the so-called excess embryos at the fertility clinics. When a couple goes in and they want to have a baby and they go to one of these fertility clinics to use in vitro

fertilization, there are often embryos left over. But it turns out that 88.2 percent of the embryos in those clinics are actually wanted by the couples to do future pregnancies. So you don't have 400,000 embryos available.

It also turns out that when you thaw out the embryos, there is a certain mortality. They don't all survive thawing. And at best, it is estimated that 2.8 percent of these, and all of this has been published and I have the publication with me right here, this was published in the Journal of Fertility and Sterility and I can make it available to any Member of the House or Senate who believes there are 400,000 embryos available for research. It is just not true. It turns out there is only a fraction of that number, and at most you would be able to get about 280 more cell lines from using the so-called leftover embryos from the fertility clinics.

Like I said, there are still plenty more cell lines at NIH. This is an unnecessary piece of legislation, and I believe it is unethical.

Another point I want to address is that it has been claimed that the cell lines at the NIH are contaminated by mouse feeder cells. You cannot grow these embryonic stem cells on their own. You have to have a layer of mouse cells growing on a plate, and then you put the embryonic cells in there, and that there is genetic contamination.

And I have the papers with me here. It turns out you can remove all of that so-called contamination and it is really not a problem.

Another point I want to get into is a point which has been made, and maybe I can get some assistance on the next poster here. Thank you.

I have already covered this. This was mentioned by a Member of the other body, that all of these approved lines are now contaminated with mouse feeder cells. I have the publication here. It was published in Nature and Biotechnology. Most embryonic stem cell researchers around the world are using NIH-approved stem cell lines, and they are able to get the mouse feeder cells out of it.

May I have the next poster, please.

This is an important point. It is another point which has been claimed, and that is supposedly because of the so-called Bush ban, and that is the term you often hear them use, the Bush ban, and again there is no Bush ban. Under the Bush policy, there is a ban on killing more embryos, but there is not a ban on embryonic stem cell research, and that we are supposedly falling behind, the United States is no longer the world leader in embryonic stem cell research.

Here again I think the best thing to do is to look at science publications. I have done that. This is a fascinating piece of information. Actually, it really amazed me.

Mr. Speaker, 85 percent of the embryonic stem cell research being done in the world today is using the cells at the NIH, the Bush-approved cell lines, that were derived from embryos that were killed under the Clinton administration. So this claim that, oh, we must have more embryos, we must get these embryos from the fertility clinics, we must extract embryos stem cells from them because the cures are around the corner and we are falling behind, we see that claim, evidence that the United States is no longer the world leader in embryonic stem cell research is mounting. It is just not true.

According to Nature and Biotechnology, in 2006 the U.S. is the world's leader in the number of published stem cell articles generally, and human embryonic stem cell articles specifically. The United States is the world leader.

From 1998 to 2004, the U.S. alone published 46 percent of all papers worldwide on human embryonic stem cells.

□ 1915

In the period from 2002 to 2004, the U.S. increased the number of human embryonic stem cell publications by 700 percent, using the embryonic stem cell lines approved by the Bush policy. So, clearly, that statement that the U.S. is falling behind because of the Bush policy, there is no basis in science, there is no basis in fact to substantiate that.

Now, let me go to the next slide. And this is a very, very interesting point that you often hear made, that adult stem cells have been around for years, and they have an advantage in that the research has been going on for some time. And it is true that adult stem cell transplants have been done for over 20 years, I think over 25 years in humans, and the claim is made that the embryonic stem cells were just discovered in 1998 at the University of Wisconsin. Jamie Thompson discovered them, a researcher, and he didn't really discover them. Everybody knew they were there. What he was able to do was successfully extract them and grow them in a dish.

But it turns out, and here again, this was published in a scientific journal, embryonic stem cells, animal embryonic stem cells have been used for 25 years, 25 years, embryonic stem cells research in animals. And the most interesting thing about this is that they have never been shown in that 25-year period to be safe and effective in the treatment in animals. What is lacking in this whole debate is an animal model. You cannot take a diabetic rat or a diabetic mouse and do an embryonic stem cell transplant and cure that animal of its diabetes. Twenty-five years.

And the other critical thing is, embryonic stem cells form tumors. And actually it is interesting to note, that is one of the ways scientists demonstrate or validate that they actually have embryonic stem cells. They will take the embryonic stem cells, or what they think is an embryonic stem cell line that they have extracted from an embryo, an animal embryo, and they will inject it into the animal. They will inject it in the mouse, and if it forms a tumor, it is a certain kind of tumor called a teratoma, then they know it is an embryonic stem cell. And before you can ever use something like that in a human you have to turn off that ability to form a tumor to show that it is safe, and it has never been done. They have never demonstrated, in 25 years, that they can cure an animal of a disease and show that it can be done safely.

Now, might I digress for a minute, just to say that adult stem cells have been shown to be safe? Adult stem cells have been shown to treat a whole host of conditions. Indeed, I have had people come to my office who have gotten cord blood transplants, who have gotten adult stem cell transplants and have been cured of diseases. I mentioned sickle cell anemia earlier. I had a young lady who had paralysis, and with adult stem cell therapy, she can't walk, but she is able to stand up. She came in my office. I have a picture of her doing that. That kind of research has been published. And so it is just fascinating when you actually start looking at the science here.

And now, I want to get into the issue of where is the American public on this issue, and maybe we can get the next one up there. One of the things that is often claimed by the advocates for H.R. 810, the Castle-DeGette language, is the American people really want this.

Now, one of the advocates on the Republican side of the aisle that has been advocating for an overturning of the Bush policy and more funding, that involves destroying human embryos, because they know that we are already funding embryonic stem cell research.

The Winston Group did a poll, and it showed, supposedly, and this is the myth, that Republican voters support expanding embryonic stem cell research by a margin of 55–38. And that was published by the Main Street Partnership, which is a Republican group that has been advocating, they have been involved in the efforts to pass the Castle-DeGette legislation.

It turned out that in that same poll, they then asked those Republican voters, if they knew that it involved the destruction of an embryo, what would happen? And 64 percent said they were less favorable. In other words, you went from a 55–38 in favor of it, and when you revealed to them that this research involves, essentially, the killing of a human embryo, 64 percent changed their mind. They changed their position.

Another myth. Every poll shows the dominant majority of Americans support embryonic stem cell research. Facts are stubborn things. Congress is considering the question of Federal funding of experiments using stem cells from human embryos. The live embryo would be destroyed in the first week of development to obtain these cells.

Do you support or oppose using your Federal tax dollars for such experiments? That is the right question you have got to ask the American people. Well, here are the numbers. When you ask them the right question, 38.6 percent say they support that; 47.8 percent say they oppose it.

Now, granted this is not a majority. But this is certainly not a majority. It is a fallacy to say that a majority of Americans support funding research involving the destruction of human embryos. It is just not true.

One of the other myths that you often hear is that therapies are around the corner. I alluded to this earlier. Before you can say human embryonic stem cell therapy is around the corner, somebody has to develop an animal model that shows that it works and it is safe before you could try it in a human, and they have yet to do that. They have just been unable to do that.

The other thing I want to get at is another myth, stem cell research, whether it is done with embryonic stem cells or adult stem cells, needs cloning research to make it work. And that was said in a debate in previous years by a former Member of the Congress who now heads the Biotechnology Industry Organization, or BIO, as they call it.

I think Congressman GREENWOOD, at the time, was partially right. Embryonic stem cell proponents will need to clone, if they ever have a hope of using embryonic stem cells for human therapies. And the reason for that is to get over the issue of tissue rejection. You can't take an embryo from a fertility clinic and extract stem cells from it and give it to somebody else who is sick. They will reject the tissue, whereas with adult stem cells where you take it from the patient, you take nasal cells or you take bone marrow cells, you convert those in the tissue that you need and you put them back in the patient, there is no issue of tissue rejection.

And so the only way that embryonic stem cell research would ever work, and so he was partially correct in what he said, is that you would have to do cloning. And that is where these two issues come together.

A lot of people will ask me the question, what is the relationship between cloning and embryonic stem cell research? It is a very simple one. Adult stem cells work because there are no, well, they work, first of all. Embryonic stem cells have never been shown to work. But adult stem cells can work because there are no issues of tissue rejection.

But when you talk about using embryonic stem cells from a fertility clinic, it is somebody else's cells. You are going to reject those tissues. You are going to have to take immunosuppressive drugs your entire lifetime unless, of course, you made a clone of that person, and then the belief is that you would not get tissue rejection. Actually, scientific research suggests that you would still, nonetheless, get tissue rejection.

Well, here, I think, is a poster that basically says it all. Adult stem cell research, well, this is from a year ago actually on the top here. They had 58 different diseases, human diseases. These are sick people. I am not talking about treating rats or mice, monkeys. I am talking about human beings. A year ago we had 58 published in the scientific literature, different clinical conditions treated successfully.

Now, they are not all cures. There is a guy who was treated with an adult stem cell transplant for Parkinson's disease. He still has a little bit of Parkinson's disease. But he is off of most of his medicines, he is able to walk, talk, feed himself much better. He is 80 percent better.

And so I want to be honest. They are not all 100 percent cures, but 58, successful therapies; zero with embryonic stem cells. That was May of 2005. May of 2006, 72, so in 1 year's time, it is almost one, a little more than one a month I see, I look at these studies, I comb the research literature. It is a little more than one a month new clinical diseases successfully treated with adult stem cells and cord blood stem cells. And, of course, embryonic stem cells, still no therapies. Amazing.

And what is really interesting behind this figure, it is not 72 people. It is thousands of people that have been treated. There are some of these treatments that are being used constantly, and yet we don't have a single one using embryonic stem cells.

And this is the part that I don't understand about the debates here in this Congress. As I said, I am a doctor, and when I see these kinds of, you know, a lot of times we debate reality here. We debated a few weeks ago whether we should pull out of Iraq. I mean, that is a real honest debate. The soldiers are there. The war is going on. Are we going to pull out or whether we are going to stay.

But to debate that we need to fund more of this research claiming that we don't fund it, when, in reality we fund it, and to claim that it is more promising when there is absolutely no evidence of that, the opposite is the case. The adult stem cells, the cord blood stem cells; and those don't involve destroying human embryos, and Americans are just not comfortable with that.

Now, I said earlier in my introduction that there will be three bills taken up over in the Senate. One of them is this Castle-DeGette bill, which will allow the creation of more cell lines, destroying more human embryos, even though we don't need more cell lines, even though we are leading the world in research. Even though the embryonic stem cell research appears to be going nowhere, the adult and cord blood stem cell research is showing more promise, they want to kill more embryos. And that is how H.R. 810 passed this body.

It is probably going to pass the Senate. Most of the Senators, I assume, do not read the medical literature. They just accept these arguments at face value, that embryonic stem cells are more promising. So they will, the discussion is that they will approve that bill.

But they are going to take up, and I am glad the Senate is going to be doing this, two other bills. One of them is a bill, a piece of legislation involving more research on alternatives to developing embryonic stem cells. And I think this is very exciting. See, most of the people who want to do embryonic stem cell research are not clinicians like me. Not doctors. They are Ph.D researchers, bench researchers, and they want to study the science of this. They want to publish papers, that science can ultimately be used, maybe to better understand diseases.

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I do not take that away. I think there is some validity to that argument. The reason I do not support H.R. 810, though, is because we have embryonic stem cells available through the NIH where they can fund the research. We have private entities willing to fund dollars to be used to kill, destroy more embryos so that you can get more embryonic stem cells. We just don't need to be using Federal tax dollars for this.

But what is really exciting is there is a multitude of evidence emerging that you can take adult stem cells and treat them and get them to behave like embryonic stem cells. One of the most exciting groups that has approached me about this issue is a group in California that is using testicular cells, and they appear to be able to get them to do all the things that embryonic stem cells can do. And some of this is making it to the literature, Nature Magazine, which is a scientific publication, just published last week, and the title was ''A Simple Recipe Gives Adult Stem Cells Embryonic Powers. Reprogramming adult stem cells to repair damaged tissues may not be quite as tough as thought. Researchers have devised a chemical cocktail that makes adult mass cells behave like embryonic stem cells, and the recipe is surprisingly simple.''

So the science is moving us in a direction where we do not need, basically, to kill human embryos to do this kind of research. We can create embryonic stem cells from testicular cells. We can create embryonic stem cells. Really using this evidence from this report in Nature, you can use adult stem cells. So very, very exciting things going on.

And I just want to point out that I am not the only person talking about this. If I can get the next slide here, this was at a hearing about 2 or 3 weeks ago in the other body. The committee chairman asked, Would you say, then, that embryonic stem cells are the best available, although all others

ought to be pursued? So he was basically asking the question, we should do adult stem cell research, cord blood stem cell research, but wouldn't you say that the embryonic stem cells are the best available?

And this was a question to Dr. James Battey. He is the director of the NIH Stem Cell Task Force. So this is the man who oversees the peer review panels that look at all the applications for stem cell research, and these are the folks that approve funding, and they fund cord blood stem cell research. They fund adult stem cell research, and they are funding embryonic stem cell research and providing the cell lines, the NIH-approved cell lines, to the researchers.

And this is what he said. It is an amazing quote: ''To me the very most interesting thing is this frontier area of nuclear reprogramming where you take a mature adult cell type and you effectively dedifferentiate it back to a pluripotent state.''

He is saying, and this is, I think, the man who should be the most knowledgeable on this level of research throughout the world, is that you do not need embryos. You do not need to destroy embryos. You don't have to use taxpayer dollars for the destruction of human life. This is the exciting area, nuclear reprogramming, where you can take an adult stem cell and basically get it to behave like an embryonic stem cell.

Might I just say as an aside, while Dr. Battey is very excited about this and I think it is going to bear fruit and there are going to be a lot of Ph.D. theses written using these kinds of cells, I do not think they will ever be useful in any medical treatments. I may be wrong. They may prove to be very useful. And that is because the adult stem cells are proven to be very, very useful now. I mean, there are some four, five, six different clinical trials under way now, as we speak, using adult stem cells used to treat congestive heart failure, one of the most common heart conditions that we see in the United States. Thousands of people in the United States die every year from it. And I seriously question if the embryonic stem cells would ever prove to be any better than the adult stem cell therapies that are currently under way and are being used in research.

I want to talk just a little bit more before I close about this issue of fetal farming, and why did I introduce a bill to ban fetal farming; why is that going to be introduced in the Senate. And we may not actually take up my bill, though it is identical to the Senate bill. The Senate may approve the ban on fetal farming that, I think, Senator SANTORUM has introduced, the same bill.

Why do I want to go in this direction? Well, if you look at the scientific literature, it appears as though that is the direction some researchers want to go, and that is where they are not doing research involving human embryonic stem cells. They are now implanting human embryos either in an animal or in a human being and then extracting stem cells or tissue from the fetus.

And why am I concerned about this? Well, here is a study. I think this one involved cows. It was published back in 2002. They took a cow embryo. Actually, they took a cow egg and they did cloning. They created a cloned cow. They put that cow cloned into another cow, and then they extracted the cloned cow fetus from the mother cow and they got tissue out of it, and they used the tissue to do a tissue transplant.

Then there was another study, and I think this will be the last poster that I will put up, and this is another cow study where they did the same thing. They were looking to get fetal liver, and they were successful in doing that; and it was published in July of last year, where they are taking either clones or embryos that are created through sexual fertilization, and they are putting it in a cow. They are letting it develop for 6 months, and then they are taking tissue out to get stem cells.

That is the direction I feel that some researchers will want to go in, and I think that should not be allowed in humans. I think it is repugnant. It is revolting. So I have introduced legislation to ban doing that in humans. And the legislation, which is the Fetal Farming Prohibition Act of 2006, I believe, will pass the Senate. I believe it will pass the House. And, hopefully, the President will be signing it.

Hopefully, he will be signing the alternatives research bill. I think we should be putting more money into ways to develop embryonic stem cells without having to kill an embryo, and certainly that would satisfy all of these researchers who want to do this research.

The President has indicated that if the Senate passes the Castle-DeGette bill, H.R. 810, that his intention is to veto it, and I certainly support him in that. I hope he does do that because it is the wrong thing to do morally and ethically. There are millions of American taxpayers who will be seeing their tax dollars used to destroy a human embryo. I am against that. They are against that. We should let the private sector fund that. The private sector will not fund it because it is probably research that is not going to go anywhere. The President should veto it. I believe we can sustain the veto. This is the right thing to do morally. This is the right thing to do ethically. It is also the right thing to do with the taxpayer dollars.

I put the poster up earlier showing all the treatments with adult stem cells and how embryonic stem cells have never been shown to be safe and effective even in an animal model, and why should we be using taxpayer dollars to fund this research when so many people find it repugnant and, as well, it has never been demonstrated to be effective.

So this will be an issue. It will be in the news next week. The Senate will take it up first, then the House. We have already passed H.R. 810. We will pass, hopefully, the ban on fetal farming and the alternative bill, and then all three bills will go to the President. Hopefully, he will sign the alternatives research bill and the ban on fetal farming; and, hopefully, he will veto the Castle-DeGette bill. Of course, if he does that, the Senate may override his veto. I certainly hope the House sustains his veto. It is the smart thing to do and it is the right thing to do.

So with that I end my discussion on this issue, and I am looking forward to the debate next week and participating in it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. RAHALL, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, July 20.

Mr. JONES of North Carolina, for 5 minutes, July 17, 18, 19, and 20.

SENATE CONCURRENT RESOLUTIONS REFERRED

Concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 96. Concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption; to the Committee on the Judiciary.

S. Con. Res. 108. Concurrent resolution authorizing the printing of a revised edition of a pocket version of the United States Constitution, and other publications; to the Committee on House Administration.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 40. An act authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure.

ADJOURNMENT

Mr. WELDON of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, July 17, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8536. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — In the Matter of the New York Mercantile Exchange, Inc. Petition to Extend Interpretation Pursuant to Section 1a(12)(C) of the Commodity Exchange Act — received July 01, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8537. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Foreign Futures and Options Transactions — received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8538. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Commodity Pool Operator Electronic Filing of Annual Reports (RIN: 3038-AC25) received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8539. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Sweet Cherries Grown in Designated Counties in Washington; Decreased Assessment Rate [Docket No. FV06-923-2 IFR] received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8540. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Amendment to the Peanut Promotion, Research, and Information Order [Docket No. FV-05-701-FR] received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8541. A letter from the Director, Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting the Department's final rule — Standards for Approval of Warehouses for Storage of CCC Commodities (RIN: 0560-AE50) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8542. A letter from the Acting Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting the Department's final rule — Notice of Waivers for the Native American Vocational Technical Education Program (NAVTEP) and the Tribally Controlled Postsecondary Vocational and Technical Institutions Program (TCPVTIP) and Funding of Continuation Grants — received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8543. A letter from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8544. A letter from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Liability Pursuant to Section 4062(e) of ERISA (RIN: 1212-AB03) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8545. A letter from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Electronic Premium Filing (RIN: 1212-AB02) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8546. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Rate Regulation of Certain Natural Gas Storage Facilities [Docket Nos. RM05-23-000 and AD04-11-000] received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8547. A letter from the Deputy Assistant Secretary for Export Administration, Departemnt of Commerce, transmitting the Department's final rule — Revised Appeal Procedure for Persons Designated as Related Persons to Denial Orders [Docket No. 060320077-6077-01] (RIN: 0694-AD60) received May 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8548. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Authorization to Appoint Any Commerce Department Employee to be Appeals Coordinator in Certain Administrative Appeals [Docket No. 060602146-6146-01] (RIN: 0694-AD78) received June 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8549. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Implementation of the Nuclear Export and Import Provisions of the Energy Policy Act of 2005 (RIN: 3150-AH88) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8550. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Training Reporting Requirements (RIN: 3206-AK46) received June 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8551. A letter from the Acting Assistant Secretary, Lands and Minerals Management, Department of the Interior, transmitting the Department's final rule — Leasing in Special Tar Sand Areas [WO-310-1310-PP-241A] (RIN: 1004-AD76) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8552. A letter from the Acting Assistant Secretary of the Interior, Department of the Interior, transmitting the Department's final rule — Preparation for Sale [WO-270-1820-00-24 1A] (RIN: 1004-AD70) received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8553. A letter from the Director, Executive Secretariat, Department of the Interior, transmitting the Department's final rule — Making Motion Pictures, Television Productions, or Soundtracks on Certain Areas Under the Jurisdiction of the Department of the Interior (RIN: 1093-AA10) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8554. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Delisting of Agave arizonica (Arizona agave) from the Federal List of Endangered and Threatened Wildlife and Plants (RIN: 1018-AI79) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8555. A letter from the Acting Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Refuge-Specific Public Use Regulations for Kodiak National Wildlife Refuge (RIN: 1018-AU08) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8556. A letter from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting the Department's final rule — Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Speciality Occupations and as Fashion Models; Labor Attestations Regarding H-1B1 Visas (RIN: 1205-AB38) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8557. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Anti-drug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities [Docket No. FAA-2002-11301; Amendment No. 121-324] received July 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8558. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Child Support Enforcement Program; Reasonable Quantitative Standard for Review and Adjustment of Child Support Orders (RIN: 0970-AC19) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8559. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Bonus Depreciation Extension in Areas Affected by Hurricanes Katrina, Rita, and Wilma (Announcement 2006-29) received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8560. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2006-23) received July 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8561. A letter from the Regulations Officer, Social Security Administrative, transmitting the Administration's final rule — Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income; Collection of Overdue Program and Administrative Debts Using Federal Salary Offset (RIN: 0960-AE89) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. S. 1496. An act to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps (Rept. 109–556). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 854. A bill to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe; with an amendment (Rept. 109–557). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4294. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside the units of the National Park System, and for other purposes; with an amendment (Rept. 109–558). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4376. A bill to authorize the National Park Service to enter a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College, and for other purposes; with an amendment (Rept. 109–559). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5094. A bill to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina (Rept. 109–560). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5340. A bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; with an amendment (Rept. 109–561). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 260. An act to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program (Rept. 109–562). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE. Committee on International Relations. H.R. 4014. A bill to reauthorize the Millennium Challenge Act of 2003, and for other purposes; with an amendment (Rept. 109–563). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself and Mr. PETRI):

H.R. 5782. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY:

H.R. 5783. A bill to amend title 38, United States Code, to improve the security of sensitive personal data processed or maintained by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Mr. LANTOS, Mr. RANGEL, Mr. PAYNE, Mr. MCDERMOTT, Mr. MEEKS of New York, Mr. CONYERS, Mr. TOWNS, Ms. ZOE LOFGREN of California, Mr. OWENS, Mr. MEEHAN, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. WYNN, Mr. BERMAN, Mr. ENGEL, Mr. FATTAH, Mr. DELAHUNT, Mr. WEXLER, Mr. CROWLEY, Ms. LINDA T. SÁNCHEZ of California, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, Mr. GRIJALVA, Mrs. JONES of Ohio, Mr. VAN HOLLEN, Mr. STARK, Mr. MCGOVERN, and Mr. HOYER):

H.R. 5784. A bill to authorize assistance to the countries of the Caribbean to fund educational development and exchange programs; to the Committee on International Relations.

By Mr. SHIMKUS (for himself, Mr. WYNN, Mrs. BONO, Mr. ENGEL, Mr. RADANOVICH, Mr. MELANCON, Mr. ENGLISH of Pennsylvania, Mr. JOHNSON of Illinois, Mr. MCCOTTER, Mr. BLUMENAUER, and Mr. BRADLEY of New Hampshire):

H.R. 5785. A bill to establish a unified national hazard alert system, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CALVERT (for himself, Mr. CAMPBELL of California, and Mr. GARY G. MILLER of California):

H.R. 5786. A bill to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of, an advanced water treatment plant facility and recycled water system, and for other purposes; to the Committee on Resources.

By Mr. BOEHLERT (for himself, Mr. KUHL of New York, Mr. LEACH, Mr. SHAYS, Mr. WELLER, Mr. SIMMONS, Mr. WALSH, Mr. FOLEY, Mr. KING of New York, Mr. MCHUGH, Mr. NEY, Mrs. JOHNSON of Connecticut, Mr. SWEENEY, and Mr. LATOURETTE):

H.R. 5787. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, and for other purposes; to the Committee on Education and the Workforce.

By Mr. COOPER:

H.R. 5788. A bill to amend the Congressional Budget Act of 1974 to increase awareness of accrual and long-term budgeting, and to express the sense of Congress that the Presidents' annual budget submissions should consider accrual and long-term budgeting; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FITZPATRICK of Pennsylvania (for himself and Mr. SCOTT of Georgia):

H.R. 5789. A bill to amend title 31, United States Code, to modernize cash management by allowing the use of certain obligations instead of surety bonds; to the Committee on the Judiciary.

By Ms. GRANGER (for herself, Mr. WYNN, and Ms. PRYCE of Ohio):

H.R. 5790. A bill to amend the Public Health Service Act to provide for demonstation projects to carry out preventive health measures with respect to colorectal cancer; to the Committee on Energy and Commerce.

By Ms. GRANGER (for herself, Mr. ENGEL, Mr. KUHL of New York, and Ms. BALDWIN):

H.R. 5791. A bill to amend title XVIII of the Social Security Act to provide for the consolidated coverage of home infusion therapy under part B of the Medicare Program; 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. GREEN of Wisconsin (for himself, Mr. PETRI, Mr. RYAN of Wisconsin, and Mr. SENSENBRENNER):

H.R. 5792. A bill to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the ''Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. JINDAL:

H.R. 5793. A bill to require the Secretary of Defense, in coordination with the Secretary of Homeland Security and State governments, to develop detailed operational plans regarding Defense Support to Civil Authorities missions; to the Committee on Armed Services.

By Mr. JINDAL:

H.R. 5794. A bill to make property demolition and rebuilding activities eligible for assistance under the flood mitigation program under section 1366 of the National Flood Insurance Act of 1968; to the Committee on Financial Services.

By Mrs. LOWEY (for herself, Mr. WAXMAN, Mrs. CAPPS, Mr. RYAN of Ohio, Mr. CROWLEY, Ms. MCCOLLUM of Minnesota, Mrs. MALONEY, Mr. PAYNE, Mr. GEORGE MILLER of California, Mr. OWENS, Ms. BALDWIN, Mr. FARR, Mr. NADLER, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. LANTOS, Mr. BROWN of Ohio, Mr. ALLEN, Mr. STARK, Ms. SOLIS, and Mr. CONYERS):

H.R. 5795. A bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid Program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DANIEL E. LUNGREN of California:

H.R. 5796. A bill to direct the Secretary of the Interior to exclude and defer from the pooled reimbursable costs of the Central Valley Project the reimbursable capital costs of the unused capacity of the Folsom South Canal, Auburn-Folsom South Unit, Central Valley Project, and for other purposes; to the Committee on Resources.

By Mr. MCCOTTER (for himself, Mr. PETERSON of Minnesota, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 5797. A bill to amend the Foreign Agents Registration Act of 1938, as amended, to prohibit a person from acting as an agent of certain terrorist entities; to the Committee on the Judiciary.

By Mr. MCCRERY:

H.R. 5798. A bill to amend the Public Health Service Act to modify the program

for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes; to the Committee on Energy and Commerce.

By Mr. MILLER of Florida (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 5799. A bill to provide for the Secretary of Agriculture to release the reversionary interest of the United States on certain land in the State of Florida if encroachments and trespassing have occurred on that land, and for other purposes; to the Committee on Agriculture.

By Ms. NORTON:

H.R. 5800. A bill to amend the District of Columbia Home Rule Act to establish the Office of the District Attorney for the District of Columbia, headed by a locally elected and independent District Attorney, and for other purposes; to the Committee on Government Reform.

By Mr. PASCRELL (for himself, Mr. HOLT, Mr. SCHWARZ of Michigan, Mr. GUTIERREZ, Mr. ROTHMAN, Mr. GARRETT of New Jersey, and Ms. DELAURO):

H.R. 5801. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to correct and prevent variances in disability compensation payments made by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. PEARCE:

H.R. 5802. A bill to amend the National Park Service Concessions Management Improvement Act of 1998, to extend to additional small businesses the preferential right to renew a concessions contract entered into under such Act, to facilitate the renewal of a commercial use authorization granted under such Act, and for other purposes; to the Committee on Resources.

By Mr. RAMSTAD (for himself, Mr. STARK, Mr. KENNEDY of Minnesota, Mr. KENNEDY of Rhode Island, Mrs. MYRICK, Mr. CAPUANO, Mr. PICKERING, Mr. CHANDLER, Mr. WALSH, Mr. GORDON, Mrs. BONO, Mr. HINCHEY, Mr. RYUN of Kansas, Mr. LANGEVIN, Mr. GERLACH, Mr. LEVIN, Mr. SOUDER, Mr. MCDERMOTT, Mr. MEEHAN, Ms. SCHAKOWSKY, Mr. BROWN of Ohio, Mr. PRICE of North Carolina, Mr. MOORE of Kansas, Mr. EMANUEL, Mr. PETERSON of Minnesota, and Mr. SHAYS):

H.R. 5803. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Energy and Commerce.

By Mr. REHBERG:

H.R. 5804. A bill to extend the Federal relationship to the Little Shell Tribe of Chippewa Indians of Montana as a distinct federally recognized Indian tribe, and for other purposes; to the Committee on Resources.

By Mr. ROYCE (for himself, Mr. SHERMAN, Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. CARDOZA, Ms. WATSON, Mr. BURTON of Indiana, Ms. MCCOLLUM of Minnesota, Mr. ISSA, and Mr. BERMAN):

H.R. 5805. A bill to promote nuclear nonproliferation in North Korea; to the Committee on International Relations, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mrs. CAPPS, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Ms. DELAURO, Mr. WAXMAN, Mr. BROWN of Ohio, Ms. SLAUGHTER, Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK of Michigan, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mrs. CHRISTENSEN, Ms. LEE, Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. BORDALLO, Ms. WATSON, and Ms. SCHAKOWSKY):

H.R. 5806. A bill to make grants to carry out activities to prevent teen pregnancy in racial or ethnic minority or immigrant communities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WEINER (for himself and Mr. MEEKS of New York):

H.R. 5807. A bill to amend the Internal Revenue Code of 1986 to provide middle class tax relief, impose a surtax for families with incomes over $1,000,000, and for other purposes; to the Committee on Ways and Means.

By Mr. COOPER:

H. Con. Res. 446. Concurrent resolution requiring consideration of the most recent financial report of the United States Government in the preparation of the budget of the Government; to the Committee on the Budget.

By Mr. MCDERMOTT (for himself and Mr. LEVIN):

H. Con. Res. 447. Concurrent resolution expressing the sense of the Congress that States should have the flexibility to design welfare programs that make sense in their communities with an overall goal of helping children and reducing poverty by promoting and supporting work; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BOEHLERT, Mr. CALVERT, and Mr. ROHRABACHER):

H. Con. Res. 448. Concurrent resolution commending the National Aeronautics and Space Administration on the completion of the Space Shuttle's second Return-to-Flight mission; to the Committee on Science.

By Mr. COLE of Oklahoma:

H. Res. 914. A resolution condemning the use of photographs of military caskets and funerals for partisan political and fundraising purposes; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr FARR.
H.R. 98: Mr PETERSON of Minnesota.
H.R. 224: Mr. BAIRD.
H.R. 305: Mr. FRANK of Massachusetts.
H.R. 376: Mr. FATTAH.
H.R. 450: Mr. FILNER.
H.R. 500: Mr. BURGESS, Mr. COLE of Oklahoma, and Mr. MCCAUL of Texas.
H.R. 517: Mr. CONAWAY.
H.R. 547: Ms. SCHAKOWSKY.
H.R. 583: Mr. BERMAN.
H.R. 747: Mrs. WILSON of New Mexico.
H.R. 772: Mrs. KELLY.
H.R. 817: Mr. MURPHY, Mr. JACKSON of Illinois, Mr. BILBRAY, Mr. HEFLEY, and Mr. REICHERT.
H.R. 910: Mr. KIRK.
H.R. 916: Ms. NORTON and Ms. JACKSON-LEE of Texas.
H.R. 952: Ms. LINDA T. SÁNCHEZ of California.
H.R. 959: Mr. GERLACH.
H.R. 1000: Mrs. DAVIS of California and Mr. GONZALEZ.
H.R. 1002: Mrs. MILLER of Michigan.
H.R. 1020: Mr. DAVIS of Illinois.
H.R. 1105: Ms. SCHWARTZ of Pennsylvania.
H.R. 1106: Ms. MOORE of Wisconsin and Mr. FATTAH.
H.R. 1108: Mr. DENT.
H.R. 1168: Mr. FATTAH.
H.R. 1298: Mrs. DAVIS of California and Mr. SCOTT of Virginia.
H.R. 1310: Mrs. TAUSCHER.
H.R. 1356: Mr. DICKS.
H.R. 1384: Mr. REHBERG and Mr. CAMPBELL of California.
H.R. 1504: Mr. GONZALEZ.
H.R. 1517: Mr. ROGERS of Alabama.
H.R. 1549: Mr. SMITH of Texas, Mr. PAYNE, and Mr. OWENS.
H.R. 1558: Mr. JONES of North Carolina.
H.R. 1578: Mr. CARDOZA.
H.R. 1588: Mr. SALAZAR.
H.R. 1615: Mr. DAVIS of Illinois and Ms. ZOE LOFGREN of California.
H.R. 1632: Mr. MARKEY, Mr. BOUCHER, and Mr. JEFFERSON.
H.R. 1634: Mr. PENCE, Mr. PETERSON of Minnesota, Mr. KLINE, and Ms. BALDWIN.
H.R. 1652: Mr. WYNN.
H.R. 1663: Mr. CASE.
H.R. 1671: Mr. MORAN of Virginia and Mr. LOBIONDO.
H.R. 1792: Mrs. LOWEY.
H.R. 1898: Mr. DREIER and Mr. CRENSHAW.
H.R. 1951: Mr. SHAYS, Mr. BEAUPREZ, Mr. SCOTT of Georgia, Mr. COSTA, Mr. GINGREY, and Mr. WYNN.
H.R. 2047: Mr. NUSSLE.
H.R. 2088: Mr. WAMP, Mr. PETERSON of Minnesota, Mr. GREEN of Wisconsin, and Mr. GORDON.
H.R. 2103: Mr. SMITH of New Jersey.
H.R. 2231: Mr. CONYERS, Ms. HARRIS Ms. HOOLEY, and Mr. RENZI.
H.R. 2317: Mr. BILBRAY.
H.R. 2410: Mr. SANDERS, Mr. ALLEN, and Mrs. NAPOLITANO.
H.R. 2421: Mr. MCDERMOTT.
H.R. 2429: Mr. LEACH and Mr. MOLLOHAN.
H.R. 2567: Mr. SHADEGG and Mr. REICHERT.
H.R. 2869: Mr. FATTAH, Mr. HASTINGS of Florida, and Mr. BLUMENAUER.
H.R. 2989: Mr. MELANCON and Miss MCMORRIS.
H.R. 3005: Mr. JINDAL.
H.R. 3082: Ms. CORRINE BROWN of Florida, Mr. UDALL of New Mexico, Mr. GUTIERREZ, Mr. EVANS, Mr. STRICKLAND, Mr. REYES, Ms. BERKLEY, Mr. SALAZAR, Mr. CASE, Mr. BOSWELL, Mr. GONZALEZ, and Mr. FALEOMAVAEGA.
H.R. 3096: Mr. NEAL of Massachusetts.
H.R. 3282: Mr. COLE of Oklahoma, Mr. CHOCOLA, and Mr. BARTON of Texas.
H.R. 3380: Mr. FRANK of Massachusetts.
H.R. 3401: Mr. UPTON and Mr. MARSHALL.
H.R. 3436: Mrs. CUBIN.
H.R. 3476: Mr. SMITH of New Jersey.
H.R. 3502: Ms. MILLENDER-MCDONALD and Mr. BERMAN.
H.R. 3616: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3628: Ms. BALDWIN.
H.R. 3689: Mr. MEEHAN.
H.R. 3762: Mr. HASTINGS of Florida, Ms. WOOLSEY, and Mr. BERMAN.
H.R. 3795: Ms. SCHWARTZ of Pennsylvania, Mr. CONAWAY, Mr. SHUSTER, and Mr. DOYLE.
H.R. 3854: Ms. MATSUI.
H.R. 4006: Mr. SHAYS.
H.R. 4042: Mr. SMITH of Texas.
H.R. 4063: Mr. FERGUSON.
H.R. 4098: Mr. DEFAZIO.
H.R. 4217: Mr. PEARCE.
H.R. 4259: Mr. KUHL of New York.
H.R. 4264: Mr. ETHERIDGE.
H.R. 4298: Mr. JONES of North Carolina.
H.R. 4400: Mr. FOSSELLA.
H.R. 4540: Ms. HOOLEY.
H.R. 4562: Mr. CASTLE and Mr. POMEROY.
H.R. 4578: Mr. BAIRD.
H.R. 4597: Mr. PORTER.
H.R. 4624: Mr. STUPAK.

H.R. 4651: Mr. ENGEL and Mr. ALLEN.
H.R. 4705: Mr. FATTAH.
H.R. 4725: Mr. SIMPSON.
H.R. 4751: Mrs. CAPITO and Ms. MCCOLLUM of Minnesota.
H.R. 4773: Ms. MILLENDER-MCDONALD.
H.R. 4794: Mr. UDALL of Colorado, Mr. SCOTT of Virginia, and Mr. GUTIERREZ.
H.R. 4799: Mr. MORAN of Virginia.
H.R. 4857: Mr. FLAKE.
H.R. 4893: Mr. WICKER.
H.R. 4904: Mrs. MALONEY and Ms. MCCOLLUM of Minnesota.
H.R. 4953: Mr. CAMP of Michigan, Mr. HOEKSTRA, Mr. UPTON, Mr. EMANUEL, Ms. KILPATRICK of Michigan, and Ms. KAPTUR.
H.R. 5092: Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. SOUDER, Mr. WAMP, Mr. GREEN of Wisconsin, Mr. SHADEGG, and Mr. DENT.
H.R. 5106: Mr. ALLEN.
H.R. 5121: Mr. HIGGINS, Mr. PASCRELL, Mr. THOMPSON of Mississippi, Mr. BISHOP of Georgia, Mr. SAXTON, Mr. ENGEL, Mr. SWEENEY, and Mr. FORD.
H.R. 5134: Mr. HIGGINS.
H.R. 5177: Mr. SCOTT of Georgia.
H.R. 5200: Mr. JACKSON of Illinois, Mr. CARDIN, Mrs. CUBIN, Mr. REHBERG, and Mrs. CHRISTENSEN.
H.R. 5202: Mr. BILIRAKIS.
H.R. 5212: Mr. MCDERMOTT, Mr. STARK, and Ms. SCHAKOWSKY.
H.R. 5229: Ms. PRYCE of Ohio, Mr. FOLEY, and Ms. SCHWARTZ of Pennsylvania.
H.R. 5244: Ms. MILLENDER-MCDONALD.
H.R. 5250: Mr. HAYWORTH.
H.R. 5280: Mr. HOEKSTRA.
H.R. 5314: Ms. SCHAKOWSKY, Mr. TIBERI, Mr. FITZPATRICK of Pennsylvania, Mr. HAYWORTH, Mr. MURPHY, and Mr. DENT.
H.R. 5316: Ms. BALDWIN, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. KILPATRICK of Michigan, and Mr. TOWNS.
H.R. 5319: Mr. KENNEDY of Minnesota and Mr. TIBERI.
H.R. 5328: Mr. HASTINGS of Florida, Mr. PASTOR, Mr. CONYERS, Mr. WAXMAN, and Mr. MCGOVERN.
H.R. 5333: Mr. SESSIONS.
H.R. 5346: Mr. TERRY.
H.R. 5351: Mr. REHBERG.
H.R. 5372: Mr. SANDERS, Mr. HOYER, and Mr. BISHOP of Georgia.
H.R. 5381: Mr. ROGERS of Kentucky.
H.R. 5382: Mr. MARIO DIAZ-BALART of Florida.
H.R. 5388: Mr. KUCINICH.
H.R. 5390: Mr. LATOURETTE and Mrs. DAVIS of California.
H.R. 5394: Mr. WALDEN of Oregon.
H.R. 5442: Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, and Mr. SMITH of Texas.
H.R. 5457: Mr. DAVIS of Kentucky, Mr. BILBRAY, Mr. CALVERT, Mr. ROHRABACHER, Mr. CAMPBELL of California, Mr. DREIER, Mr. ISSA, Mr. MCKEON, and Mr. HERGER.
H.R. 5474: Ms. HART.
H.R. 5476: Mr. SOUDER.
H.R. 5482: Ms. HARMAN, Ms. MATSUI, Ms. ZOE LOFGREN of California, and Mrs. TAUSCHER.
H.R. 5501: Mr. FILNER.
H.R. 5526: Mr. PRICE of Georgia and Mr. BEAUPREZ.
H.R. 5555: Mr. BROWN of Ohio and Mr. GONZALEZ.
H.R. 5557: Mr. CLAY.
H.R. 5558: Mr. TERRY, Mrs. CAPITO, Mr. MILLER of Florida, and Mr. HENSARLING.
H.R. 5579: Mr. JACKSON of Illinois.
H.R. 5590: Mr. KING of Iowa, Mr. GOHMERT, and Mr. GOODLATTE.
H.R. 5597: Mr. JONES of North Carolina.
H.R. 5598: Mr. KUCINICH.
H.R. 5624: Mr. JEFFERSON and Mr. PETERSON of Minnesota.
H.R. 5650: Mr. LAHOOD, Mr. LATHAM, and Mr. LEWIS of Kentucky.
H.R. 5671: Mr. ACKERMAN.
H.R. 5694: Mr. LEWIS of Georgia.
H.R. 5704: Mr. DAVIS of Kentucky.
H.R. 5706: Mr. PETRI.
H.R. 5708: Mrs. LOWEY.
H.R. 5727: Ms. BORDALLO, Mr. GRIJALVA, and Mr. BROWN of Ohio.
H.R. 5729: Mr. GRIJALVA and Mr. BROWN of Ohio.
H.R. 5730: Mr. FOLEY.
H.R. 5731: Mr. WEXLER, Ms. WATERS, Ms. MOORE of Wisconsin, Ms. CARSON, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. RUSH, Mr. JEFFERSON, and Mr. CUMMINGS.
H.R. 5733: Ms. SCHWARTZ of Pennsylvania, Mr. KUHL of New York, Mrs. KELLY, Mr. FRANK of Massachusetts, and Ms. CORRINE BROWN of Florida.
H.R. 5738: Mr. OBERSTAR.
H.R. 5743: Mr. PAUL and Mr. MILLER of Florida.
H.R. 5755: Mr. REHBERG, Mr. GINGREY, Mr. MELANCON, Ms. HERSETH, Mr. BARROW, Mr. BERRY, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Alabama, Mr. REYES, Mr. ORTIZ, Mr. HALL, Mr. COLE of Oklahoma, Mr. JONES of North Carolina, Mr. HOSTETTLER, Mr. GOODE, Mr. SULLIVAN, Mr. HAYWORTH, Mr. DAVIS of Tennessee, and Mr. BOSWELL.
H.R. 5760: Mr. RADANOVICH.
H.R. 5766: Mr. MCKEON, Mr. CAMP of Michigan, Mr. BOEHNER, Mr. OTTER, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. MCCOTTER, Mr. HEFLEY, Mr. RADANOVICH, Mr. BRADY of Texas, Mr. HENSARLING, Mr. REICHERT, and Mr. CRENSHAW.
H.R. 5767: Mr. OWENS, Mr. TANCREDO, Mr. CARTER, Mr. CHANDLER, and Mr. POE.
H.R. 5771: Mr. PETERSON of Minnesota, Ms. KILPATRICK of Michigan, Mr. ISRAEL, Mr. LEACH, Mr. GUTIERREZ, Mr. UDALL of New Mexico, and Ms. MCCOLLUM of Minnesota.
H.R. 5772: Mr. DAVIS of Kentucky, Mr. PENCE, Mr. KINGSTON, Mr. CARTER, Mr. SHUSTER, Mr. GREEN of Wisconsin, Mr. WILSON of South Carolina, Mr. BAKER, and Mr. ALEXANDER.
H. Con. Res. 85: Mrs. NAPOLITANO and Mr. NUNES.
H. Con. Res. 125: Mr. ENGLISH of Pennsylvania, Mr. ENGEL, and Mr. HAYES.
H. Con. Res. 287: Mr. ALEXANDER, Mr. DEFAZIO, and Mr. UDALL of New Mexico.
H. Con. Res. 384: Mr. BOOZMAN.
H. Con. Res. 396: Mr. LEWIS of Georgia, Mr. GONZALEZ, and Mr. WICKER.
H. Con. Res. 404: Ms. SCHWARTZ of Pennsylvania, Ms. LINDA T. SÁNCHEZ of California, and Mr. WYNN.
H. Con. Res. 416: Mr. GRIJALVA and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 445: Mr. ROHRABACHER.
H. Res. 295: Mr. RUPPERSBERGER and Mr. LATOURETTE.
H. Res. 490: Mr. Markey.
H. Res. 498: Mr. CASTLE.
H. Res. 533: Ms. HARMAN, Mr. GOHMERT, Ms. FOXX, Mr. ENGLISH of Pennsylvania, Mr. PEARCE, Mr. LIPINSKI, Mr. JINDAL, Mr. POMBO, Mr. WU, Mr. BRADY of Texas, Mr. HAYES, Mr. KLINE, Mr. GINGREY, Mr. LINDER, Mr. RENZI, Mr. POE, Mr. FORD, Mrs. DAVIS of California, and Mr. BRADY of Pennsylvania.
H. Res. 605: Mr. PICKERING and Mrs. KELLY.
H. Res. 688: Mr. ISRAEL and Ms. BALDWIN.
H. Res. 745: Mr. BOEHLERT, Mr. CROWLEY, Mr. LARSEN of Washington, and Mr. BILBRAY.
H. Res. 760: Mr. FORTUÑO.
H. Res. 800: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 823: Mr. GINGREY, Mr. RAMSTAD, Ms. GINNY BROWN-WAITE of Florida, Mrs. MYRICK, Mr. BISHOP of Georgia, Mr. MCCOTTER, Mr. GONZALEZ, Mr. ENGLISH of Pennsylvania, Mr. WELDON of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. ISSA, Mr. WICKER, Mr. JONES of North Carolina, Mr. JINDAL, and Mr. JEFFERSON.
H. Res. 839: Mrs. CUBIN.
H. Res. 852: Mr. TERRY.
H. Res. 880: Ms. HARRIS, Mr. SCHWARZ of Michigan, Mr. PEARCE, Mr. PETERSON of Pennsylvania, Mr. JONES of North Carolina, Mr. DAVIS of Kentucky, Mr. HAYWORTH, Mr. KENNEDY of Minnesota, Mr. DAVIS of Tennessee, Mr. SESSIONS, Mr. CARTER, Mr. CULBERSON, Ms. GINNY BROWN-WAITE of Florida, Mrs. DRAKE, Mr. REYNOLDS, Mr. YOUNG of Florida, Mr. WOLF, Mr. ENGLISH of Pennsylvania, and Mr. MILLER of Florida.
H. Res. 888: Mr. BLUMENAUER, Ms. WOOLSEY, Mr. AL GREEN of Texas, and Mr. KUCINICH.
H. Res. 901: Mr. WEXLER, Ms. WATSON, Mr. SHERMAN, Mr. SNYDER, Ms. LORETTA SANCHEZ of California, Mr. LEVIN, Mr. BERRY, Mr. BERMAN, Mr. SCOTT of Georgia, Ms. MOORE of Wisconsin, Mr. ACKERMAN, Mr. RAHALL, Mr. FATTAH, Ms. NORTON, Ms. KILPATRICK of Michigan, Ms. LINDA T. SÁNCHEZ of California, Mr. EVANS, Mr. BISHOP of Georgia, Mr. WEINER, Mr. BACA, Mr. KANJORSKI, Mr. WATT, Mr. HIGGINS, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, and Mr. CUMMINGS.
H. Res. 904: Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. HASTINGS of Florida, and Mr. BOUCHER.
H. Res. 908: Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Ms. HART, Mr. MCCOTTER, Mrs. TAUSCHER, Mr. ENGEL, Mr. DELAHUNT, Mr. BRADY of Pennsylvania, Mr. CONAWAY, Ms. DELAURO, Ms. MCCOLLUM of Minnesota, Mr. WALSH, Mr. ISSA, and Mr. RENZI.
H. Res. 911: Mr. WEXLER, Mr. MCCOTTER, Mr. MCDERMOTT, Ms. WATSON, Mr. HIGGINS, Mr. FITZPATRICK of Pennsylvania, Mr. BLUMENAUER, Ms. BORDALLO, Mrs. NAPOLITANO, Mr. ISRAEL, Ms. LEE, Mr. FALEOMAVAEGA, Mr. HASTINGS of Florida, Mr. LEACH, Mrs. MCCARTHY, Mr. RAMSTAD, Mr. ISSA, Ms. MCCOLLUM of Minnesota, Mr. DELAHUNT, Mr. CARTER, Mr. DOOLITTLE, Mr. FOSSELLA, Mr. FOLEY, Mr. ENGEL, Mr. SHAYS, Mr. HOLT, Mr. PALLONE, Mr. CARDOZA, Mr. COSTA, Mr. MEEKS of New York, Mr. BERMAN, Mr. PASCRELL, Mr. MATHESON, Mr. ETHERIDGE, Mr. MARKEY, Mr. JEFFERSON, Mr. HENSARLING, Mr. ROGERS of Michigan, Mr. UPTON, Mr. LYNCH, Mr. SCHIFF, Mr. FLAKE, Mrs. MALONEY, Ms. BERKLEY, Mr. WEINER, Mr. ROTHMAN, Mr. TOM DAVIS of Virginia, Mrs. CHRISTENSEN, Mr. DAVIS of Florida, Mr. DAVIS of Tennessee, Mr. BOUSTANY, Mr. KIRK, Mr. DOGGETT, Mr. BOREN, Mr. CONYERS, Ms. HARRIS, Mr. BURTON of Indiana, Mr. THOMPSON of Mississippi, Mr. NADLER, Mr. MORAN of Virginia, Mr. BROWN of Ohio, Mr. TANCREDO, Mr. MEEHAN, Mr. DICKS, Mr. HONDA, Mr. SWEENEY, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. SCHWARTZ of Pennsylvania, Mr. CANNON, Mr. LEVIN, Mr. MICHAUD, Mr. LANTOS, and Mr. CALVERT.
H. Res. 912: Mr. CASE, Mr. SCOTT of Georgia, and Mr. CROWLEY.

DISCHARGE PETITIONS

ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Mr. BARROW on House Resolution 614: Christopher Shays.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9 a.m. and was called to order by the Honorable RICHARD G. LUGAR, a Senator from the State of Indiana.

PRAYER

The PRESIDING OFFICER. Our guest Chaplain, Rev. Laurel Arthur Burton, Gobin Memorial United Methodist Church, Greencastle, IN, will lead the Senate in prayer.

The guest chaplain offered the following prayer:

Let us pray.

O Thou great Creator, God of all the nations:

We bow before You knowing that these gathered here today have the power to choose right over wrong, good over evil. Bless each one of them that they might choose according to Your will.

Open their ears so that they may truly listen to one another.

Open their eyes so that they may truly see the path of righteousness.

Open their mouths that they may speak truly with the deepest integrity.

And open their hearts and minds that they may discern the way that leads to the common good.

O Spirit of power, grant that the only ambition in this Chamber may be the desire to achieve peace and prosperity for all Americans. Grant that the only competition may be the struggle for justice. O Thou great Creator, God of all the nations, lead this great Nation as a pillar of cloud by day and a pillar of fire by night, until the day comes when all nations shall dwell together in peace and concord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD G. LUGAR 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, July 13, 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 G. LUGAR, a Senator from the State of Indiana, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. LUGAR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

SCHEDULE

Mr. STEVENS. Mr. President, speaking for the leader, I announce to the Senate that this morning, the first 30 minutes will be a period for the transaction of morning business, which has been divided between the two sides. After morning business, we will return to the Homeland Security appropriations bill. The two managers have a tentative lineup of amendments this morning and into the afternoon. It is the leader's understanding they are working toward a vote this morning in relation to one of those amendments, and we will alert everyone when that amendment is locked in. Senators should be on notice that a vote could occur between 10 and 10:30 this morning.

We have said we will finish this bill today, and that could translate into a late night, if needed, in order to pass this important Homeland Security appropriations bill. The leader hopes we can finish this earlier, and if Senators will communicate with managers earlier today regarding amendments, then it is his feeling we should be able to finish this bill at a reasonable time today.

In any event, it is the leader's intention to stay in today, tonight, or tomorrow—whatever it takes—to conclude this important bill this week.

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.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from North Dakota.

ENERGY

Mr. DORGAN. Mr. President, I was in a town called Zeeland, ND, because we have a serious drought occurring in ranching country. We had ranchers and farmers—this is a town of about 120 people and 170 ranchers and farmers showed up very concerned about how they are going to feed their cattle.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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We talked a lot about the drought and the devastation for ranchers and farmers when it doesn't rain and how they take care of their cattle herd and what might happen to them.

One of the issues raised in that meeting repeatedly was—in addition to the lack of rain—if you are running a farm or ranch, you are a heavy user of energy. What has happened to the price of energy, particularly the price of fuel, has been devastating to those farmers and ranchers.

Our State university pointed out that the average farm and ranch in North Dakota is confronted with about $18,000 a year in higher costs because of what has happened to the price of fuel.

This morning I woke up and listened to the news, just as I did yesterday, and found that the price of oil is over $75 a barrel and continuing to go up. If we take a look at the major integrated oil companies in this country, we will discover the substantial increase in profits—this is 2005 over 2004, last year's numbers: 43-percent increase, 37-percent increase, 31-percent increase in profits.

The Congressional Research Service just did an evaluation for one of our colleagues which says that cash reserves for the major integrated oil companies have grown from over $9 billion in 1999 to nearly $58 billion now. Let me say that again. Cash reserves of the major integrated oil companies now stand at over $58 billion.

It made me think about a story that was in BusinessWeek 2 years ago, ''Why Isn't Big Oil Drilling More?''

> Rather than developing new fields, oil giants have preferred to buy rivals, ''drilling for oil on Wall Street.'' While that makes financial sense, it is no substitute for new oil.
>
> Oil has been over $20 a barrel continuously since 1999. Far from raising money to pursue opportunities, oil companies are paying down debt, buying back shares and hoarding cash.

That was 2 years ago. It is worse now.

Last fall, we offered a windfall profits rebate that would have collected from those companies that were not using their revenues to expand their search for additional oil. For those that were buying back stock or drilling for oil on Wall Street, they would pay a fee, the total proceeds of which would be rebated to consumers. Those who were building additional refineries or investing back into the ground to search for oil would not pay the fee; they would be exempt.

The oil companies were very upset by that proposal, but the fact is, they would decide whether they would pay it. None of it would come to the Government; it would all be rebated to consumers. They would decide whether they pay it based on their decisions. Are they going to buy back stock with their profits? Are they going to hoard cash, drill for oil on Wall Street, or are they going to use those profits to expand the supply of energy?

I believe given what is happening, as we know, there is no free market in oil. I know there is a lot of discussion on the floor of the Senate about free market. We have oil ministers from the OPEC countries sitting around a table behind a closed door talking about how much they are going to produce and what price they aspire to have. We have big oil companies married up through blockbuster mergers, and they have two names—ExxonMobile, PhillipsConoco; they have more raw muscle in the marketplace—and, third, the futures market has become an orgy of speculation, no question about that.

With these three elements, there is no free market in oil. The price of oil is now at $75 a barrel. Almost all consumers in this country—yes, those who drive up to the gas pumps and pay $50, $60 and more to fill their tanks, and especially farmers and ranchers—are struggling to find out: How do I buy fuel for spring planting? How do I buy fuel for the harvest? How do I put up hay for the cattle? How do I do all of that? They are the ones who bear all the pain, and in the meantime the major integrated oil companies are waltzing to the bank with a treasury that is full of money coming from consumers.

This does not work. In the longer term, aside from the question of how dependent we are on offshore oil, it seems to me Congress has to decide that it is going to intervene if we are going to $58 billion in cash reserves created by the major integrated companies. Those cash reserves are not working. Those cash reserves are not expanding the supply of energy, they are not expanding the supply of oil, and therefore reducing prices. They are being used—as I said, in BusinessWeek there was one example of drilling for oil on Wall Street or buying back stock. That is not a way to bring prices down and provide some relief to consumers.

Last fall, Senator DODD and I offered a proposal that would have provided a rebate to consumers from those companies as a result of those companies not using those profits to reinvest in expanding the search for energy. We came up very short in the vote. It is our intention to offer that proposal once again. At $75 a barrel for oil, with increases particularly for farmers and ranchers in an agricultural State, it is reasonable to ask: What is Congress doing? Is it just content to observe, just watching? What is Congress doing?

So if nothing intervenes in the coming days, Senator DODD and I intend to offer, once again, that proposal. Let me underscore that the point of that proposal is this: That proposal will be the most significant incentive to expand production and expand the search for additional production that we could have. This is not punitive. It is to say: Either you are using it to expand the production of energy supplies and bring down prices or you are going to have to rebate some of it back to the consumers.

In 2004, the oil industry had its highest profits in its history. The average price for a barrel of oil was $40. Now it is $75. Those major integrated companies haven't done anything to increase expenses or any other issues; they are just collecting that additional revenue.

I want the oil industry to find additional oil and to produce in areas that are available to them. The best way, the most significant incentive I can think of is to say to them: If you are thinking about what to do with that cash reserve of $58 billion and deciding between buying back your stock or trying to do additional mergers and acquiring oil through mergers rather than drilling, then you would be a lot smarter to find a way to expand production by investment because that means you will not be impacted at all by the proposal we would offer.

This proposal is about expanding investment in exploration and thereby expanding the supply of energy and bringing down the price of energy. So that is what Senator DODD and I will, once again, attempt to do.

I hope that in the coming days we will begin to see some lessening of the burden of these energy prices on the American consumer, farmers and ranchers and others. In the meantime, I don't think we ought to take a look at a $58 billion cash reserve by the major integrated companies, most of them—three of them; nearly 90 percent of them are three companies—and say, that is OK, it doesn't matter to us, while everybody else is feeling the pain and bearing the burden of these dramatically increasing prices.

Mr. President, I yield the floor and make a point of order that a quorum is not present.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I believe we are in morning business.

The PRESIDENT pro tempore. The Senate is in morning business, with 15 minutes reserved for the majority and 15 minutes reserved for the minority. The minority still has 6½ minutes.

Mr. DORGAN. Mr. President, I believe my colleague, Senator DODD, is on his way to the Chamber, but let me ask unanimous consent that Senator BROWNBACK proceed, with the understanding that we would reclaim our time on this side when Senator DODD arrives.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Democratic time is reserved, and the Senator is recognized under the previous order.

Mr. BROWNBACK. I thank my colleague from North Dakota for that as well.

NORTH KOREA

Mr. BROWNBACK. Mr. President, I rise to talk about the situation in

North Korea and about the dire situation of the people of North Korea and the human rights abuses that are taking place. I think most of my colleagues know about the missile testing that has been occurring in North Korea, about the difficulty in getting negotiations going on the six-party talks. I applaud the administration for their efforts on getting these six-party talks moving on North Korea.

I also wish to draw the attention of my colleagues to the human toll that is taking place in North Korea. Kim Jong Il, the leader of North Korea, has been a weapon of mass destruction against his own people, killing 1.5 million of his own people in prison camps—nearly 10 percent of their entire population—over the past 15 years. In particular, I draw to the attention of my colleagues an article that is in today's Asia Times Online because I think this actually summarizes the overall situation pretty well.

North Korea and South Korea have been talking quite a bit, and the South Koreans have actually sided with the Chinese and the Russians on a weaker U.N. Security Council resolution. The North Koreans just walked out of ministerial talks with the South Koreans, saying that they want to pursue a missile weapons system—the North Koreans do—for the protection of the entire Korean peninsula, including South Korea, which is absurd. This will be used against the South Koreans. At the same time they want to pursue missiles, nuclear technology, the North Koreans are demanding from South Korea half a million tons of rice and several hundred thousand tons of fertilizer to help feed the starving North Korean people at a time when the Government is investing heavily—millions and billions of dollars, perhaps—in missiles and nuclear weapons which they can then sell to other countries, such as to the Iranians, where the missile technology in Iran is based upon the North Korean missile technology system. And then they have the gall at the same time to demand food out of South Korea to feed their starving people in North Korea and fertilizer to be able to grow their crops.

Mr. President, I ask unanimous consent to have this article printed in the RECORD at the end of my statement.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. Mr. President, this is just amazing gall, that they would do something like that, and it also highlights the situation and what is taking place.

I hope North Korea knows by now that their behavior has consequences. The Security Council is considering a resolution. I hope we are able to get the tougher one that the Japanese are pursuing. The one from China and Russia clearly does not go far enough. We should work with our allies to attempt to defend against the North Korean threat.

Our missile defense programs now are more important than ever. Thankfully—thankfully—we have put a missile defense program in place that is not fully operational but should help us against these rogue regimes such as North Korea and Iran which are far less predictable—I think one could probably use that term—than what the former Soviet Union was, even though the Soviet Union had a bigger threat capacity.

What the President of Iran will do and what Kim Jong Il will do is hard to predict. These are very erratic leaders and ones who don't respond well, if at all, to a mutual destruction type of threat that we used against the Soviet Union. We need the missile defense system.

The basic problem is the North Korean regime itself. The regime has turned North Korea into a failed state. I had hoped to bring over to the Senate floor this morning a picture that is pretty well known by most people. It is a night photograph of the Korean peninsula, and it shows lights in South Korea, it shows lights in China, and it shows darkness in North Korea, which highlights the nature of the failed state. This is just so amazing, that we have the Korean peninsula divided into two countries—South Korea, the 12th largest economy in the world, democratic and free, growing, robust; and North Korea, having killed 10 percent of its people in the last 15 years through starvation and a gulag system—on the same peninsula.

North Korea is a failed state. The North Korean regime engages in illegal activities, including counterfeiting American money as well as producing missile systems and expanding its WMD programs. It has a humanitarian crisis. I noted earlier that an estimated 1.5 million prisoners have been killed in North Korea's prison camps. The gulag remains. Approximately 200,000 are currently in prison—political prisoners in North Korea.

The assistance China and South Korea provide to North Korea makes them complicit in North Korea's missile development program. The assistance keeps their economy on life support, and thanks to North Korea's lack of transparency, even humanitarian aid is often diverted from the North Korean people for military use.

North Korea's symptomatic human rights abuses are often lost amidst our discussion of its nuclear and missile programs. We should set a longer term goal to bring to light the humanitarian abuses that are taking place. We need a Helsinki-type of discussion on human rights. We should not just discuss missile technology or nuclear technology; we need to discuss the humanitarian crisis that is in North Korea.

I also believe we need to discuss the elephant that is in the room that nobody will discuss. North Korea is a failed state. Hundreds of thousands have walked out of North Korea into China. Some are now finding a way into the United States as refugees. They tell horrific stories of what is taking place.

The natural state of the Korean peninsula is one country, whole and free. That is the long-term goal for the natural state of the Korean peninsula—one country, whole and free. We should set that as a long-term objective—the spread of democracy throughout the Korean peninsula.

I urge the Bush administration to fully fund the programs authorized by the North Korean Human Rights Act of 2004, and I urge my colleagues to fund those programs as well in the appropriations process. We should be prepared to accept those North Koreans who voted with their feet and escaped the regime into this country and others as well.

We had our first group, a small group of six North Korean refugees, and four were women. The women said that the refugees that make it out of North Korea into China, 100 percent are trafficked into some form of sexual bondage or sexual slavery. They get out of North Korea into China—that is relatively simple—and then they are captured, almost hunted like animals in China. When they are captured, the people who catch them say: Look, you are going to do what I say or I am turning you in to the Chinese authorities; they will repatriate you to North Korea, and you will end up in the gulag. So they do what they say, and they are sold. They are caught like wild animals and sold to people in some form of sexual bondage and sexual slavery in that portion of China.

We should push China aggressively to stop repatriating North Korean refugees. They are going back into the gulag. They are going back into the death camps. The Chinese should be forced not to do that. It is called refoulement. It is against the U.N. agreements on human rights that they entered into. They should be forced not to do that, not to send them back. We should begin discussions with China and South Korea on what the Korean peninsula should look like in the future—one country, full and free.

The bottom line is that our problem isn't just the missile or nuclear capacity of North Korea, it is the North Korean regime itself. We must address the root problem if we are ever to find a solution.

I might remind my colleagues as well that it is not just the missile tests, it is not just the nuclear technology in North Korea, because then they look to sell it, as they have, and spread it to Iran, which multiplies our sets of problems. We must look also at what happens to the North Korean people, and much of our focus must be placed on China. China is the one that is primarily keeping North Korea on life support systems now. They are funding them. The Chinese, by not refouleing refugees, by allowing North Koreans to come out and pass freely through there to third countries, would really help a

great deal in this crisis, and China bears much of the responsibility.

Mr. President, I thank my colleagues for the chance to address the body. We are looking at putting forward a resolution calling on any future dialog with North Korea to include a human rights component. Along with the discussion of missile technology and nuclear technology, it desperately needs a human rights component, as we did in negotiations with the former Soviet Union on missiles and nuclear weapons. We also included a Helsinki human rights component. This discussion needs a human rights component as well.

Mr. President, I thank my colleague from Connecticut for allowing me to step in front of him to speak, and I yield the floor.

EXHIBIT 1

[From the Asia Times, July 14, 2006]

NORTH KOREANS LET THEIR FEET DO THE TALKING

(By Donald Kirk)

SEOUL.—The ruckus over the North Korean missile shots has exploded into a war of words that's endangering South Korea's efforts to shrug off the crisis as a minor obstacle on the path to North-South reconciliation.

South Korea appears to have awakened to the depth of the difficulties with the North in the breakdown of ministerial-level talks this week in the port city of Pusan. Far from finding the basis for one of those face-saving statements that often emerge from North-South Korean talks, the two sides cut off the dialogue on Thursday a day earlier than expected after finding no ground for agreement.

The sides were absurdly far apart, according to reports from the closed-door sessions, with North Korea insisting the missiles were needed for the defense of all Korea, North and South, not just North Korea.

Finally, the North Koreans walked out on Thursday after South Korea's Unification Minister Lee Jeong-seok flatly rejected their claim that the North's Songun or military first policy covered both Koreas equally. The talks were originally to have gone on until Friday.

Lee, a one-time leftwing activist who has sought mightily to paper over North-South differences, got nowhere in efforts at persuading North Korea to return to six-party talks on its nuclear weapons.

At the same time, he rejected North Korean demands for half a million tons of rice and several hundred thousand tons of fertilizer to help feed starving North Koreans at a time when the government is investing heavily in missiles and nuclear weapons.

The failure of the talks is ominous since they were ''ministerial level''. The North Korean delegation was led by Kwong Ho-ung, chief cabinet councilor. The North Koreans, before boarding a direct flight from Pusan to Pyongyang on Air Koryo, the North Korean airline, said ''our delegation was no longer able to stay in Pusan'' as a result of the South Koreans' ''reckless'' insistence on raising the issue of the missile tests.

Suggesting the seriousness of the collapse, a statement distributed by the North Koreans said the North now had no dialogue partners in the South ''due to the South Korean side's unreasonable'' position. The statement said they had not come to Pusan to discuss military matters or six-party talks.

South Korean leaders, caught between conflicting demands from the United States, North Korea, China and Japan as well as their vituperative critics and foes on their own home front, remain determined to head off U.S. and Japanese attempts to bring about a debate in the United Nations Security Council on sanctions against North Korea.

South Korean officials firmly favor a resolution introduced by China and Russia that ''strongly deplores'' the missile tests and calls on all nations to ''exercise vigilance in preventing supply of items, goods and technologies'' for North Korean missiles. The resolution also asks them ''not to procure missiles or missile-related items'' from North Korea.

The fear in the South is that a debate on a much tougher Japanese resolution, banning North Korea from deploying or testing missiles, importing or exporting missiles or weapons of mass destruction, including nuclear warheads, or developing any of them, would greatly exacerbate tensions.

South Korean strategists believe such a strong resolution would arm Japan with the pretext for following through on threats to attack North Korean missile sites. In fact, South Korea has responded with far greater alarm to Japan's floating this idea than to the actual missile tests, while the rift between Japan and South Korea has turned into what appears as an unbridgeable chasm.

A spokesman for South Korea's President Roh Moo-hyun blasted Japan for what he called a ''rash and thoughtless'' threat. It was, he said, ''a grave matter for Japanese cabinet ministers to talk about the possibility of a preemptive strike and the validity of the use of force against the peninsula''.

U.S. officials, led by Christopher Hill, privately warned Japan against a preemptive strike, reminding the Japanese that open discussion of that possibility only invited an adverse response from South Korea as well as China.

Such talk, they note, also plays into North Korea's propaganda machine, which often emits noises about U.S. plans for a ''preemptive strike'', citing that danger as a rationale for the need for nuclear weapons.

The U.S., however, sides with Japan in the United Nations, and no U.S. official adopts a harder line than the U.S. ambassador to the U.N., John Bolton, a tough-talker from his days as under secretary of state for arms control during President George W. Bush's first term.

Bolton and Japan's U.N. Ambassador Kenzo Oshima have engaged in the diplomatic nicety of calling the Chinese and Russian draft ''a step in the right direction''. South Korean officials believe, however, they may hold off on supporting it, calling instead for a debate that gives both of them a forum for lambasting North Korea.

Oshima found ''very serious gaps'' in the Chinese and Russian draft, while Bolton seemed anxious to have the Japanese resolution submitted to a vote despite the certainty of Chinese and Russian vetoes. ''We're prepared to proceed at an appropriate time with a vote,'' said Bolton, and ''let every one draw their own conclusions.''

The standoff over how to deal with North Korea comes at a critical time in relations between the U.S. and South Korea. A U.S. team has just arrived in Seoul for talks about creating an ''independent wartime command'' for South Korean forces rather than a unified command led by a U.S. general.

The creation of such a command marks a major—and controversial—departure from the system dating from the Korean War placing all forces under a single American general in the event of war.

The U.S. is also consolidating its bases in South Korea, moving them south of Seoul in the face of widespread opposition by activists and farmers resentful of the loss of their land while the U.S. scales down its forces, now totaling 29,500 troops, down from 37,000 three years ago.

Activists and farmers also oppose efforts by the U.S. and South Korea to come up with a free trade agreement (FTA). More than 20,000 people demonstrated in a heavy downpour in central Seoul on Wednesday, charging the agreement would deprive farmers and factory workers of their livelihoods.

While the North Koreans walked out of the talks in Pusan, U.S. negotiators boycotted a session of the FTA talks in Seoul on pharmaceuticals. The U.S. claims a plan for South Korea to reimburse patients for the purchase of drugs made in South Korea makes drug imports here virtually impossible.

It was a bad day all around for U.S. negotiators. Hill, in Beijing, said he was finally taking off for Washington after getting nowhere in efforts at persuading China to bring North Korea back to the table. He tried, however, to see the impasse from China's viewpoint.

''China has done so much for that country,'' he said, ''and that country seems intent on taking all of China's generosity and then giving nothing back.'' The Chinese, he said, ''are as baffled as we are.''

The U.S. and China, however, seemed in complete disagreement on U.S. Treasury Department restrictions on firms doing business with North Korea. Hill had nothing to say in response to the official Chinese hope, expressed by a spokesman, that the U.S. would ''make a concession regarding the sanctions issue and take steps that will help restore the six-party talks''.

The U.S. denies it's imposing ''sanctions'' and says the restrictions are to counter North Korean counterfeiting. Hill has repeatedly dismissed the topic as a matter for the Treasury, not the State Department, while North Korea has made the issue the reason for not returning to talks on its nukes.

ENERGY PRICES

Mr. DODD. Mr. President, let me, first of all, say to my colleague from Kansas, I am always delighted to hear his comments and thoughts.

I wanted to be here earlier to discuss with our colleague and friend from North Dakota, Senator DORGAN, the growing problem we are all hearing about from our constituents all across this country, and that is the ever-rising cost of gasoline and petroleum-related products. There has been a staggering increase in the price of oil and gasoline which is having a huge impact on working families in this country. Their weekly earnings have risen less than one-half of 1 percent over the last 5 years, yet the cost of gasoline has more than doubled over that same period of time.

These charts and graphs give an indication of what has happened to the price. Beginning in 2000, it was $1.47. Just last week, in my hometown in Connecticut, the price ranged from $3.15 per gallon to $3.35 per gallon, depending upon the quality of fuel you were buying, and the national average is creeping closer to $3.00 per gallon. We have seen the price of oil soar from just over $30 per barrel in 2001 to an excessive $75 per barrel this week.

Most of us are aware, with the existing product from previously dug wells around the world, large profits can be made at $30 and $40 per barrel. So when you start talking about $75 per barrel, you get some indication of the level of profits that are being made.

I mentioned what it is like for people out there who are struggling to make ends meet and hold their families together. Weekly earnings have risen only .4 percent since 2001, adjusted for inflation, while gasoline prices have risen 130.5 percent since that same year, adjusted for inflation. When you start talking about people on fixed incomes or people earning the minimum wage, the problem becomes more pronounced. We have gone 9 years now with no increase whatsoever in the federal minimum wage. We tried here only a few weeks ago, prior to the Fourth of July recess, for a $2.10 per hour increase in the minimum wage over the next several years, from $5.15 per hour to $7.25 per hour. That is a very modest increase in that minimum wage, but it would make a huge difference for people out there who are trying to make ends meet.

Again, we have a limited time to talk about this, but Senator DORGAN and I are once again going to ask our colleagues to consider the idea of a rebate going back to people who are trying to make ends meet. We ask, when you have profits in excess of $40 per barrel, to either invest those profits back into the development of new product or new technologies or rebate part of those profits back to consumers.

I know the Presiding Officer cares deeply about this issue and has lectured us on numerous occasions about the importance of supply. I don't fault the industry for trying to make a profit. What I would like to know is, are the companies investing in production, alternative sources of energy, and new technology? I would like to know they are going to do something, in addition to making a profit, that will actually increase our domestic supply.

We wake up today to find the region of the world on which we depend tremendously for our supplies is literally aflame, a tinderbox that is exploding while we are gathered here. Yet we sit around here almost pretending that nothing is wrong as we continue to watch oil and gasoline prices skyrocket and oil companies record huge profits.

One of the major oil companies, in its 2004 annual report, told its shareholders:

> We achieved the highest net income in our history, $18.2 billion. This was 48 percent higher than in 2003, as a result of higher oil and gas prices.

So they recognize themselves that their profits are occurring because of these skyrocketing prices. Why not put some of those resources into developing alternatives, or doing a better job to see to it we become less dependent on the Venezuelas and the Middle East for our supplies? And if not, why not rebate some of the profits back to people who are struggling to make ends meet?

Senator DORGAN and I are asking the leaders to provide us a limited amount of time to debate oil and gasoline prices and other energy issues. Nothing has captivated the attention of our public as has this issue. I don't know why we can't find some time to talk about ideas to provide relief to people we represent. We spent more time in the last couple of weeks talking about gay marriage and flag burning. How about gasoline prices?

How about saying to the American public: Listen to the ideas we have to reduce the pressure you are feeling economically. That would be a welcome surprise to most Americans, to hear us talk about something they deeply care about. At the appropriate time, the Senator from North Dakota and I will be offering some language, once again asking our colleagues to join us in a bipartisan way to see if we can't encourage the industry to do something more than just brag about its profits.

I yield the floor.

The PRESIDENT pro tempore. There is 4 minutes 12 seconds on Republican side. Who yields time?

Mr. GREGG. We yield back the remainder of time in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5441, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

> Feinstein amendment No. 4556, to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country and to direct the United States Sentencing Commission to modify the sentencing guidelines to account for such prohibition.
>
> Thune/Talent amendment No. 4610, to establish a program to use amounts collected from violations of the corporate average fuel economy program to expand infrastructure necessary to increase the availability of alternative fuels.
>
> Vitter amendment No. 4615, to prohibit the confiscation of a firearm during an emergency or major disaster if the possession of such firearm is not prohibited under Federal or State law.
>
> Menendez modified amendment No. 4634, to provide that appropriations under this Act may not be used for the purpose of providing certain grants, unless all such grants meet certain conditions for allocation.

The PRESIDING OFFICER (Ms. MURKOWSKI). Who yields time?

Mr. GREGG. Madam President, we are now back on the Homeland Security appropriations bill. My hope is, although this is not formalized as a unanimous consent agreement yet—but the understanding I have with the Senator from Washington was that the Senator from Pennsylvania would speak for about 15 minutes and then the opposition, if they wish to speak, would speak for 15 minutes. Then the Senator from Arizona, Senator KYL, would speak for about 10 minutes on his amendment. Then there will be 10 minutes in opposition. Then we will go to a vote on those two amendments. Either—if they are merged, one vote; if they are not merged, two votes. Then we will go back to the Menendez amendment, the amendment of the Senator from New Jersey.

I understand Senator COLLINS wishes to speak on that, and Senator LEAHY wishes to speak. I am not sure what the time understanding is before we can get to a vote on the amendment of the Senator from New Jersey, but my hope would be we could go to a vote fairly promptly on that amendment after completing the votes on the amendments of Senator KYL and Senator SANTORUM.

I see the Senator from Washington is here. Is that her understanding?

Mrs. MURRAY. Madam President, I would let my colleagues know we have several Members who want to come to the floor to speak. We are checking with several of the relevant committees. I am hoping over the course of the next hour or so we can figure out the timing on the votes the chairman requests.

Mr. GREGG. At this time, I think the Senator from Pennsylvania is ready to go and we will get started.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 4575

Mr. SANTORUM. Madam President, I call up amendment No. 4575 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, the clerk will report.

The legislative clerk read as follows:

> The Senator from Pennsylvania (Mr. SANTORUM) for himself and Mr. KYL, proposes an amendment numbered 4575.

Mr. SANTORUM. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To increase the number of border patrol agents, to 2,500 agents, and offset by increasing the availability of reverse mortgages for seniors)
>
> On page 70, line 3, strike "$5,285,874,000; of which" and insert "$5,459,135,000; of which $459,863,000 shall be for 1,500 additional Border Patrol Agents and the necessary operational and mission support positions, information technology, relocation costs, and training for those agents; of which".

On page 127, between lines 2 and 3, insert the following:

''SEC. 540 (a) Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking 'established under section 203(b)(2)' and all that follows through 'located' and inserting 'limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'; and

(2) in subsection (i)(1)(C), by striking 'limitations' and inserting 'limitation'.

(b) The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this section. The notice shall take effect upon issuance.''

Mr. SANTORUM. Madam President, let me say, on behalf of myself and Senator KYL, we are working on two amendments that deal with the issue of border security. The first I am offering is an amendment to add 500 additional border guards to the underlying bill. The President, in his budget request, suggested we increase the number of border guards to be trained this year to 2,500. One thousand of those were provided in the bill, but this would add an additional 500. The other 1,000 was provided in the emergency supplemental, which was passed earlier this year, which would bring us a total of 1,000, plus 1,000 in this bill, plus 500, to 2,500.

The reason the subcommittee and the committee did not provide the additional 500 the President requested was because the President funded those additional 500 with a fee on airline flights. That was something the committee did not include in their mark and, as a result, didn't have the resources the President's budget request had to be able to fund these additional 500 guards.

We have been working with Chairman GREGG and the ranking member to try to come up with an offset, understanding this bill is incredibly tight. There are a lot of priorities in the Department of Homeland Security. Trying to find offsets and taking money away from other vital areas of homeland security was a very difficult thing to do. As a result, I worked with the committee and came up with an offset that was used in the House of Representatives on another appropriations bill over there. It is an offset with which I am very familiar because it is a piece of legislation I actually introduced earlier this year having to do with reverse mortgages.

Reverse mortgages are a very important tool that is used by some seniors in our society who have a lot of equity in their home but do not have a lot of income. They don't have a substantial stream of income to be able to support themselves in their retirement, so they have all this equity locked up and no ability to access that equity.

The reverse mortgage program, sponsored and directed by the Department of Housing and Urban Development—overseen by them—is a way to unlock that equity to be able to get income into the hands of our senior population. It is a pilot program now and has a cap of 250,000 mortgages. What this amendment does is removes the cap, adjusts the amount of money that will be allowed—the size of these reverse mortgages—based on the geographic area of the country, to reflect the discrepancy in pricing of houses in those different geographic areas of our country.

As a result, it will, because of these transactions, result in more income to the Federal Government, more revenue to the Federal Government. It is about $190 million. This would pay for the amendment I am offering to increase the number of border guards.

In addition, there would be some additional money left over, which Senator KYL, in a subsequent amendment, will address, to deal with the detention facilities and use up the remaining part of that money and some additional money in an offset that he has.

It is a combination effort to try to help the subcommittee come up with additional resources which I am sure the chairman would love to do. The chairman has been excellent in the past several years, since the events of 9/11, in fully funding the requests from the administration—in fact, in some cases exceeding the requests from the administration in providing for border guards. I think he has said on the floor of the Senate that we have seen a 40-percent increase in border guards, in the number of border guards being trained and the number of border guards, period, in this country since the events of 9/11.

We have seen a substantial increase. I commend him for the priority he has put to that. But I understood the difficulties he had in trying to come up with the money to add the additional 500 the Department said they could train this year and that they need. This is a way to provide the additional resources, to do so without emergency designation, to do so without busting the budget, to do so with a legitimate offset that actually raises the money that could counter the expense in providing for the additional border guards.

Obviously, this is an important issue. There is no issue I heard about more, over the past several months in particular as I traveled around the Commonwealth of Pennsylvania, as the issue of defending our border. We passed an immigration bill in the Senate which was an attempt to increase the number of border guards, increase detention facilities, build new fences, improve our points of entry at our southern border. That is wonderful, if we can get a comprehensive immigration bill passed. If we get a piece of that immigration bill passed that deals with the border, I think that is a positive step in the right direction.

That doesn't mean we can't do things right now in the normal process to improve the situation at the border. We have done that in prior appropriations bills as a result of the work of the chairman and ranking member, and we should continue to do so, whether we get an immigration reform bill ultimately passed this session of Congress.

This is the opportunity for Congress to actually do something concrete and positive this year to enhance our border security—to increase the number of border guards up to the President's request and up to what the Department of Homeland Security says they can use this year and train this year.

I am hopeful we will get support for this—again, if it is fully offset. It is something we have cleared through the Ways and Means Committee because this does raise revenue. When Chairman THOMAS was on the Senate floor, I asked about the potential blue slip problem. We have gotten word we will clear that hurdle, if necessary.

I obviously checked with Chairman BOND and the housing subcommittee. They have been very helpful in that regard. We have run all the traps. There is a solid offset, and it provides for a definite need in a very critical area of our national security; that is, our border presence.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4643

Mr. KYL. Madam President, I ask unanimous consent the Santorum amendment be laid aside for the purposes of me laying down an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, my amendment is similar to that laid down by Senator SANTORUM in that the offset comes from the same housing loan program. It is an effort to reach the President's full goal rather than what the appropriations bill was able to accommodate, but in this situation to reach that goal for detention spaces rather than additional Border Patrol. If you combine the two amendments, what we will have accomplished is to achieve the funding of the full number of Border Patrol agents the President wanted to add and the full number of detention spaces the President wanted to add. That is the simple explanation. There simply was not quite sufficient money available to the Appropriations Committee to achieve 100 percent of both of those goals. Those goals were stated in the President's budget with respect to detention spaces.

I will describe the detention space problem in a moment, but the President's fiscal year 2007 budget request requested an additional 6,700 beds. The legislation before the Senate funds an additional 1,000. The supplemental appropriations bill we passed earlier

funded an additional 4,000. Adding those two together, you have 5,000 new beds. Subtract that from the 6,700 the President said he needed when he submitted the budget and we have an additional 1,700 beds we need to acquire. This legislation appropriated the funds for the additional 1,700 beds and uses the offset Senator SANTORUM will trigger in his bill, as well.

Why is it important to add these detention spaces? The primary reason is to end, once and for all, this program of catch and release. When we apprehend an illegal immigrant from a country other than Mexico, you cannot return that person to Mexico. The person is not a citizen of Mexico. We have to return that person to their country of origin. This is a very difficult thing to do.

First of all, some of the countries will not take their people back. Others will only do so after a great deal of time and effort are expended in paperwork to take them back. There are something like 40,000 Chinese nationals who need to go back to China but who are not being sent back to China.

What happens to those people in the meantime? The program in the past has been, as I said, catch and then release them because there is no place to detain them pending their removal to their country of origin.

The Secretary of Homeland Security would like to have enough detention space available that the people who need to be detained can be detained. They can be put on the airplane and sent back to their country of origin. The Secretary would like to expedite this removal so that in all cases it is done within a couple of weeks, if possible. Today, the average is about 3 weeks.

The problem is, many people are apprehended and simply told to return in 3 weeks, 90 days, or whatever the period might be. Of course, most of them do not come back to be removed to their country of origin. That is the release part of it. As a result, we have a large population of illegal immigrants in this country from countries other than Mexico who have been apprehended, have been asked to come back so they can be sent back to their country of origin but who never come back to be sent back. Without the detention spaces, that is not going to stop. Once those detention spaces are available, the Secretary believes these illegal immigrants will cease coming here because the expense of their getting here is not going to be worth it since they will have the certain knowledge they will be apprehended, detained, and then sent back rather than detained and then released into our society, never to be heard from again.

The President's 2007 budget did describe this practice of catch and release and described it as an unacceptable practice that must end. If we are going to end it, we need to have sufficient detention spaces, as the President pointed out, the additional 6,700 beds to accommodate these people.

A number of Members have continually talked to the administration and the Department of Homeland Security about this problem. For one reason or another, it has always been a matter of, we need more detention spaces and we cannot accommodate this many people. It is a major breakthrough; the administration has finally calculated how many more spaces it needs and has begun the process of acquiring those spaces. We need to support the administration's full request and not simply get 60 or 70 percent of it accomplished. We are not going to solve this problem of catch and release until we have sufficient detention space.

It is also a security problem for the United States because in many cases we do not know the identities of these people. These are not simply Mexican nationals coming across. They could be people from China, Russia, Vietnam, or countries of special interest to the United States in the Middle East, for example, countries from which terrorists have come. As a result, it is important not to simply release these people into the interior of our country never to be heard from again. They carry false documents. We do not know their true identities. It is important when we apprehend them to detain them.

Let me quote from a June 22 letter from me to the Department of Homeland Security, Secretary Chertoff:

> . . . because DHS lacks the detention space to hold OTMs [other than Mexican nationals] it necessarily releases 70 percent of them into the interior of the United States with a Notice to Appear for an immigration hearing. Approximately 70 percent of those released failed to appear for their hearings; of those who do appear, 85 percent fail to comply with final orders of removal and remain illegally in the United States. In effect, therefore, our national policy amounts to ''catch and release,'' and raises significant national security concerns. Moreover, it does nothing to deter further illegal immigration by OTM's. Indeed, it may have the opposite effect: A June 4th article in the San Diego Union Tribune indicates that Brazilians, who make up a large portion of the OTM's, actively seek out border patrol agents after illegally crossing the border, so that they may get a Notice to Appear and pass unmolested into the interior.

In other words, it is actually a benefit for these people who have a piece of paper with them that, in effect, frees them from additional apprehension during this period of time prior to their notice to appear. When the time period is up and they are supposed to actually appear, they are gone. In the meantime, they basically had a free pass to travel wherever they want in the United States, unmolested by the Border Patrol or law enforcement.

In a November 15, 2005, letter to Secretary Chertoff, I joined Senators MCCAIN, HUTCHISON, and CORNYN in advising the Secretary that:

> . . . the Department should immediately resolve the ''catch and release'' practice, under which these non-Mexican illegal aliens are released into the interior due to lack of detention space.

The result of that was an effort by the Department of Homeland Security to identify what was necessary in order to achieve the goal. As I said, their determination was 6,700 beds, the number called for in the administration's budget.

I applaud the chairman of the appropriations subcommittee, Senator GREGG, for finding the funding to add an additional 1,000 beds to the 4,000 that were put in the supplemental appropriations bill, also due to his efforts. The Committee on Appropriations has gone a long way toward getting this funding, but we are still not quite there.

This legislation says this must be one of our priorities. As a result, having found a way to pay for it from other legislation, let's add these 1,700 so we can accommodate the full budget request of the President and say we have done everything we can to resolve this problem of catch and release.

There are some additional things we could talk about here, but it is probably relatively uncontroversial for us to complete this job. If there is no opposition to this amendment, I don't think it is necessary for me to talk about some of the additional things we could discuss to make the case; that it is very important to stop this program of catch and release. I think almost everyone agrees with that proposition. My amendment is what is necessary to complete that unfinished business.

I hope our colleagues would see the benefits of adding this to the bill and ensure we can complete the task of resolving this problem of catch and release.

If there is further debate, I am happy to respond and cite additional information that I think will help make the case we need to do this, but I don't think it is a case that needs a great deal of elaboration. I ask my colleagues when we have the opportunity to vote on this, to support this amendment, as well as Senator SANTORUM's amendment, which I also wholeheartedly join in supporting. I am an original cosponsor of it.

These are the two pieces of unfinished business we need to take care of in this legislation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I congratulate the Senator from Arizona. I am a cosponsor of his amendment as he is a cosponsor of mine. I am very sanguine about the opportunity to get both the detention facilities, the beds added, as well as the additional border guards the President requests. I think everyone in this Chamber has been very clear about the need for additional border security on both sides of the aisle. In fact, we voted on numerous amendments in the past offered by Members on both sides of the aisle to increase border security as well as to stop the catch-and-release policy.

Here is an opportunity to have the President's budget request complied with, and to offset that is sort of a bonus. It is good public policy. We have

good public policy providing streams of income for our seniors at a difficult time in their life through the process of reverse mortgages, which was a pilot program that has worked very well and has broad support on both sides of the aisle.

What we have in this amendment, as well as the amendment of the Senator from Arizona, is the opportunity to have a win-win situation. My understanding is, however, that—at least there is a rumor afoot—some on the other side of the aisle have a problem with the offset, not that they have a problem—my understanding is they do not have a problem with the offset itself but that under the rules of the Senate there is a germaneness issue with respect to this particular offset on this particular piece of legislation.

I hope we look to the merits of actually both pieces of legislation: One, the funding for detention facilities and for border guards, the need to do that, the need to do it in a fiscally responsible way, not adding to the deficit. On top of that, there is the good public policy that can be accomplished through the Reverse Mortgage Program—which, again, has broad support from both sides of the aisle and has terrific support within the senior community, the AARP, as well as so many other senior organizations, lending organizations, and the like who see the terrific advantage. This is a program overseen by the Department of Housing and Urban Development. It is a good public-private partnership that has the public component to ensure that seniors are not taken advantage of in these transactions. So it is a good win for our seniors, it is a good win for our border security, as well as getting rid of a very bad policy which is catch and release.

So again, the point of germaneness has not been made, and maybe on second thought we will see that the actual public policy benefits of getting something done here in the U.S. Senate, of increasing border security, as well as improving the living conditions of our seniors, will be a good one-two punch to accomplish here today in the U.S. Senate. I hope we can do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, when I described my amendment, I neglected to send it to the desk, so I send the amendment to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. SANTORUM, proposes an amendment numbered 4643.

Mr. KYL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the number of Department of Homeland Security detention bed spaces by 6,700 total beds in FY 2007)

On page 75, line 8 strike ''$3,740,357,000; of which; and insert ''$3,780,357,000; of which $40 million shall be authorized for 1,700 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds; of which''.

SEC. At the appropriate place in the bill, insert:

Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended by adding at the end the following new subsection:

''(n) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE—

''(1) IN GENERAL.—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1-to-4 family dwelling in which the mortgagor will occupy or occupies one of the units.

''(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size.''.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 4615, AS MODIFIED

Mr. VITTER. Madam President, I call for the regular order with respect to amendment No. 4615 and ask that it be modified according to the modification language already at the desk.

The PRESIDING OFFICER. The Senator has the right to do both actions.

The amendment (No. 4615), as modified, is as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. PROHIBITION ON CONFISCATION OF FIREARMS.

None of the funds appropriated by this Act shall be used for the seizure of a firearm based on the existence of a declaration or state of emergency.

Mr. VITTER. Madam President, I ask unanimous consent to add as cosponsors the following Senators: CHAMBLISS, ROBERTS, BUNNING, ALLEN, BAUCUS, THOMAS, and SMITH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, this slightly modified amendment is the same amendment fundamentally that I described and talked about yesterday, only now it is fully germane—a pure limitation amendment which clearly can be and should be and will be considered and voted on in the context of this underlying bill.

It would prohibit law enforcement officers from confiscating firearms from those who are in lawful possession of them just because it is a disaster situation. It would not prevent funding for law enforcement officers who confiscate firearms because someone is in violation of Federal, State, or local law. It simply says, law enforcement cannot, under their powers because it is an emergency situation, start confiscating firearms which are completely legal, which have been obtained completely lawfully, by law-abiding citizens.

As I explained yesterday—and I want to repeat it very briefly now—we talk about second amendment rights. We talk about the right and the need in some cases to defend your life and property. That is why the second amendment offers such fundamental and important constitutional rights.

Yet at no time in our ordinary experience is that more important, more truly important, to the preservation and defense of one's life and property than in the sort of disaster situation we saw right after Hurricane Katrina.

In the aftermath of that disaster, there was no communication. The police were cut off from enforcing their duties in many neighborhoods. And there was no ability for law enforcement to come to a citizen's call in light of an emergency. So a law-abiding citizen truly did, in many instances, depend on his firearm, his lawfully obtained legal firearm, protected by the second amendment for the defense of his property and literally, in some cases, his life and his family's life.

Therefore, we should never allow the confiscation of those legal firearms in that desperate situation when they truly are essential for the preservation of life and property.

Again, my amendment is very simple and straightforward in that regard. As it has now been modified, it is fully germane within the bounds of this bill.

I look forward to my colleagues supporting it with a strong bipartisan vote because it is such a clear, commonsense, right thing to do.

With that, Madam President, I yield back my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I appreciate the amendment of the Senator from Louisiana. I certainly intend to support it—strongly support it. I think it is an excellent amendment. I believe it is going to require a vote, however.

We are now going to turn to the Senator from Connecticut who is going to offer an amendment with 30 minutes on that amendment, the Senator from Connecticut having control of 20 minutes and myself having control of 10 minutes. At the completion of the presentation of the Senator from Connecticut, I would hope we would be able to work out an agreement where we can go to a vote on the amendment by the Senator from Louisiana and a vote on the amendment of the Senator from Connecticut. That has not yet been agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 4641

Mr. DODD. Madam President, I would like to call up amendment No. 4641, if I may, and ask for its immediate consideration.

Mr. GREGG. If the Senator will yield for a second?

Mr. DODD. I am happy to yield.

Mr. GREGG. Madam President, I ask unanimous consent that the time on this amendment be 30 minutes, with 20 minutes allocated to the Senator from Connecticut and 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I call up amendment No. 4641 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 4641.

The amendment is as follows:

(Purpose: To fund urgent priorities for our Nation's firefighters, law enforcement personnel, emergency medical personnel, and all Americans by reducing the tax breaks for individuals with annual incomes in excess of $1,000,000)

On page 91, line 6, strike ''$2,393,500,000'' and insert ''$12,083,500,000''.

On page 91, line 8, strike ''$500,000,000'' and insert ''$2,896,000,000''.

On page 91, line 9, strike ''$350,000,000'' and insert ''$2,027,000,000''.

On page 91, line 22, strike ''$1,172,000,000'' and insert ''$6,789,000,000''.

On page 92, line 1, strike ''$745,000,000'' and insert ''$4,315,000,000''.

On page 92, line 3, strike ''$210,000,000'' and insert ''$1,216,000,000''.

On page 92, line 9, strike ''$5,000,000'' and insert ''$30,000,000''.

On page 92, line 11, strike ''$12,000,000'' and insert ''$69,000,000''.

On page 92, line 13, strike ''$150,000,000'' and insert ''$869,000,000''.

On page 92, line 17, strike ''$50,000,000'' and insert ''$290,000,000''.

On page 94, line 17, strike ''$655,000,000, of which $540,000,000'' and insert ''$3,794,000,000, of which $3,128,000,000''.

On page 94, line 19, strike ''$115,000,000'' and insert ''$666,000,000''.

On page 95, line 5, strike ''$205,000,000'' and insert ''$1,187,000,000''.

On page 96, line 6, strike ''$45,887,000'' and insert ''$265,800,000''.

On page 96, line 12, strike ''$525,056,000, of which $442,547,000'' and insert ''$3,041,200,000, of which $2,554,608,000''.

Mr. DODD. Madam President, I ask unanimous consent that my colleague from Michigan, Senator STABENOW, be added as an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, if the Chair would inform me when the Senator from Connecticut has consumed 15 minutes, I would appreciate it.

The PRESIDING OFFICER. The Chair will do so.

Mr. DODD. Madam President, I rise this morning to offer this amendment that seeks to meet some of the domestic security needs of our Nation as demonstrated by a distinguished group of experts in public policy, national security, and public health. This is not an amendment that I have crafted on my own. Rather, this amendment reflects the tremendous work done by our former colleague, the Senator from New Hampshire, Warren Rudman, who authored this report under the auspices of the Council on Foreign Relations back in 2003, along with a very distinguished group of Americans who brought a wealth of talent to that report, making significant recommendations as to how we might strengthen the ability of first responders in this country to deal with the national security threats posed by terrorist organizations.

Obviously, all of us here are more than aware of these threats not only because of the events of 9/11, when we were victimized by the attacks of al-Qaida, but because we have witnessed the tragic events in Madrid and London, and most recently, the train bombings near Mumbai, India, where terrorist attacks have taken the lives of innocents. Once again, we realize that we are very, very vulnerable.

Warren Rudman has warned us of this vulnerability. A distinguished group of Americans, who I will identify in a moment, have warned us. I will be offering an amendment now for the fourth time since 2003 urging my colleagues to support an effort to put some very meaningful resources to bear when it comes to the needs of our first responders all across this country.

As I mentioned, this is the fourth year I have offered my amendment, along with my colleague from Michigan, Senator STABENOW. And I thank her immensely for her tireless efforts in this regard as well.

The purpose of this amendment is very simple. It is to fund the urgent priorities of our Nations's firefighters, law enforcement personnel, emergency medical personnel, transportation systems, and critical infrastructure, such as our ports and chemical plants around the country.

The amendment would pay for these vital priorities by lowering the tax breaks for individuals with annual incomes in excess of $1 million.

Politics is always about choices. Choices are never easy. To pay for this, I have to come up with an offset. I realize that. But it seems to me if we cannot make the simple choice of asking those who are the most affluent in our society to reduce, for a period of time—not totally—but just reduce, by a small amount, the amount of the tax break they would be getting over the next few years in order to fund the needs we have in our communities across this country—it is not a difficult choice to make.

I suspect if we surveyed the Americans who are making this kind of an income, as to whether or not they would be willing to forego the size of the tax cut they would be getting in order to properly fund these efforts, I suspect those Americans, as patriots, would be more than willing to make that kind of a sacrifice, if you wish to call it such, in order to properly fund the efforts that have been identified by Americans who know what they are talking about when it comes to our national security needs.

Four years ago, the Council on Foreign Relations—which I mentioned already—convened an independent task force to identify the challenges faced by our Nation in preventing and responding to acts of terrorism. This group was chaired, as I mentioned, by our former colleague, Senator Warren Rudman of New Hampshire.

The task force, in June of 2003, issued a very comprehensive report entitled: ''Emergency Responders: Drastically Underfunded, Dangerously Unprepared.'' That was the report issued in 2003.

Senator Rudman was joined on this task force by a very distinguished group of Americans. Let me name some of them, not all of them: George Shultz, former Secretary of State under Ronald Reagan, Secretary of the Treasury, Secretary of Labor, and Director of the Office of Management and Budget; William Webster, former Director of the Central Intelligence Agency; Charles Boyd, the chief executive officer and president of Business Executives for National Security; Margaret Hamburg, the vice president for biological weapons at the Nuclear Threat Initiative and former Assistant Secretary for Planning and Evaluation at the Department of Health and Human Services; Donald Marron, former chairman of UBS America; James Metzl, former staff member of the National Security Council, the Department of State, and former staff director of the Senate Foreign Relations Committee; Norman Ornstein, resident scholar at the American Enterprise Institute; Anne-Marie Slaughter, dean of the Woodrow Wilson School of Public and International Affairs at Princeton University; and Harold Varmus, president and chief executive officer of the Memorial Sloan-Kettering Cancer Center—and on and on, just to give you some idea of who the authors of this task force are.

All I have done is taken their recommendations and put them into legislative form. These are not Dodd proposals. These are proposals that our former colleague, along with the individuals I have just mentioned, have asked us to do. They told us 3 years ago the things we must do to be better prepared to deal with our threats. These are their ideas, not mine. I am just taking their ideas and putting them in legislative form, along with my colleague from Michigan, and asking our colleagues to get behind this and to pay for this by reducing, ever so marginally, the amount of the tax break that individuals making more than $1 million a year would otherwise be receiving.

I have great respect for my colleague from New Hampshire, Senator JUDD GREGG—we are good friends—and Senator BYRD. They have a very difficult task, along with the other members who serve on the Homeland Security Appropriations Subcommittee. It is not an easy job at all, and I recognize that. However, concerning the needs of our

emergency responders and our critical infrastructure, I think we are faced with a problem that is far more significant than the budget cap requirements placed on these appropriations bills.

I think we will come back and revisit this if we are faced with the kind of tragedies I think all of us know are out there, when we look back and ask why we didn't do what needed to be done when Warren Rudman and others warned us about what would happen if we didn't provide the kind of support we are asking for. We would be told at some later date: Well, you see, there was a budget cap here where we mandated we could not do any better than what the budget cap required of us. I think we will come back to rue those words. I think we will regret it deeply that we did not provide the kind of support being recommended by this distinguished panel of Americans.

If the tragic events in Madrid and London, the alleged plot to destroy the Holland Tunnel, and most recently the train bombings in India say anything to us at all, it is that we must renew and redouble our efforts to prevent and respond to terrorism here at home.

The Rudman report only underscores, in my view, the sense of urgency that we ought to have about protecting our country from the risk of terrorism. However, the needs of our communities far exceed the limited resources we have been given in this bill. Again, I have respect for Senator GREGG and Senator BYRD. They have a very difficult job. I will be the first to admit that.

In fact, what I am asking for in this amendment is to spend $20 billion a year for 5 years, to hire, equip, and train first responders and to better protect our critical infrastructure from attack. This bill spends only roughly $4 billion a year, only about a fifth of what we are told by the Rudman report is urgently needed.

Again, we are faced here with a point of order that I know will be raised against this amendment because it violates the cap. And I will be asking to waive that budget point of order when either my colleague from New Hampshire raises it or someone he designates does. But I am asking my colleagues, do not let yourself cast a vote here that I think we will come to regret down the road.

How many more warnings do we need to have as a nation? We are not isolated in the world. We are not that well protected. What happened in India, what happened in Madrid, what happened in London, what happened here only 5 years ago will happen again. We need to provide the kind of protection that our constituents demand of us.

The Rudman report must not become yet another report collecting dust on a forgotten shelf—and that is my fear—until once again we are struck and wonder why we did not take these steps called for in that report.

Let me read, if I may, briefly, the conclusions of the report. Listen to their words. If my words do not move you, listen to the words authored 3 years ago by the people on this distinguished panel of Americans, authored by the Council on Foreign Relations. Listen to what they said 3 years ago. And I quote them. They, and Senator Rudman, said the following:

> The terrible events of September 11 have shown the American people how vulnerable they are because attacks on that scale had never been carried out on U.S. soil. The United States and the American people were caught under-protected and unaware of the magnitude of the threat facing them.

He goes on to say:

> In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America's continuing failure to allocate sufficient resources in preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive the point home.

Madam President, I do not think any words can express the problem before us more clearly than those of Senator Rudman. It would be a terrible tragedy if it took another catastrophic attack to drive this point home.

I would also like to quote from the foreword of this report written by Les Gelb, who is the former president of the Council on Foreign Relations. Listen to what he had to say at the conclusion of that report:

> As I sit to write this foreword, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States and/or American interests abroad using chemical, biological, radiological, nuclear or catastrophic conventional means. At the same time, diplomats, legislators, military and intelligence officers, police, fire, and emergency medical personnel, and others in the United States and across the globe are working feverishly to prevent and prepare for such attacks. These two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

Again, I can stand here for the next hour and a half or 2 hours. I don't think any words I can utter are going to be as serious as the ones authored by Warren Rudman or Les Gelb. These groups, those that are somewhere in the world as I am standing here on the floor of the Senate, are preparing to attack us again. I know that. Every one of my colleagues knows that is going on. And simultaneously, there are people in Alaska, Connecticut, and New Hampshire that are doing everything they possibly can to protect us. Two groups, one wants to attack us; the other is trying to prepare against that attack. It is a race, and we are being asked by people who know what is going on to provide adequate funding so that the group that defends us will have the means to protect us.

I am asking for the fourth time in 3 years to break this cap and do what ought to be done to give our Nation the kind of protection it deserves.

In October 2002, several months prior to the issuance of the Rudman report, the Council on Foreign Relations convened yet another task force, the Independent Task Force on Homeland Security, which issued the report ''America: Still Unprepared, Still in Danger.'' This task force was cochaired by Senator Rudman and another of our former colleagues, Senator Gary Hart of Colorado. They came to the general conclusion:

> America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil.

The report further warned:

> America's own ill-prepared response could hurt its people to a much greater extent than any single attack by a terrorist [and] the risk of self-inflicted harm to America's liberties and way of life is greatest during, immediately, and following a national trauma.

Here we have two seminal reports issued within 8 months of each other, essentially sounding an alarm to policymakers. We are the policymakers. We the ones who have to make the decision as to whether or not resources are going to be there. We hear the alarm further strengthened each year by our States, localities, and first responders who request more resources to adequately protect those to whom they are entrusted. Yet for all practical purposes, the vast bulk of these reports and requests continue to fall on deaf ears here in the U.S. Congress.

The funding level I am proposing in this amendment is over $16 billion. It is a huge amount of money. I recognize that. It supplements the approximately $4 billion that the underlying measure devotes to emergency responders and infrastructure security.

Together the bill and the amendment provide $20 billion in emergency responder funding over the next year. Again, this is not my recommendation. This is the recommendation of these individuals who have spent a lot of time looking at the issue and believe this is what is necessary. In fact, they might argue for more because that recommendation was made almost 4 years ago. So there is no factor built in for inflation or other costs that may have increased. I assume that number, if they were writing it today, may be larger. But I will still use the number from 4 years ago.

I understand that the need for a budget resolution to set caps on appropriations bills. Effective budget resolutions are those that achieve balance. They curb reckless spending while providing sound investment in our domestic and foreign priorities. Unfortunately, I don't find the current budget resolution and the caps it has imposed as balanced at all. And while constraining our ability to invest adequately in our emergency responders and domestic security, the resolution is projected to increase the national deficit by $296 billion in the coming year, principally because it seeks to make permanent tax cuts that are way too generous and that benefit primarily the most affluent in society.

The PRESIDING OFFICER. The Senator has used 14 minutes.

Mr. DODD. I thank the Chair. I will take another 5 minutes, if I may.

The report before us presents an uncomfortable reality that we have to face as a country. I certainly applaud the hard work that has been done, as I mentioned earlier. Yet as the tragedy in India vividly showed us on Tuesday, no nation, including ours, is invulnerable. We still possess weaknesses in our domestic security and our domestic infrastructure that must be strengthened. For over 3 years now we have possessed, in the form of the Rudman and Hart reports, a clear message from our most qualified experts that we need to do more to prepare ourselves. And while I recognize that this amendment is expensive, this cost will pale in comparison if we are hit and unprepared to respond to it. This cost will be minor.

We all agree that $16 billion is a considerable sum. In fact, it represents roughly half the cost of the underlying bill. However, our country continues to spend between $4 billion and $5 billion every month in Iraq and Afghanistan, roughly a billion dollars a week. So we are talking about 16 weeks of investment, if you want to look at it in those terms, in Iraq as to whether or not we ought to be talking about similar investments here at the local level.

This is funding that would not be wasted. The Rudman report clearly states the need for more resources. The demands we hear from our States and localities and first responders clearly state the need is there. Our ports have identified $8.4 billion to meet Federal security requirements. That is their assessment. Our transit agencies have identified $6 billion to make trains and buses and other forms of transit safer for passengers. Our firefighters and first responders demonstrate over $4 billion in needs annually so that they may perform their critical duties more safely. That is the conclusion coming from our transit agencies, port authorities, and firefighters. Those are their recommendations.

Again, I have asked my colleagues in the past to be supportive. I have not succeeded when I have offered this. But I offer it again because of what happened just a few days ago, halfway around the world in Mumbai, India. How many more times do we have to be reminded of what can and is likely to happen here again and whether or not we will be prepared to respond to it.

Warren Rudman and the people who worked with him to make these recommendations are serious individuals. These are Democrats, Republicans, people who have served as distinguished public policy setters over the last 25 years, from the Central Intelligence Agency to the Secretary of State to the national security agencies. These are not people who casually recommend the numbers they have. They studied the issue carefully. They believe it is the proper amount to request.

I am taking their suggestions, their words, their numbers, and offering to my colleagues an opportunity to take a report that is serious in its intent, serious in its proposals, and asking my colleagues to endorse it by breaking down this cap and offsetting the cost by the means I have suggested.

At the appropriate time, if a budget point of order is raised, I will move to waive that Budget Act and ask for the yeas and nays so that my colleagues can be heard on this issue once again. I hope that on a bipartisan basis we can say to our colleagues who chair the committees and the subcommittees, my good friend from Washington, my good friend from New Hampshire—they do a tremendous job in this area—but I think the clear message from the Rudman report is that we need to do a better job. The American people expect nothing less. I will ask for a vote when that occurs.

I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I believe I have 10 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Madam President, I am a great admirer of the Senator from Connecticut. He is obviously a significant force within the Senate. He has a lot of good ideas. He thinks big. This amendment is another example of that in some ways in that this amendment would cost $16.5 billion. The bill we brought forward to the floor for Homeland Security is a $32 billion bill. What he is suggesting is that we increase the authorized amount in this bill by half. It is for accounts which already have a large amount of money headed in their direction, first responder accounts.

We have spent, since we began this effort, over $14 billion on first responders. Of that $14 billion, however, that was authorized to be spent, only $6 billion has actually been spent. In other words, the States and localities, which have the right to this money, have put in place plans to spend money for first responders, but they have only been able to plan in a way that was appropriate to the point where they have been able to use $6 billion. So we actually still have $8 billion in the pipeline before this bill is passed.

When this bill is passed, we are going to add another $2.4 billion to the pipeline. So that instead of having $8 billion available to be spent, we will be up to approximately $10.5 billion that will be available and it has not been spent.

Now the Senator from Connecticut comes along and says we need to put another $16 billion on top of that $10 billion, when we already know that the communities and States haven't been able to spend effectively the money that is available already, plus the additional money that we are going to provide through this bill.

Yes, the Rudman Commission came forward with a series of proposals. Quite honestly, I am obviously a great admirer of Warren Rudman. He was my predecessor, and he was an incredibly strong and effective Senator. He has remained a significant force for a lot of good things, including national security issues, intelligence issues. And his work maintaining the integrity of the financial community has been exceptional. But the report that they put together is a bit stale in many ways because of all the money we put in the pipeline. It is also a touch stale because if you really wanted to spend $16.5 billion on top of the money that we have in this bill, I am not absolutely sure that I would put it on top of the money that is sitting there because it wouldn't get used that quickly.

If you really want to provide these types of resources and you want to raise taxes to do so, you might want to put it on the border, into the Coast Guard, into intelligence. If you want to stop the next attack, the way you will stop it is through intelligence and through border security, especially if you are looking at weapons of mass destruction.

There are things that need to be done that maybe could use some more resources. To put $16 billion on top of $10 billion which hasn't been spent yet and say you have solved some problem, I don't think solves any problems, quite honestly. I think it is a statement, yes. But these cities and towns in the next year aren't going to draw down the $10 billion that is available to them so they are certainly not going to draw down the $16 billion.

My view on the first responder issue has been that we put so much money in the pipeline that it is sort of like putting a fire hose in the system. They haven't been able to handle the money yet. As they work through the system and can handle that money, then we will put in more money.

I am willing to raise first responder dollars, although we have done a pretty good job in this account already with $2.4 billion. But I don't want to use resources that can get me an instant bang for the dollar, such as putting a new Border Patrol agent on the border, which is what we have done, rather than put in a dollar that is going to sit in the Treasury for 2 or 3 years while communities get their act together.

I don't think from a policy standpoint this type of expenditure is necessarily the priority I would choose. From a pure budget standpoint, let's face it, this is the biggest increase I have seen proposed on this bill. There have been others. Senator BIDEN proposed to add a billion dollars of new money for rail transit, but this is $16.5 billion. That is a huge amount of money.

The title of the amendment says it is going to be paid for by tax increases. It doesn't say what tax increases. The Senator from Connecticut says we are going to be taxing the rich. The amendment doesn't say it is going to be taxing anybody. Its title says it is going to tax. There is no operative language for taxes.

So it is actually not even paid for. It is not paid for under the terms of the

amendment. In my opinion, this type of tax-and-spend amendment is not justified, and it is very hard, in the context of the budget process and in what we have already done in these accounts, to justify. I oppose it.

At the proper time, I will make a point of order against the amendment as exceeding our budget cap. I don't think the policy demands it, and I certainly think the number is far out of anything that is logical in the context of what we are trying to deal with relative to setting up homeland security and making sure it is effectively pursued in this country.

At the termination of this debate, I hope we can get to a vote on Senator VITTER and Senator DODD. We are waiting to hear from the other side of the aisle whether they are going to allow us to vote on Vitter. I think in the next 5 minutes we may have a couple of votes. We are still awaiting word, for the information of our colleagues.

I reserve the remainder of my time.

Mr. DODD. How much time do I have remaining?

The PRESIDING OFFICER. One minute 14 seconds.

Mr. DODD. Let me quickly attempt to rebut my friend from New Hampshire on these issues. I didn't make up these numbers. These are from our States and localities. They are telling us these are their needs; it is not just in the Rudman report. Their request of 4 years ago, based on the cost of items they thought were necessary then, has obviously gone up. Our ports identified $8.4 billion. That is not my request. These are serious people who are running our ports across the country. They need $8.4 billion to meet Federal security requirements; transit agencies, $6 billion. That is what they are telling us they need; firefighters, first responders, an additional $4 billion. Even by the chairman's estimation, we are $10 billion short of what needs to be done. I expect they are certainly making an effort, but it falls way short of what we are being told are the needs across the country.

Again, I am prohibited from getting too specific about this. My colleagues on the committee can make that decision. I think I am correct in that, but I suggest that if you were to ask patriotic Americans who have incomes of more than a million dollars a year whether they would be willing to forgo some of the tax break they are getting—not a tax increase but some of the tax break they are getting—to pay for this, they would agree.

We are spending $1 billion a week in Iraq alone. This is calling for $16 billion—16 weeks of what is spent for the effort in Iraq—to make us more secure at home. I don't hear any great complaints about the billion dollars a week we are spending in that particular effort. Yet we cannot find the resources to make us more secure at home.

I urge my colleagues to be supportive of the amendment. I ask unanimous consent to add my colleague from Connecticut, Senator LIEBERMAN, as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I believe I have about 3 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Madam President, I wish to reiterate the fact that we already have $8 billion in the pipeline. We are going to have $10.5 billion, which has not been spent after this bill is passed. This amendment is a $16 billion plus-up on a bill that cost $32 billion. It is a massive expansion. It will basically be going into an account at Homeland Security and won't be spent because they cannot spend the money they already have. It is a proposal that is simply not going to have the policy impact the Senator hopes for.

I know the Senator has alluded a couple of times to how much we are spending in Iraq, which is an immense amount of money. But we have soldiers on the ground in Iraq. We have equipment that has to be replaced there. We are fighting a war in Iraq. So I am sure the Senator isn't suggesting that we take the money from Iraq and move it over to the Homeland Security Department. I am just using that as an example. But the war in Iraq is being fought within the context of the budget. In this instance, this would be way outside of the budget.

With that, I yield back the remainder of my time and make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. DODD. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 38, nays 62, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—38

Akaka	Inouye	Mikulski
Bayh	Jeffords	Murray
Biden	Johnson	Obama
Boxer	Kennedy	Pryor
Byrd	Kerry	Reed
Cantwell	Kohl	Reid
Clinton	Landrieu	Rockefeller
Dayton	Lautenberg	Salazar
Dodd	Leahy	Sarbanes
Durbin	Levin	Schumer
Feingold	Lieberman	Stabenow
Feinstein	Lincoln	Wyden
Harkin	Menendez	

NAYS—62

Alexander	Bond	Chafee
Allard	Brownback	Chambliss
Allen	Bunning	Coburn
Baucus	Burns	Cochran
Bennett	Burr	Coleman
Bingaman	Carper	Collins
Conrad	Hagel	Santorum
Cornyn	Hatch	Sessions
Craig	Hutchison	Shelby
Crapo	Inhofe	Smith
DeMint	Isakson	Snowe
DeWine	Kyl	Specter
Dole	Lott	Stevens
Domenici	Lugar	Sununu
Dorgan	Martinez	Talent
Ensign	McCain	Thomas
Enzi	McConnell	Thune
Frist	Murkowski	Vitter
Graham	Nelson (FL)	Voinovich
Grassley	Nelson (NE)	Warner
Gregg	Roberts	

The PRESIDING OFFICER (Mr. ENSIGN). On this vote, the yeas are 38, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. GREGG. Mr. President, at this time what we are going to do—and I will make a unanimous consent request to this effect—is we are going to recognize the Senator from Maryland to make two points on germaneness: one relative to Senator SANTORUM's amendment and one relative to Senator KYL's amendment. At the conclusion, we are going to recognize the Senator from Texas for up to 10 minutes. Then we are going to recognize the Senator from Maine for up to 20 minutes. I ask unanimous consent that what I have stated be the order.

At the same time, I further ask unanimous consent that while this action is pending, I not lose the right of priority relative to making a second-degree amendment on the Vitter amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. Mr. President, reserving the right to object, the Senator from New Hampshire did not provide me any opportunity to respond to the Senator from Maryland. I would like 2 minutes to respond.

Mr. GREGG. Mr. President, I would amend the request to have the Senator from Pennsylvania speak in response to the motion of the Senator from Maryland for up to 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Mr. President, I thought the request on this side was going to be——

Mr. GREGG. And the Senator from Maryland, in making his motion, will have 3 minutes to debate them, or respond.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, reserving the right to object, and I do not object to that, but I ask that following the Senator from Maine, the Senator from New Jersey, Mr. MENENDEZ, have 20 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous consent request as modified?

Without objection, it is so ordered.

Mr. SARBANES. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending amendment is the Kyl amendment.

Mr. SARBANES. I would ask the chairman of the committee, does he want to do the Kyl amendment first?

Mr. GREGG. Mr. President, I think that is probably a good idea, to do the Kyl amendment first.

AMENDMENT NO. 4643

Mr. SARBANES. Mr. President, I make a point of order that Kyl amendment No. 4643 is a rule XVI violation. It is legislation on an appropriations bill.

The PRESIDING OFFICER. The point of order is sustained.

Mr. SARBANES. And the amendment falls, I take it?

The PRESIDING OFFICER. And the amendment does fall.

Mr. SARBANES. Mr. President, what is now the pending business?

The PRESIDING OFFICER. The Santorum amendment is now pending.

AMENDMENT NO. 4575

Mr. SARBANES. Mr. President, I make a point of order that the Santorum amendment No. 4575 is a violation of rule XVI. It is legislation on an appropriations bill.

Mr. SANTORUM. Mr. President, as Senator KYL and I discussed earlier, this is an attempt to try to find an offset to basically increase the cap for this appropriations bill by finding an offset of a little over $200 million so we could fully fund the border security request from the President, from the Department of Homeland Security, for 2,500 border guards and increase the detention facilities to the amount that the President requested in his budget. This amount comes from a provision that lifts the cap on the number of reverse mortgages that will be available to our seniors to help them provide for themselves where they have a high amount of equity in their homes and not a sufficient stream of income. So what this legislation would do is provide that initial income by allowing more reverse mortgages to be authorized from the Department of Housing and Urban Development.

Unfortunately, we did understand this is subject to a point of germaneness, but this is good public policy, and it has bipartisan support. It happens to come up with basically the amount of money that we needed to provide for both fully funding border guards and fully funding detention facilities. So my hope was that—as is the case in many appropriations bills—we set aside the issue of germaneness, and we deal with the substantive issue, which is this is good public policy and it accomplishes another good public policy, which is to provide for the border guards.

I am disappointed that the point of germaneness was raised. There certainly is a point to be held here. I was hoping that it would not be raised and we could vote on the merits of the bill. I think it is an unfortunate occurrence, but the Senator has the right to make that point of order.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I have no problem with the purpose in terms of the program that the Senator from Pennsylvania wishes to implement, but I think this is a classic example of why we should not legislate on appropriations bills. This cap was increased last year from 150,000 to 250,000 reverse mortgages for senior citizens. Yet, there have been some reports of some concerns that there is a certain amount of fee gouging taking place with respect to senior citizens. This amendment would remove the cap altogether. It seems to me that there ought to be an effort to look into and address some of these concerns rather than just further increasing the program.

This is an important program for senior citizens, and we are hopeful it is working. We have been testing it out. We had an original cap of 150,000. Subsequently, this was raised to 250,000. The amendment also, of course, increases the loan limits. So there are some very substantive changes being made by this proposal with respect to this program. It seems to me it calls for the invoking of rule XVI and an opportunity to examine the substance of the program in a more careful way. That is the basis of raising the rule XVI point of order. I think this fits classically into the rationale for that ruling being part of the rules of the Senate.

Mr. SANTORUM. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 1 minute. Mr. SANTORUM.

Mr. President, again I respect the Senator's right to do this. Certainly a point of germaneness lies here. I suggest this legislation is supported by every senior group of which I am aware—AARP, mortgage bankers, a whole host of other organizations that see this as a tremendous opportunity to help low-income seniors who have equity bound up in their homes and have no way to access that in an affordable fashion.

This is a regulated area. I know we had a hearing of the committee not too long ago to look at this. HUD is concerned about fees, as the Senator from Maryland said. But they feel very comfortable that this is a program which can and should be expanded. While it doesn't look as if we are going to get this accomplished today, hopefully we can get it accomplished in the future. The House did adopt it in the TTHUD bill over in the House to help provide additional resources in the TTHUD bill in the House. Whether we get this accomplished here today or in the House bill, I am hopeful this legislation can move forward.

Mr. SARBANES. Is there time remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SARBANES. I say briefly, I hope in any effort to expand it we can address the concern that has been expressed about fees, including by HUD itself, because, although this is a very good program and it is very important to seniors, in the course of this program being utilized we don't want to start drifting down the path of predatory lending—I guess I would call it reverse predatory lending. That is why I believe we need to include that kind of analysis in any expansion of the program.

The PRESIDING OFFICER. All time has expired. The point of order is sustained and the amendment falls.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, yesterday I offered a commonsense amendment that would help secure our broken immigration system, at least in part. This is an amendment which would have helped the Department of Homeland Security and the Border Patrol execute what is known as catch and return—or expedited return—rather than the current catch and release program that the Department has been engaged in when it comes to people who come illegally into our country from places other than Mexico.

Last year, 1.1 million people were detained coming across our southern border, and 250,000 of those—about a quarter—came from countries other than Mexico. The fact is that South America, Central America, and Mexico itself have become a land bridge for people from around the world seeking to come through our southern border into the United States.

The only way we are going to be able to begin to deal with this is to create a real deterrence that convinces people that if they attempt to immigrate illegally across our southern border, they will not only be detained but they will be returned to their country of origin without any delay.

Because of a lack of personnel and because of inadequate policies, we have had what has literally come to be known as a catch and release policy. In other words, people who come from Mexico can be returned literally the same day. But if you come from countries other than Mexico, it takes on average about 2 months to return those individuals to their country of origin because of the need to process the paperwork, get permission of that country to return the foreign national to that country, and the like.

The Secretary of the Department of Homeland Security, Michael Chertoff, has specifically said that this is a key to the success of our expedited removal program, which will finally allow us to create some deterrence when it comes to fixing our broken immigration system and border security controls.

I ask unanimous consent that Secretary Chertoff's letter of March 27, 2006, endorsing this amendment's approach be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Specifically what this amendment would do is deal with El Salvadoran immigrants who are the

subject of the so-called Orantes injunction. This was issued by the Federal court in Los Angeles in 1988, and still exists today, which inhibits the Department's ability to use expedited removal when it comes to Salvadorans. It is clear when you compare the track record for the Salvadoran population as opposed to those from other countries that expedited removal works. But for this injunction, which impedes the ability of the Department to use the expedited removal, I believe we would see a tremendous level of deterrence which would help, in connection with everything else we are doing, to discourage illegal immigration into our country.

The only reason I stand here today and am talking about this amendment and I am not able to ask for an up-or-down vote on this amendment and to implement this request from the Department of Homeland Security which will help us fix our broken border security system, which will allow us to use expedited removal, is because the Democratic leader sought, by use of a procedural motion last night about 6 o'clock, to make a set of circumstances where we could not have a vote on that amendment.

I think this is another test, a test of our will, a test of our national resolve to fix our broken immigration system and to secure our borders. Unfortunately, due to the action of the Democratic leader yesterday, I believe that is a further indication that we are failing that test.

The American people want us to act decisively to fix this problem. They recognize this is a Federal issue, that only the Federal Government can deal with our international borders and provide the kind of security that will allow us to know who is coming into our country and why individuals are getting here. We know many of them want to come here to work, to seek a greater opportunity. We all understand that on a very human level. But the same porous borders that allow workers to come across allow gang members, allow common criminals, narcotraffickers, and, yes, even terrorists to enter our country without our knowing it only to do their mischief at a later time.

I believed it was incumbent upon me to come to the Chamber to explain my deep disappointment in this procedural move that was engaged in by the Democratic leader yesterday, which has denied us an opportunity to have a vote on this important amendment, one endorsed by the Secretary of the Department of Homeland Security and one which I believe is absolutely essential to our restoring credibility to our border security efforts by enabling our Border Patrol to use this well-recognized mechanism of expedited removal and deterrence.

I yield the floor.

EXHIBIT 1

U.S. DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, March 27, 2006.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: Thank you for your support of critical injunction reform legislation, which will significantly enhance our ability to end ''catch and release'' of non-Mexican illegal aliens apprehended on the Southwest border. We urgently need Congress to pass this legislation so that we can ensure that long-outdated court decisions do not frustrate our efforts to secure the border.

We have made great strides in increasing the number of non-Mexican illegal aliens detained for removal along the Southwest border. Indeed, most individuals from Central and South America, other than Salvadorans and family groups, are now detained for prompt removal upon apprehension at the Southwest border. But we are stymied in making further progress because of a 1988 court order that has impeded our ability to quickly remove Salvadorans caught after they illegally cross our borders.

This 1988 court decision was issued at a time when El Salvador was in the midst of a civil war and when immigration was governed by very different statutes, yet it continues to dictate our handling of Salvadorans. On November 17, 2005, we fully explained to the district court the dramatic changes in the facts and law that have occurred since the entry of its perpetual injunction in 1988. We asked the district court to lift its order in November, but we have no firm date for when this process will reach its conclusion in the district court or on appeal.

Other longstanding civil injunctions, including one that was issued 30 years ago, likewise impede our ability to effectively enforce the immigration laws. These district court decisions have created onerous operating procedures requiring the commitment of vast amounts of government resources. They detrimentally impact immigration enforcement on a daily basis and often frustrate our efforts. One such other order has resulted in the creation of extra procedures requiring substantial additional resources for routine visa processing. Another injunction has resulted in certain Freedom of Information Act requests being given priority over other pressing work. Invasive court-ordered requirements, for all practical purposes, hamstring the authority of the President and the Congress over the borders. Yet the conditions which gave rise to such requirements may have changed.

Under current law and court procedures, it can be extremely time-consuming and difficult to end these injunctions. With this legislation, Congress will be taking significant steps to ensure that we are no longer hostage to these old, out-of-date, court orders.

Because of the urgent need, I strongly encourage you to attempt to move this legislation both as free-standing legislation and as an amendment to the pending immigration bill. Without such legislation, we simply cannot end the ''catch and release'' policy for illegal immigration.

Thank you again for your support of our efforts to end ''catch and release,'' so that we can take a major step toward complete control over our borders.

Sincerely,

MICHAEL CHERTOFF,
Secretary.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized for 20 minutes.

AMENDMENT NO. 4634

Ms. COLLINS. Mr. President, I rise to speak in opposition to the amendment offered last evening by the Senator from New Jersey, Mr. MENENDEZ. To me, this feels like Groundhog Day. Last year on this very bill the Senate debated exactly the same issues regarding the funding for the Homeland Security Grant Programs. The proposal last year, with the exact same minimum as the Menendez amendment, was soundly defeated. Senator LIEBERMAN and I offered an alternative that was agreed to by a vote of 71 to 26.

The chart I am going to display explains it to our colleagues. The Menendez amendment would slash homeland security dollars for 36 States and the District of Columbia. It would take funding from 36 States and hand it over to 14 States—14 States that already receive more than 70 percent of the funding.

I am particularly surprised that this amendment is being offered after the widespread criticism and outrage over the funding allocation decisions by the Department of Homeland Security just a few weeks ago. I have told Secretary Chertoff that I believe he achieved what I would have thought was impossible: he made both New York and the State of Maine equally unhappy with his allocation decisions.

Many of the advocates for this amendment criticized the way in which the Department used its discretion to distribute funds. I share in their criticism. Their concerns are understandable, but their proposed solution is absolutely baffling because it would give even more discretion to the Department of Homeland Security to decide, with virtually no guidance, how to allocate these funds.

The Department has clearly demonstrated that it has a long way to go in perfecting a risk allocation methodology. Indeed, if you look at the recent inspector general's report from the Department on critical infrastructure, which was used in part to help determine these funding allocations, you will see that the Department has a very long way to go in coming up with a worthwhile risk-based system.

On that list of critical infrastructure was a petting zoo, for example, an ice cream shop, a doughnut shop. This is part of our critical infrastructure, absolutely essential assets? Yet the amendment offered by the Senator from New Jersey provides virtually no guidance on how a risk-based formula would work. By contrast, the legislation approved by the committee I chair puts forth risk factors that the Department should weigh.

The Menendez amendment simply hands the reins over to the same Department that was so widely criticized in its funding decisions. The result of the approach of Senator MENENDEZ will be that more funding will be given out under a flawed and inexact methodology. That is exactly why we still

need to maintain a healthy State minimum, to assure that flawed distribution methods do not lead to gaps in our security system.

The minimum in the amendment offered by the Senator from New Jersey, .25 percent, is simply too low. It slashes by two-thirds the Homeland Security grants that every State is now guaranteed. Under his amendment, each State would be assured of only a little more than $2 million, for both the State Homeland Security Grant Program and the law enforcement program for this year. Compare that with a minimum allocation of slightly more than $7 million for fiscal year 2006 and $9 million the year before.

Again, let me emphasize this. Under the Menendez amendment, each State would be assured of only a little more than $2 million for homeland security, prevention, and response needs. That is a 72-percent cut in guaranteed funding to each State. I encourage my colleagues to talk to the emergency managers in your State, to talk to your first responders, your police officers, firefighters, emergency medical personnel, to find out what gaps in homeland security would be left unfilled if they faced such a sharp and massive reduction.

If we are going to become better prepared as a nation, each State must receive a predictable and reasonable base allocation of homeland security funding. States need a predictable base level of funding each year in order to support multiyear projects such as creating interoperable communications networks or first responder training regimes on a natural basis.

Risk-based funding, if distributed properly, certainly is important, and I support it and have proposed it. But it doesn't take away the need for this steady funding stream so that every State can bring its security up to a base level.

Let me give you perhaps the best example of the need for multiyear, steady, predictable funding, and that is the interoperability of first responder communications.

I am sure you recall, Mr. President, that the 9/11 Commission pointed to the lack of compatibility in communications equipment as contributing to the loss of life on 9/11.

The investigation that the Senate Homeland Security Committee did into the failed response to Hurricane Katrina demonstrated beyond any doubt that there is still a major problem. We saw different parishes in Louisiana using incompatible communications equipment that slowed and hampered the response to victims.

The National Governors Association reported last year that 73 percent of States have not developed Statewide communications interoperability networks. That is a complicated, expensive and multiyear process.

That is exactly the kind of goal—the interoperable communications network—that the steady, predictable funding from the Homeland Security Grant Program is designed for.

The National Governors Association during last year's debate wrote to me saying:

> To effectively protect our States from potential terrorist events, all sectors of government must be part of an integrated plan to prevent, deter, respond and recover from a terrorist act. For that plan to work, it is essential that it be funded through predictable, sustainable mechanisms, both during its development and its implementation.

It is important to know that current law requires States to develop a 3-year homeland security plan. Multiyear planning is critical to developing a successful prevention and response strategy. Yet, if we are going to ask States to plan 3 years out, we have to be prepared to guarantee them a predictable base level of funding.

When we talk about the significance of preventing the next terrorist attack, it is important to note that terrorists often stage their operations training and hideaway from their most obvious targets.

This hits home to those of us in Maine because two of the terrorists that flew the plane into the World Trade Center on 9/11 started their journey of death and destruction from Portland, ME, a city of approximately 65,000 people. That is where they started.

Just think if they could have been apprehended in Portland and maybe the number of lives that could have been saved.

As the publication of the International Association of Chiefs of Police notes, several of the terrorists involved in the attack had routine encounters with State and local law enforcement officials in the weeks and months prior to the attack.

If the State, tribal and local law enforcement officers are adequately equipped and trained, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike. We must provide State and local law enforcement with the tools they need to keep our country secure.

I note that it isn't only the two terrorists who started from Portland, ME that are good examples of terrorists hiding or training or transiting through rural areas. The 9/11 Commission told us that two of the terrorists, for example, were in Norman, OK, and others were in Norcross, GA.

All of these examples illustrate the vulnerability of towns and cities across America while highlighting the need for effective cooperation among all levels of government.

The Menendez amendment takes rational evaluations of need or effectiveness out of the distribution methodology. I hope my colleagues will take a close look at the exact language of the amendment offered by the Senator from New Jersey. I think they will be very concerned by that language if they do so.

This language factors out of the funding equation consideration of whether an area actually needs funding or whether it has a plan to spend the funding effectively.

That is an invitation to waste, fraud, and abuse if ever I have heard one.

The amendment would inevitably lead to more wasteful spending. It assures that we will hear about more cases of first responders' dollars being wasted.

For example, New Jersey spent a small fortune worth of dollars that were supposed to go for homeland security purposes on air-conditioned garbage trucks.

That is the kind of waste that we want to avoid. But when you take out any consideration of need, of effectiveness, of planning from the formula, that is exactly the kind of wasteful spending you are going to get.

The RAND Corporation recently cautioned us that homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of smaller communities and rural areas.

The report recognized that much of the Nation's critical infrastructure—water plants, for example, or chemical plants and other potential high-value targets—is located in rural areas.

We all know of the threat of a terrorist attack on our food supply. That is another example.

There are so many rural hospitals which have shown that they are unprepared. I could give you example after example.

But, surely, it makes no sense to give the Department of Homeland Security, which has already proven that it does not have the systems in place to handle an allocation that is based on the Department's interpretation of risk—surely, it doesn't make sense to give discretion to the Department. But that is exactly what the Menendez amendment would do. It would give more discretion. It strikes any consideration of whether an area needs the funding, whether it has a good plan for the funding, and whether the funding will be used effectively.

The Menendez amendment will hurt our national efforts to protect our country from terrorist threats. It will leave most States worse off. It leaves the District of Columbia worse off than under current law.

Under his amendment, each State would be assured of only a little more than $2 million for both State Homeland Security Grant Programs and the law enforcement programs this year.

Again, I compare that to a minimum allocation of approximately $7 million last year and $9 million the year before.

Thirty-six States and the District of Columbia would be clear losers.

The Department would be given more discretion—discretion it has already shown it cannot handle. And this amendment, because it does not consider need and effectiveness and does

not set out criteria for the Department to use, would result in additional wasteful spending.

I reserve the remainder of my time.

Mr. GREGG. Mr. President, I understand the Senator from Vermont wishes to speak. I presume the Senator from New Jersey has 20 minutes reserved under the previous order. I believe the debate should go forward, but I wish it would go forward with the unanimous consent that I continue to reserve the right to protect my second-degree position.

The PRESIDING OFFICER. That is part of the standing order.

Who yields time?

The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 2 minutes on an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I join my colleagues from Maine and Connecticut in opposing the Menendez amendment, which seeks to change the formula for the State Homeland Security Grant Program. The chairman and ranking member of the Homeland Security Committee have fought tirelessly to ensure that every State is prepared for a major disaster.

I am pleased to be an original cosponsor of their bill, S. 21, the Homeland Security Grant Enhancement Act, which strikes a fair compromise on this issue. This legislation passed the Senate by an overwhelming majority last year as an amendment to the FY 2006 Homeland Security appropriations bill. Thanks to Senator COLLINS and Senator LIEBERMAN, the Senate has taken a strong position on the need for a consistent, guaranteed line of homeland security funding for each and every state.

I strongly advocate the .75 percent minimum, which is guaranteed under current law. Hawaii and every state needs to develop a preparedness baseline, so residents are cared for in the event of a disaster. I fear that reducing the State minimum to .25 percent will severely impact the homeland security preparedness and response capabilities for much of the United States.

The sponsors of this amendment argue that the distribution of the majority of homeland security funding should be left to the discretion of the Department of Homeland Security. However, we all remember what happened in May when DHS rolled out its new risk-based funding model. New York and Washington, DC took a huge funding cut.

After enduring a 30 percent cut, my home State of Hawaii received little more than what the current state minimum guarantees. I oppose putting the people of Hawaii at risk by reducing the legally required minimum any further Hawaii is an island state, 2,500 miles from the U.S. mainland, which requires us to be self-sufficient in the event of a disaster.

As I said before, the Senate has already opposed the .25 percent minimum being debated today. I urge my colleagues to uphold that vote. I urge opposition to the Menendez amendment.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I would have hoped we could come together on this amendment. I do not consider it an effort to pit States against States.

I heard the distinguished chairwoman of the Committee on Homeland Security refer many times to the 9/11 Commission. The 9/11 Commission's unanimous bipartisan recommendation said all Homeland Security funding should be driven by risk, allocation should be driven by risk and strictly by risk.

Our amendment, however, does not take their conclusion, in recognition that States have responsibility and needs, to the ultimate conclusion of all money should be focused strictly by risk. It recognized that all States have some degree of responsibility within the context of a Federal mandate. It says, as the administration has said, that it should at least receive .25 percent of all of those funds. We are in line with what the 9/11 Commission said.

If we are going to quote the 9/11 Commission, then we should quote it in its entirety. Also, we are in line with where the administration's own recognition is.

In my mind, this is not small States versus big States, small cities versus large cities, rural versus urban. It is about risk. Very small States can have very big risk. Ultimately, they would be—if their risks are established as they believe them to be—beneficiaries at the end of the day with our amendment.

While the District of Columbia is obviously not a State, it is small in size and in population compared to many of the States of the Union, but it has great risk because it is at the seat of our Government, with national monuments and national landmarks. In fact, when it is driven based on risk, it should do much better.

To suggest I would offer an amendment that would hurt my own State, as I saw on that chart, is simply not the reality.

I understand a number of small States, for example, face great risks from nuclear plants, to ports, to dealing with security risks at their borders. Those risks, if we use risk assessment, will drive where the money should go.

Of course, risk can change in the future, depending on the nature of the threats we face.

Just as Members of this Senate are asked to support issues in the national interest, such as supporting our agriculture, protection from hurricanes, help after flooding, whether those issues impact our particular State, we and all Senators act in this respect in the national interest to support getting our Homeland Security dollars to the places at greatest risk. In fact, the Senator from Hawaii mentioned the cuts to communities such as New York City. When it is not based on risk assessment, that is the result we have.

I agree with those who have said that the Department of Homeland Security can do a far better job. We are in unanimous agreement with that. I looked at the list of national critical infrastructure. I look at some popcorn factories, some petting zoos. Those are in this infrastructure of which there is great risk. That obviously is not the case.

Ultimately, we need a process that drives our limited resources to where the greatest risks are and where the greatest threat is. Certainly, I believe that allocation as the 9/11 Commission called for in a bipartisan unanimous report, looking at all of the equation of Homeland Security and intelligence reform, is the way we should drive these moneys.

We are silent on effectiveness. We do not alter effectiveness as part of the equation. We stated so yesterday to the distinguished chairman of the Committee on Homeland Security when he asked us. As a matter of fact, our legislation says to the maximum extent practicable. It does not undermine the very essence of making sure we have effectiveness. We want effectiveness. But is there effectiveness when you are giving allocations of moneys for which there is virtually no risk in many parts of the country or a much lesser risk?

I hope those who come from small States but have big risks would actually be supportive of our amendment.

In my mind, I find it interesting there are those who continuously vote against the amendments that have been offered to try and raise the Homeland Security funding overall but suggest we should not distribute the existing funding based on risk. In my mind, our amendment is actually about creating a standard in which all—large and small, rural and urban, regardless of what part of the country—receive a baseline guarantee but also receive those moneys needed to deal with risk. Any formula is always subject to, when there is an element that is to be determined on the basis of risk, how well the executive branch operates, but that is true no matter what. We need to keep the executive branch's feet to the fire and make sure that risk is truly risk, not as we see on some of the lists given in terms of infrastructure in the country that clearly has no risk.

At the end of the day, to suggest we should have a general distribution formula of Homeland Security moneys when the September 11 Commission unanimously said that is not in the best interests of the country, that is not the best way to protect the country, and ultimately where those entities who complain they do not have the resources necessary to meet their homeland security challenge could get

greater resources if their risks are, in fact, established, is to undercut the very essence of their argument.

I ask unanimous consent to have Senator CORNYN added as a cosponsor of our amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I strongly oppose the amendment offered by Senator MENENDEZ to drastically cut the base allocation of Homeland Security grants for all States.

I heard the statement of the distinguished Senator from Maine, Senator COLLINS. I associate myself with her words. She has stated it far more eloquently than I as to why this amendment should be defeated.

The Senator from New Jersey has the right concerns about the administration's underfunding of first responder assistance programs. His concerns are absolutely right. I happen to agree with him on those. But he has chosen the wrong target to try to fix that problem.

Senator MENENDEZ and his cosponsors are understandably outraged over how threat-based Homeland Security grants were recently distributed. If it were not so serious a situation, the recent explanation by Homeland Security officials and how they distributed these funds would be laughable. We are not debating the competence of Homeland Security. If we were, we would hear all the statements of Homeland Security that if there is a sudden terrorist attack, they are ready; had there been a sudden terrorist attack with no notice at all on New Orleans last year, they are ready to do everything possible to help the people. Of course, when they had a week's notice before Hurricane Katrina, they still have not responded. It is not their competence we are debating.

Yesterday, the Senate once again attempted to correct the Bush-Cheney administration's woefully inadequate request for Homeland Security. Unfortunately, the amendment of the Senator from New York, Senator CLINTON, to restore $750 million for first responders' assistance, was defeated. I had voted for that. I am sure the Senator from New Jersey did.

Now we come to this amendment that purports to correct the blunders of the Homeland Security threat assessments by slashing the base amounts to every single State in the country. Unfortunately, as the Senator from Maine has rightly pointed out, this amendment does pit State over State in how to divide inadequate overall funding for Homeland Security.

That is not the way to correct the incompetence of the Department of Homeland Security's determination of how to allocate grants based on risk. It is the right issue; it is the wrong solution.

When the Senate last year considered a similar amendment proposing this misplaced change in support for first responders, the Senate soundly rejected it with 65 of our colleagues voting against it. The terrorist attacks of September 11 added to the responsibilities and risk of first responders nationwide.

I wrote the all-State minimum formula as part of the USA PATRIOT Act of 2001 to guarantee each State receives less than 1 percent—actually 0.75 percent of the national allotment to help meet the national domestic security needs. Every State, rural or urban, small or large, has basic domestic security needs and deserves to receive Federal funds to meet these needs and the new Homeland Security responsibilities the Federal Government demands. Large urban areas and high-risk areas have even greater needs, and they should be addressed. Both should be addressed.

I don't mean to be parochial, but my little State of Vermont, the second smallest State in the Union, is a State that borders another country. We are a State with a nuclear reactor. We have been called upon by the Federal Government to help out on border security, to help out because we are in a direct line from Canada down to two very large urban areas—Boston and New York. We are constantly getting requests to help. Our little State of 660,000 people, loyal Americans all, wants to help every way we can, but we are saying if we are asked to help out a whole lot of other States, at least let us have some basic help. Whether it is going to require us to put in new radio systems, telecommunications systems, or anything else, to protect not just us but to help protect other urban areas, let us do it.

I would remind everybody, when we had the tragedy of 9/11, for weeks after that happened, the air support over New York City, the armed response, the F–16s flying over New York City were flying out of Burlington, VT. Vermont provided people from our military, from our law enforcement, from everywhere else. We did not ask to be reimbursed, even though it cost us a lot. We responded within an hour. And it was the Green Mountain Boys who flew over New York City, providing that security at a time when nobody knew if there was going to be another attack. They did it around the clock. They did it with people canceling vacations.

We had one mechanic driving down the interstate with his family on their way to their vacation. He was a mechanic for the Air National Guard. He heard on the radio about the attack, and at the first place he could do a U-turn on the interstate, he did. He headed back. He told his wife and kids: Drop me off here; they are going to need me. I will call you when I get my first break.

And 3 days later, when he had an hour's break, he called and said: Send me some clean clothes. Don't take me home. Go back to your vacation. Send me some clean clothes. He kept on working.

Now, every State would have done the same. We respond. But if you pit States against each other, that ignores the real problem. The real problem is the administration has failed to make first responders a high enough priority. Congress, instead, should be looking to increase the overall Federal commitment to the Nation's first responders. We have plenty of money to spend on Iraq's first responders. Let's spend some of that money on the first responders of the United States.

The smaller States, especially, would never be able to fulfill those essential duties on top of their daily responsibilities without Federal support. My colleagues should be warned that if the minimum drops any further—and you compound that by the substantial drops in overall first responder funding—then small- and medium-sized States will not be able to meet those Federal mandates for terrorism prevention, preparedness, and response. Again, if we can send money to Iraqi first responders, let's find the money for American first responders.

After the terrorist attacks of September 11, we worked together in the Senate—Republicans and Democrats alike, from large States and small States, and we have done it with the other body—to meet the needs of all State and local first responders from rural and urban areas. Our fire, police, and rescue teams in each State in the Nation deserve support in achieving the new homeland security responsibilities the Federal Government demands.

The taxpayers in my State never questioned the fact that we would help in the disasters of Katrina or the disasters of 9/11. All States were in this together. But representatives of urban areas have been arguing that Federal money to fight terrorism is being sent to areas that do not need it, that it is being ''wasted'' in small towns. They have called the formula highly politicized and insisted on the redirection of funds to urban areas that they believe face heightened threat or terrorist attacks.

What critics of the all-State minimum seem to forget, though, is that since 9/11, the American people have asked all State—all State—and local first responders to defend us as never before on the frontlines in the war against terrorism—a war that will not end in my lifetime or the lifetimes of the other Members of this body.

Vermont's emergency responders have the same responsibilities as those in any other State to provide enhanced protection, preparedness, and response against terrorists. We have to ensure that adequate support and resources are provided for our police, our fire, and our EMS services in every State, if we expect them to continue protecting us from terrorists or responding to terrorist attacks, as well as carrying out their routine responsibilities.

I understand the concerns of my friend from New Jersey. He is an extraordinarily able Senator, as he was

an extraordinarily able Member of the other body. I have enjoyed our friendship, and I have enjoyed the fact that we have worked together many times. But I would say to him and others, do not foster divisions between States because that is going to ignore the real problem. The real problem is that the President has failed to make first responders a high enough priority. We should be looking to increase the funds to our Nation's first responders, not pit State against State.

We have seen cuts in State and local first responder formula grants in the Homeland Security Department by 59 percent—from $2.3 billion in 2003 to $941 million in 2006. That is $941 million for all first responders in America for the whole year. That is about what we have spent this week alone in Iraq. This week already we have spent about $941 million. That is what we are going to say we are going to spend for the whole year in the United States to protect us and to give our first responders the money they need. Now, those cuts—those huge cuts—are going to affect every State, whether it is a small State or a large State.

We are looking at another year of subpar funding for our State and local first responders. For 2007, the President proposes a 52-percent overall cut, or $1.3 billion, in funding for State and local law enforcement agencies alone. That, incidentally, is about what we spend in 1 week in Iraq.

The Senate Homeland Security spending bill we now consider cuts both the Law Enforcement Terrorism Prevention Program and the State Homeland Security Grant Program by $50 million each over the current year. Grants for high-threat, high-density urban areas—such as the ones the Senator from New Jersey is rightly concerned about; these are what the larger cities and metropolitan areas have been wrangling over in recent weeks—they face a $20 million cut over last year and a $140 million cut from 2 years ago.

These programs play a critical role for all States and communities for the purposes of training, procuring equipment, planning, and conducting exercises. Clearly, the domestic preparedness funds available are insufficient to protect our people and prepare for and respond to future domestic terrorist attacks anywhere on American soil.

I am not saying we should not help the Iraqi people. I am saying, let's give at least the same kind of priority to the American people. It would be comforting if we could at least tell Americans their Government was doing everything possible and practical to keep them safe. We cannot truthfully tell them that. There is much left undone in securing our Nation. That is why we are not abandoning the small- and medium-sized States that suffer under this amendment. This came up last year. The Senate roundly rejected it last year. I hope it will again this year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise, reluctantly, today in opposition to the amendment offered by my friend from New Jersey. I agree with my colleagues—certainly, with the Senator from Vermont and the Senator from Maine, and others who have spoken against the amendment—that it is not the right path for us to follow.

I will say this, though. I agree with my colleagues who do support this amendment when they say that places such as New York and Washington, DC, are the most vulnerable to terrorist attack. Unfortunately, that is true. These are places that were attacked 5 years ago on 9/11, and they are surely the targets foremost in the minds of those who want to do us further harm. Those places deserve more first responder aid than other communities, including communities in my own State.

What my colleagues who support this amendment ignore, however, is that communities across the Nation face some vulnerability to terrorist attacks as well. This amendment would cut first responder aid for all but the largest communities by two-thirds or more. And with all due respect, I do not believe that is responsible. I could stand here today and list all the places in my own State of Delaware that I think are especially vulnerable. I will mention a few.

Delaware is home to some of the largest chemical companies and plants in the country. Right across the river, we have three nuclear power plants. They are closer to my home than they are to any of the Senators or the Governor of New Jersey, for that matter. We have I–95 that cuts right through my State, carrying all kinds of cargo, including hazardous cargoes. The Northeast Corridor of Amtrak runs right through my State. We have two major rail lines, all of which carry hazardous and dangerous cargo from time to time. We have all kinds of shipping going up the Delaware River, which divides Delaware and New Jersey. The cargo it carries is dangerous as well. Frankly, a lot of it is an attractive target for terrorists, those who would do us harm.

And everybody else, probably, in the Chamber today, or those who will be showing up to vote in a few minutes, could say the same. They could go through a litany of similar kinds of concerns as to targets in their own States that would make them vulnerable, too. But that is not the point of this debate.

This debate is about whether we want States such as Delaware or States such as South Carolina or States such as Washington or States such as Arkansas or New Hampshire or others—that are represented on the floor at this moment—whether we want our States to have the resources we need to achieve even minimum preparedness, goals that are set by the Department of Homeland Security for our country.

We will not be able to achieve those goals in Delaware and in a number of other States with the cuts that, unfortunately, this amendment proposed by my friend from New Jersey would require.

From their inception, the State grant programs funded through this bill have directed some 60 percent or more of their resources to the largest most vulnerable areas. And we should do that. In addition, the Urban Areas Security Initiative directs even more money to the largest most densely populated cities. All of it is distributed based on vulnerability. There are not any cities in Delaware or in very many other small States that are competing for those funds.

What the amendment before us, regrettably, would do is tie the Department of Homeland Security's hands, forcing those who manage these grant programs to direct virtually every dollar we appropriate in first responder aid to a handful of States and larger cities. The Department officials would have no ability to consider whether a State or city actually needs the money they are getting or whether a grant recipient is even capable of spending those dollars effectively.

As I mentioned before, I am all for giving the most vulnerable communities more money. We should. This amendment, however, takes that worthy goal, in my view, several steps too far, taking a significant amount away from 36 States and, apparently, would even cut the allocation for Washington, DC. I do not think we want to do that either.

Every State has seen a decrease in first responder aid in recent years, as money has been diverted to other priorities. I do not necessarily agree with those decisions, but I certainly do not agree the solution to this problem that this amendment before us suggests—that is, to jeopardize the security of citizens in States such as mine and dozens of other States similar to it across the country—is the course we should follow.

I will reluctantly vote no on this amendment and encourage many of my colleagues to do the same.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, if there is no further debate on this amendment—maybe the Senator from New Jersey wishes to respond, but upon completion of his response, I would suggest that all debate on this amendment be deemed to have been completed and that at 12:45 we turn to an amendment from Senator SCHUMER and Senator CLINTON; that we have 30 minutes on that amendment, with 20 minutes for Senators SCHUMER and CLINTON and 10 minutes in opposition, controlled by myself; and that at the conclusion of that, Senator SESSIONS be recognized to offer two amendments.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, reserving the right to object, I wish to ask a question. Does that allow the remainder of the time I had reserved to be used by myself for the purposes of responding?

Mr. GREGG. Yes. And I believe Senator COLLINS has a little bit of time.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, reserving the right to object, if I could clarify, which of the Sessions amendments will be offered at 1:15?

Mr. GREGG. I cannot represent which ones. But he has five filed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. LIEBERMAN. Mr. President, I believe my friends from New Jersey, New York, others who support this amendment, and I share the same goals: we want to ensure that those areas of our country that are predictably at higher risk of terrorism receive enough support to prevent and, if necessary, respond to attacks; we want to make our Nation as a whole a safer place. Where I must respectfully disagree, however, is in how best to accomplish those goals. This amendment would not do so.

In May, when the Department of Homeland Security announced its 2006 homeland security grant awards, for States and also for urban areas, 48 States and the District of Columbia found they had lost money from the year before. Many of these States, Connecticut and New York included, lost substantial sums. This was not primarily because of a change in the formula, however; it was because funding for these critical programs had been reduced by 29 percent. Since 2004, these programs have been cut in half, so there is increasingly less funding for all.

I was therefore disappointed yesterday to see the Senate reject Senator CLINTON's amendment—which both Senator MENENDEZ and I cosponsored—that would have restored some of this funding. The fundamental problem here is the shrinking pie, not how we divide it.

When Urban Area Security Initiative, UASI, awards were announced, I, like many others, was disturbed to learn that New York City and Washington, DC—the two cities that were the targets of the terrorists on September 11th, and two that by any commonsense measure remain among those at risk by terrorists—had suffered sharp, and seemingly inexplicable, cuts in their UASI grants. But this wasn't because UASI money is awarded to cities not deemed at risk. There is not now nor has there ever been a guaranteed minimum or formula for UASI grants. Within the UASI pot, one of the reasons that New York City's share went down was because the Department didn't want its grants to be used for what New York deemed to be an essential need: paying for law enforcement personnel to staff its anti-terrorism efforts. This amendment does not solve that problem.

Finally, as we should have learned—by now—the hard way, even in the best of circumstances, risk assessment is at least as much art as science. And I think most of us can agree that DHS's shifting methodology for calculating risk does not represent the best of circumstances. Thus we have learned that DHS has had trouble counting national icons and government buildings and figuring out which infrastructure really is critical.

I have also learned, in what will surely come as a surprise to my constituents in Greenwich and Stamford, that according to DHS, southwestern Connecticut is not even considered part of the New York metropolitan area. This despite the fact that 100,000 people each day commute from Connecticut into New York, that major rail and commuter lines connect my state with New York, and that when the terror alert level is raised in New York City, additional Connecticut State Police must be activated. And, of course, that on that tragic day nearly 5 years ago, 67 Connecticut citizens perished in the World Trade Center towers. DHS's risk assessment method, however, remains unable to account for the additional risk and demands of being part of the Connecticut-New York-New Jersey tri-state area. This amendment also does not solve that problem.

The fact is, the Senate has already approved legislation painstakingly negotiated within the Homeland Security and Governmental Affairs Committee that represents a better approach. In S. 21 and in a nearly identical amendment to last year's Homeland Security appropriations bill which passed the Senate by a vote of 71 to 26—Senator COLLINS and I tried to balance support for cities and States at known high risk of a terrorist attack without sacrificing the security of locations that have not suffered in the past, but very well could in the future, and which are still critical to our preparedness and response.

While we provide more funding based on assessments of risk—we need to recognize that our intelligence is not perfect, that we do not know where or when terrorists will strike next, and that we must be on notice they could strike anywhere. The fact is, terrorists alter their methods of destruction. One day they may strike fortified targets such as military facilities, and the next day they may strike soft targets, as they did when they blew up a discotheque in Indonesia and took hostage an entire school in a small town in Russia. And how dare we forget what terrorists—though of the homegrown variety—did in Oklahoma City in 1995 striking a target in the middle of our Nation's heartland.

Common sense, therefore, requires us to continue to build basic capacity to prevent and respond to attacks wherever they may occur. And to build capacity over time, State and local officials need some predictability. They need to know when and how much assistance they are likely to receive from year to year if they are to plan and execute homeland security properly.

Were we to adopt the pending amendment, it would mean that each State would only be guaranteed to receive slightly over $2 million this year a nearly trivial amount and short sighted in light of the significant national needs that we face. We know from Katrina that first responders will need to come from all over the country to respond to a catastrophic event, whether natural or manmade—and we need those responders to be properly trained and equipped. We know, too, that the next 9/11 attack on New York or Washington may be prevented by action taken in a town far away, where terrorist plotters are discovered by local law enforcement. Those local law enforcement officers also need access to intelligence, training, and resources to be most effective. In the end, we cannot simply build a wall around a few known high-risk cities—it not only leaves the rest of the country vulnerable, but it will leave the highest risk cities more vulnerable, too.

The problems with homeland security funding are urgent and real, but this amendment will not solve them. I urge my colleagues to vote ''no.''

Mr. ROBERTS. Mr. President, I rise today in strong opposition to the amendment proposed by Senator MENENDEZ.

While the Senator from New Jersey no doubt has the best of intentions in working to increase grant funding for high population areas, I do not believe that reducing funding for the majority of States in our great Nation is a viable way to protect against terrorism.

If we, as a country, are going to be adequately prepared for another terrorist attack, we must not forget that we are vulnerable on all fronts. The 36 States that would be negatively impacted by this proposal contain some of our Nation's most valuable assets.

In reducing funding to States such as Kansas, this amendment tosses aside the risks to agriculture that supports our Nation's food supply, the oil and petroleum facilities that provide invaluable energy in this time of need, and the many Federal buildings and places of national significance that are scattered throughout our great Nation.

We cannot let ourselves believe that if we only protect large cities and high population states, we will be safe from the devious and calculating minds of those who wish us harm. One need only to look to Oklahoma City in this regard. Rather, preparing for what we expect in densely populated areas is a surefire way to be shocked and horrified should the inexplicable and unthinkable happen again.

This legislation has been considered in this Senate before, and it was defeated soundly. To add it now as an

amendment disregards the hard work many have done to negotiate a funding formula that most benefits our entire country. We cannot afford to compromise the security of an entire Nation for the benefit of a few areas.

Mr. MENENDEZ. Mr. President, I appreciate the comments made by several of my colleagues, the distinguished Senators from Vermont and Delaware. I agree with them that one of the core issues is overall homeland security funding. There is no question about that. The No. 1 responsibility, certainly, of the Federal Government and of government in general is to protect its citizens. We are woefully underfunding the ability to protect our citizens, whether that is in the cargoes of our ports or the cargoes underneath our airplanes, whether that is in the context of first responders, interoperable communications, whether that is in the context of mass transit.

Unfortunately, in the wake of London, in the wake of Madrid, and in the wake of Mumbai, the Senate voted against amendments that ultimately would have increased the funding so that those wake-up calls would never be realized in the United States. That was the will of the Senate.

Several of my colleagues have actually made the case that their States have very significant risks, whether that risk is a nuclear powerplant by a border with another country, whether that risk is chemical facilities right across the river, whatever those risks are. I find it interesting that our colleagues have come to the floor to make the case that they, too, have risks. We acknowledge that. We do not eliminate all funding for all States. On the contrary. We guarantee a baseline of funding for all States. But we say that the bulk of that funding, as it has been time and time again, even very recently, supported by Tom Kean and Lee Hamilton, the former chair and vice chair of the 9/11 Commission in a letter to House Members who offered legislation that, among other things, would make sure that all homeland security funding would be based on risk, as their unanimous bipartisan vote took place in the 9/11 Commission outside of the constraints of the politics of the situation—they made that conclusion. They still support that conclusion. That is the very essence of the Menendez-Lautenberg amendment. We understand. And we believe that those who have made the case for risk should do better because they have real risks. That is, in essence, what our amendment says. If you have the risk, you should have the resources.

I agree with all of my colleagues who said they deserve to have more funding to protect America and to protect Americans. That is certainly what I believe is the very essence of what we tried to do in the first instance by taking that money which we do have and focusing it on risk.

I ask unanimous consent that Senator OBAMA be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENTS NOS. 4633; 4639; 4648; 4640; 4617; 4594, AS MODIFIED; 4570, AS MODIFIED; AND 4556. EN BLOC

Mr. GREGG. Mr. President, I would like to clear a series of amendments. All these amendments have been on file. Some have been modified. The amendments are at the desk. They are No. 4633, Senator ALLARD; 4640, Senator MURRAY; 4648, Senator LANDRIEU; 4639, Senator MURRAY; 4617, Senator LEVIN; 4594, Senator VOINOVICH, as modified; 4570, as modified, Senator LAUTENBERG; 4556, Senator FEINSTEIN.

I ask unanimous consent that these amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection to considering and agreeing to the amendments en bloc?

Mr. LAUTENBERG. Reserving the right to object, I am not sure if I had the full context of the Senator's request regarding the time remaining here.

I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4633

(Purpose: To require the Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security to submit a report on the costs and need for establishing a sub-office in Greeley, Colorado)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than February 8, 2007, the Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security shall submit a report to Congress on the costs and need for establishing a sub-office in Greeley, Colorado.

AMENDMENT NO. 4639

(Purpose: To provide that funds appropriated for United States Coast Guard Acquisition, Construction, and Improvement may be used to acquire law enforcement patrol boats)

At the appropriate place, insert the following:

SEC. —.

Notwithstanding any other provision of this Act, funding made available under title VII, under the heading UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS may be used to acquire law enforcement patrol boats.

AMENDMENT NO. 4648

(Purpose: To require a report on the location of Coast Guard facilities and assets in the Federal City Project in New Orleans, Louisiana)

At the appropriate place, insert the following:

SEC. ____. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the feasability and advisability of locating existing Louisiana facilities and assets of the Coast Guard in the Federal City Project of New Orleans, Louisiana, as described in the report of the Defense Base Closure and Realignment Commission submitted to the President in 2005 during the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

AMENDMENT NO. 4640

(Purpose: To direct funds to construct radiological laboratories at the Pacific Northwest National Laboratory)

On page 104, line 9, strike ''$106,414,000'' and insert ''$104,414,000''.

On page 105, line 1, strike ''$712,041,000'' and insert ''$714,041,000''.

On page 105, line 7, strike ''costs.'' and insert the following: ''costs: *Provided further*, That $2,000,000 under this heading shall be available for the construction of radiological laboratories at Pacific Northwest National Laboratory: *Provided further*, That funding will not be available until a memorandum of understanding between the Department of Homeland Security and the Department of Energy has been entered into.''.

AMENDMENT NO. 4617

(Purpose: To ensure that methodologies and technologies used by the Bureau of Customs and Border Protection to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport)

On page 127, between lines 2 and 3, insert the following:

SEC. 5___. SCREENING OF MUNICIPAL SOLID WASTE.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term '' Bureau'' means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term ''municipal solid waste'' includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date

that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

AMENDMENT NO. 4594, AS MODIFIED

(Purpose: To increase appropriations for emergency management performance grants)

On page 95, line 5, strike ''$205,000,000'' and insert ''$220,000,000''.

On page 120, increase the amount on line 9 by $15,000,000.

AMENDMENT NO. 4570, AS MODIFIED

(Purpose: To require the Secretary of Homeland Security Inspector General to investigate the conduct of insurers in settling certain claims resulting from Hurricane Katrina)

On page 99, line 4, strike ''Act.'' and insert the following: '' Act: *Provided further*, That the Department of Homeland Security Inspector General shall investigate whether, and to what extent, in adjusting and settling claims resulting from Hurricane Katrina, 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, improperly attributed damages from such hurricane to flooding covered under the insurance coverage provided under the national flood insurance program rather than to windstorms covered under coverage provided by such insurers or by windstorm insurance pools in which such insurers participated: *Provided further*, That the Department of Homeland Security Inspector General may request the assistance of the Attorney General and the Department of Justice in conducting such investigation and may reimburse the costs of the Attorney General and the Department of Justice in providing such assistance from such funds: *Provided further*, That the Department of Homeland Security Inspector General shall submit a report to Congress not later than April 1, 2007, setting forth the conclusions of such investigation.''

On page 120, increase the amount on line 9 by $3,000,000.

The amendment (No. 4556) is printed in the RECORD of July 11, 2006.

AMENDMENT NO. 4594

Mr. VOINOVICH. Mr. President, I rise to speak on amendment No. 4594 to the Department of Homeland Security Appropriations Act of 2007. I thank Senator GREGG and Senator BYRD for accepting this amendment by unanimous consent. Before I describe this amendment, I would like to acknowledge the hard work and leadership of Senator GREGG and Senator BYRD, and thank them for their diligence in coming to a consensus on this crucial piece of legislation. The balance between enhanced security and strong stewardship of the taxpayers' hard-earned dollar is a fine one. I applaud your attention to both, and I support this legislation.

The Emergency Management Performance Grant, EMPG, program is designed to provide State and local emergency management agencies with the necessary funds to expand the development, maintenance, and improvement of their programs. It is the only source of Federal assistance that provides vital emergency management, coordination, and planning support to State and local governments and first responders. It funds personnel, training, and exercises. The program requires that States match 50 percent of the Federal contribution. According to the Department of Homeland Security, EMPG funds are spent rapidly compared to other programs; in other words, if Congress appropriates additional EMPG funding, it will be used expeditiously, efficiently, and effectively.

Last year the EMPG program was funded at $185 million. In an effort to increase the sound management of homeland security funds, earlier this year I asked the Appropriations Subcommittee on Homeland Security to increase funding for the EMPG program. I am pleased that 41 Senators joined me on this request. The Department of Homeland Security Appropriations Act of 2007 funds the program at $205 million.

While I am heartened by and thankful for the $20 million increase in funding over last year's level, I feel strongly that the program should be further increased. Accordingly, this amendment would increase the funding of the EMPG program by an additional $15 million. I am joined on this amendment by Senators BAUCUS, BIDEN, BURNS, CANTWELL, COLLINS, FEINGOLD, HARKIN, KENNEDY, KERRY, LIEBERMAN, MURRAY, PRYOR, ROBERTS, SNOWE, STABENOW, and WARNER. I thank them all for their support. It is my strong belief that an additional $15 million for the EMPG program will enhance the effectiveness of every disaster relief fund dollar directed toward response and recovery.

Since 9/11, the responsibilities of our first responders have increased. They must now be prepared to respond to natural disasters, man-made disasters, and malicious acts of terrorism. We must support them. With the enhanced responsibilities, and the tight budget constraints currently faced by State and local governments, the flexibility provided by the EMPG program is vital.

I would like to describe some of the ways that EMPG funds help State and local governments. In Ohio and across the Nation, the emergency preparedness requirements have increased significantly since 9/11. For example, according to a 2003 study conducted by the Emergency Management Association of Ohio, approximately 10 percent of all emergency management employee time was spent on antiterrorism and homeland security activities prior to September 11, 2001. By 2003, that figure had shot up to 50 percent.

In addition, State and local emergency management agencies now are responsible for the coordination and implementation of national initiatives, such as integration of the National Response Plan into existing emergency operations plans and implementing the National Incident Management System. The EMPG funds the extra manpower and management support to help State and local governments meet these increased responsibilities.

Furthermore, in the aftermath of Hurricane Katrina, many States have identified the requirement to be to carry out mass evacuations in the event of catastrophic disasters. Increased EMPG funding will help State and local governments prepare these contingency plans.

According to the National Emergency Management Association, EMPG funds are used for a wide variety of purposes which vary State by State. In Alabama, EMPG funds play a critical role in helping the State develop its plans to respond to natural disasters, particularly hurricanes; grants are used for contingency planning, including evacuation plans, debris removal plans, and plans for postdisaster distribution of critical assistance to those affected by the storms. In Oregon, EMPG funds are used to upgrade key emergency operations centers for counties that face large hazards such as wild land fires, annual flooding, and earthquakes.

Increasing the funding for EMPG would help some States do even more. In Alaska, additional resources would be used to increase levels of emergency management personnel, which for some communities are currently only part-time positions. In New Hampshire, increased EMPG funds would be used to address the areas identified in the National Plan Review as either ''insufficient'' or ''partially sufficient.'' This would include statewide evacuation planning, surge planning and capability, as well as further development of the State emergency operations plan.

In response to Hurricane Katrina, the EMPG program more than proved its worth. In a statement submitted to the Appropriations Subcommittee on Homeland Security, Bruce Baughman, the president of the National Emergency Management Agency, gave the following description of the mutual assistance provided by the Emergency Management Assistance Compact, EMAC, which is funded by the EMPG:

> EMAC enabled 48 states, the District of Columbia, the Virgin Islands, and Puerto Rico to provide assistance in the form of more than 2,100 missions of human, military and equipment assets and over 65,000 civilian and military personnel and equipment assets to support the impacted states. The nature of the nation's mutual aid system vividly shows the need for all states to have appropriate capabilities for all disasters and EMPG allows states and local governments to build this capability both for their own use and to share in through EMAC.

The Appropriations Committee conference report for 2006 concurred with

this assessment, noting that ''EMPGs are vital to state and local emergency management agencies.''

This year, the Senate Homeland Security Appropriations Subcommittee report concluded that ''EMPG is an essential source of funding for state and local emergency management,'' and that ''state and local governments currently have productive relationships with the Federal Emergency Management Agency's regional emergency managers that are critical to maintain an all-hazards response capability,'' and that the committee ''expects these relationships to continue.'' The subcommittee further noted that:

> Additional federal funding is necessary to properly support state and local responsibilities and coordinate with federal emergency management during national disasters.

In closing, Mr. President, State and local governments must be prepared. The EMPG program is a proven method of accomplishing this goal. This amendment is both fiscally responsible and strategically sound.

I thank Senator GREGG for working with me to identify an appropriate offset for this increased funding. Once again, I applaud the efforts of the Homeland Security Appropriations Subcommittee, especially in light of the tight fiscal environment.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey.

AMENDMENT NO. 4634

Mr. LAUTENBERG. Mr. President, I rise to speak on behalf of the amendment offered by my colleague from New Jersey, Senator MENENDEZ. I want to make sure there is a clear understanding about what we are discussing. It has been said before—it is worthy of repetition—that 700 of the almost 3,000 people who lost their lives on 9/11 came from the State of New Jersey. The largest remaining share came from the State of New York. The region is connected by all kinds of interests and conditions. When we look at the region and see what happened with our State and the State of New York, in terms of resources from grants by Homeland Security, it is hard to understand.

We don't have sufficient resources for homeland security. I heard my colleague say that earlier. We don't. However, whatever we do have should be targeted to those parts of the country most at risk of another terrorist attack. Here we see, once again, that our friends in the Congress, our friends in the Senate are treating homeland security as another opportunity for additional resources. We are all resource starved, every State. Why? The reasons are obvious. We are giving tax breaks to people who don't deserve and, in many cases, don't want them, billions and billions of dollars to the wealthiest among us. We have a war, about which there is considerable question, that is costing us hundreds of billions of dollars. And by the end of this year, we will probably be at the level of $500 billion, a half a trillion dollars. That funnel keeps on taking money away from what we need at home.

Yes, we have to protect ourselves against terrorism from any part of the world against American citizens. But we have a reason to believe that on these shores of ours, within the boundaries of the United States, we could lose lots more of our people and have our lives disrupted much more than they have been. It is very uncomfortable. We spend a fortune in security funding. If you go to the airports, you see it every minute. If you go into large public buildings, you see it there. Wherever you go, our lives have been inhibited in some way. Our freedoms are curtailed by the threat of terrorism.

So we hear that our enemy has their guns loaded. What would happen if we knew that there was going to be an assault coming from abroad on the New York Harbor? Would we say: Don't defend that harbor; don't defend those areas, New Jersey and New York, where they are at the highest risk of terrorism facilities in the country? No, don't defend them? Even though the armada is on its way to New York Harbor, let's make sure that we take care of Wyoming and Nebraska and other States? No slight intended; they are all great States. But let's make sure we give them money now because we are going to distribute funds for defending ourselves.

Seven hundred people from our State—neighbors, friends, even family. My oldest daughter's best friend died in the World Trade Center, leaving three children behind. Her husband searched hospitals for 2 weeks, refusing to accept the fact that she would no longer be in their lives, hoping against hope she would be discovered alive. Those stories were repeated all over the area. The FBI has declared the 2-mile stretch that goes from Newark Liberty Airport to the harbor as the most inviting place for a terrorist attack in the country. Why? It is a very densely populated area, with large chemical facilities that could endanger the lives or well-being of more than 12 million people.

To suggest that each State should be guaranteed a minimum I find hard to believe. I commend my colleague for saying: OK. Recognizing that if we want to get this passed, that we desperately need to raise the funds for those places most at risk, as mandated by the 9/11 Commission, then we have to understand reality. It is politics. Every State wants to get a little bit of the distribution. So let's reduce it from three-quarters of 1 percent to one-quarter of a percent as a minimum and allow more funds to be distributed among the States most at risk. It makes eminent sense to me.

When we look out west and we see Wyoming, beautiful State that it is, getting seven times more resources, more funding per capita than New Jersey, seven times more, if there is a risk in Wyoming, it sure can't be comprehended by seven times more distribution.

I recall, once again, for emphasis purposes, recommendation 25 of the 9/11 Commission report:

> Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. Federal homeland security assistance should not remain a program for general revenue sharing.

Listen to that. Pay attention to this report. It was skillfully done, headed by the former Governor of New Jersey, a brilliant public servant who said that this is the way the program should be divided. Let's do it that way. Let's do it. Let's put the money where the risk is. That is what this ought to be about, nothing more. We have tried to arrive at a compromise position. I hope the Senate will support that position.

I yield the floor.

Mr. GREGG. 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. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4600

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 4600.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4600.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To increase appropriations for disaster relief, and for other purposes)
>
> On page 98, line 24, strike ''$1,640,000,000'' and insert ''$1,941,390,000, of which $301,390,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234,''.

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 20 minutes, which I will divide between myself and my colleague from New York, Senator CLINTON. I believe then the Senator from New Hampshire will have 15 minutes, and, at some point, we will vote on this legislation, probably around 2:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, today, I rise to offer this amendment to restore more than $300 million in funding to the Federal Emergency Management Agency's disaster relief account. This

is the amount that the President had requested in his budget. So this is hardly an outlandish fee or a fee that came up out of our heads.

As we all know too well, our country has been visited by disaster far too many times in the last year. Hurricanes Katrina and Rita, devastating wildfires in Texas, Arizona, and California, and now the recent flooding in the Northeast, devastating New York as well as Pennsylvania, New Jersey, Vermont, Maryland, and Virginia. Some of my staff people, and I know many others, have had flooding in their homes in the Washington area because of that.

Unfortunately, FEMA has come up short every time. The Agency always seems to be on its heels when it needs to be on its toes.

With all of the trouble that FEMA has, we should not be cutting the funding that goes directly to the people who are victims of these terrible disasters.

We have seen the disaster. We have seen the terrible flooding. We know it is all too real. A week ago Friday, Senator CLINTON and I toured the affected regions in upstate New York and saw the enormity of the flood and the work it is going to take to get it clean.

I will share this with you. We met a businessperson who started out a new business and lived in the Catskill Mountains. He had been flooded twice in previous years. The disaster relief official on the ground said the first two floods were 100-year floods, meaning that level of flood only occurred once every hundred years. This was a 500-year flood. This businessperson—dedicated like all small business people, but they are sweating through all of this—was already loaned up and needed more money quickly.

We met another business leader in St. Johnsville in the Mohawk Valley in Montgomery County, who started a new business and was the hope of the county, with 100 new jobs. They had announced they were going to have another 65 new jobs, but they were flooded out.

The Beechnut plant, the largest employer, suffered huge damage, and the plant that makes baby food is not able to open. We visited the Canajoharie town hall, where all of the equipment was flooded and gone, including computers, phones, police department and fire department records—gone.

We were in Binghamton and Conklin, which was totally flooded, as was Hancock and other places. We were told in one area in the Delaware Valley that the rain cloud stayed and never moved for 16 hours at the top of the mountain and the rain kept coming down.

We met an older gentlemen whose 15-year-old daughter was in their house by the creek bank. The creek turned its course and pushed the house into the water, and she died. We saw that damage firsthand.

The damages are going to be in the hundreds of millions of dollars. Just alone, the sewage plant in Binghamton was destroyed, a brandnew $20 million plant, gone.

The physical damage to farms is enormous. As we flew over the Catskill Mountains, in the Delaware Valley and the Mohawk Valley, you could see farms flooded—the whole farm. The corn was gone. We saw dead cows, which is the life blood of these farms, including the dairy. Crop losses are estimated to be $20 million.

So the damage was enormous. The damage was everywhere. It is unlike anything we have ever seen in New York.

Our amendment is very simple. It restores more than $300 million in funding for FEMA's disaster relief account, bringing it back up to the President's request of $1.9 billion. Under this program, FEMA gives three types of assistance desperately needed: Individual assistance goes to individuals and households. This helps disaster victims find temporary housing, pay for rent, home repair, and even home replacement costs.

In these three areas, the Susquehana Valley, Delaware Valley and its tributaries, and the Mohawk Valley, there are still homes being condemned as we speak. The people who lived in those homes for decades or for generations will never be able to go back. This assistance is so important to them.

Second is public assistance, which is aid to public entities for reimbursement for emergency services and the repair or replacement of disaster-damaged public facilities such as roads, bridges, and water facilities. One town supervisor told us that their whole budget for roads—the whole yearly budget—was gone in 3 days. They don't know how they are going to repair the roads that are still broken and damaged.

It didn't just occur to smaller roads. I–88, one of the most important lanes of commerce in our State, running from Albany to Binghamton, had a huge chasm in it. That was on the front page of most newspapers. Some truck drivers died as they fell into that chasm. We need that to help our towns, villages, and counties, get back.

Third, there is hazard mitigation assistance which helps local governments protect against future disasters and reduce future losses to public and private property. In this era of changing climate, when we have had disasters afflicting us year after year, hazard mitigation assistance is very important.

In our State, as in our neighboring States, people are struggling. There is nothing like seeing that damage firsthand and looking into the eyes of people who have lost loved ones or homes or businesses. You see that the only hope they have is that the Federal Government will come forward.

We know that FEMA didn't do the job in New Orleans. We know it is going to be difficult for FEMA to get the money quickly and in large amounts to the areas in our State where they are needed. But the one thing we also know is that FEMA should not be able to say they don't have the dollars. Right now, with the cuts that are proposed in this budget, we cannot be sure of that.

So many people are struggling in New York and around the country and we should be mobilizing the full resources and wherewithal of the Federal Government, not cutting back. This is one area where there is virtually universal agreement that it is the Federal Government's responsibility—disaster relief.

Today, it is raining again in upstate New York. People are worried about the flood waters rising once again. We have to do everything in our power to help them and give them the assistance they need to rebuild stronger than ever.

Mr. President, I ask for the yeas and nays, and I yield the remaining time to my colleague from New York.

The PRESIDING OFFICER. Is there a sufficient second? There is.

The yeas and nays were ordered.

Mr. SCHUMER. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York, Mrs. CLINTON, is recognized.

Mrs. CLINTON. Mr. President, my colleague has eloquently described the damage and devastation that he and I visited together last week.

Floods are biblical. They go back as far as human history is recorded. But I never cease to be amazed at the damage they cause. There is something about a flood that is so devastating. It leaves behind places that are destroyed because of mold. It ruins businesses and homes. It leaves a residue of mud and muck and debris. It is a demoralizing, debilitating disaster.

As Senator SCHUMER and I traveled from Binghamton north, we saw firsthand people coping and trying to figure out what was next—businesses that lost everything and don't know how they will ever get back into business, homes that were washed into rivers and creeks, city halls and fire departments and police departments with records that were obliterated in an afternoon.

Now, if this were a once-in-a-hundred-years phenomenon, maybe I would not be so worried, but time and again we have heard that there have been 3 floods in this area of New York in the last 24 months, 2 of which were classified as 100-year floods, 1 of which was classified as a 300-year flood. We are beginning to see the effects that were predicted by the National Hurricane Center earlier this year. We had even seen our National Archives, which holds our most precious founding documents, like the Constitution and Bill of Rights, fighting back the floodwaters, trying to preserve America's history.

Just last night in the county I live in in New York, tornadoes were spotted. That is very unusual. I lived for a number of years in Arkansas. We saw tornadoes all the time. I have been chased

by a tornado. I have seen them on the horizon. I have lived with tornado damage. I visited many devastated communities. But tornadoes were not thought to affect States like New York. New York was hurricane territory, not tornado territory. Last night, we had a tornado.

The strange weather that we are experiencing is out of the usual, and I hope that we can get the help we need and that the amendment that Senator SCHUMER and I have proposed will be passed so that we can replenish the disaster fund with the amount of money that we know will be needed to take care of the people we represent in New York.

There was similar damage in Pennsylvania and New Jersey, and apparently there is more to come. We have had predictions that the 2006 Atlantic hurricane season outlook is expected to be 80 percent above the normal in the number and intensity of hurricanes.

We all know of the damage that occurred along our Gulf coast. But there are predictions of significant storms along the Atlantic coast up to and including New York for the rest of this summer and into the fall.

We need to get ready. That is why this amendment makes such good sense. All that it asks is that we restore the money the President asked for in his budget. That money was cut. We want to add and replenish the disaster relief fund to the tune of $300 million so that there is $1.94 billion in that fund to help us meet the needs of New Yorkers and others who are being afflicted by this unusually severe weather.

Fully funding that disaster relief fund is one way to ensure that people know there is going to be help on the way. It is demoralizing enough—I saw it on the faces of people as I walked the streets of Canajoharie and saw everybody in shorts and flip-flops and T-shirts shoveling out the public library or the boys and girls club across the street or the businesses up and down Main Street or the Beechnut plant.

It is demoralizing enough to try to figure out how you are going to recover from a flood. Let's not add to that sense of despair by sending a message that the Federal Government isn't prepared to help.

We learned a lot from the disasters of our response to Katrina and Rita, and I hope we will have unanimous support to replenish the disaster relief fund.

Mr. President, I ask unanimous consent that Senator LIEBERMAN be added as a cosponsor to the Schumer-Clinton amendment.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the pending amendment be set aside for the purpose of calling up another amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. CLINTON. Mr. President, I was assured there would not be an objection. This is for the purpose of bringing up an amendment but not calling for a vote on it at this time.

Mr. GREGG. I have no objection.

AMENDMENT NO. 4582

Mrs. CLINTON. Mr. President, I call up amendment No. 4582.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 4582.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. The Assistant Secretary of Homeland Security (Transportation Security Administration) shall not modify the list of items prohibited from being carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation set forth in section 1540 of title 49, Code of Federal Regulations, so as to permit any item contained on the list as of December 1, 2005, to be carried aboard a passenger aircraft.

Mrs. CLINTON. Mr. President, this is an amendment which addresses the concerns raised by the Transportation Security Administration lifting the prohibition of passengers carrying onto our passenger aircraft sharp objects, including knives.

There is a considerable debate, led by the airline attendants and pilots, as to the wisdom of this rule being lifted. I ask the Senate to consider whether this is a good idea. We have been so successful in nearly 5 years in avoiding incidents on our airlines, in keeping our people safe on our airlines. If it ain't broke, why fix it?

This rule has worked. People are used to the rule. My goodness, we have had security people take steak knives out of people's handbags and suitcases. We have had them take out huge pen knives and switchblades. Why do we want to go back to that?

Mr. President, I ask unanimous consent that the amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I am sorry, I did not hear the request.

The PRESIDING OFFICER. The request is to set aside the amendment.

Mr. GREGG. I have no objection.

AMENDMENT NO. 4600

Mrs. CLINTON. Mr. President, I ask that we return to the pending business of the Schumer-Clinton amendment.

The PRESIDING OFFICER. The amendment is pending.

Mrs. CLINTON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, speaking to the Schumer-Clinton amendment, I wish to simply make the point that obviously all of us in the Northeast have experienced these very severe weather conditions which have led to floods. In New Hampshire, we are a little bit ahead of New York, regrettably. We had a huge storm earlier that led to major flooding throughout the State.

I have to congratulate FEMA for their response. They have been very prompt. They have been on top of it. People who have made requests for reimbursement pursuant to the disaster declarations have received those funds, and we are getting a very effective and efficient response throughout New England, which all of New England was impacted, especially Massachusetts and New Hampshire.

I know New York has gone through this experience, and, of course, the city of Washington has. I understand the Senators from New York wanting to make a point relative to the importance of having the resources to make sure when this type of disaster occurs there is money available to address the concerns of the communities that have been hit and the individuals who have been hit.

This amendment, as it is presently structured, is not going to have any impact on the New York problem that exists today. That will be addressed by money that is already in the pipeline, that is in the disaster relief fund. The disaster relief fund has a very robust amount of money in it. It has $9.3 billion in it right now. This bill addresses 2007 disaster activity. This bill has a number of $1.6 billion which will be added to whatever is left at the end of the 2006 year of the $9.3 billion as the resource available to FEMA.

So as a practical matter, the amendment which the Senators from New York have offered will have no impact on the very compelling anecdotal stories that have been put forward relative to the damage to the New York communities. Those communities and the individuals affected by this event will be looking to FEMA, which has resources which are already in the pipeline which will be available for them to assist the people who have been impacted. The money will be there. The New York citizens will get the money they need out of the $9.3 billion which is in the disaster relief fund.

What this amendment does is declare an emergency and add another $300 million to this bill, which is essentially outside of the budget. So I really don't think it is necessary at this time—in fact, I know it is not necessary at this time, and I know it is not going to impact the immediate New York situation. It just is not. It raises the bigger issue of what should be the number

that we put into the disaster relief fund in one of these bills.

It almost is a Ouija board exercise on this committee to figure out what number we put into this account because some years disasters will be significant and some years they won't. The last year and a half, we have dealt with the Katrina event, which was more than significant—it was horrific last year, and that was an aberration, we all sincerely hope—certainly the Presiding Officer hopes that—but that has caused us to have to spend over $100 billion on disaster relief.

Whatever we put in this account is really just a guess, and until we see the actual events that are brought upon the Nation relative to natural disasters, how much money this account is going to need will not really be known.

What we have shown as a Congress—and I think we have shown it rather aggressively time and again—is that when a disaster does occur which does qualify for FEMA funds and the disaster relief fund needs dollars, we act in a very prompt and aggressive manner. In fact, one can argue that in the Katrina situation, we put so much money in the pipeline so fast that a lot of it was not effectively used. That has been our history. I think that is actually the way to approach it.

I have often thought about whether we should just put a lot of money in there and let it sit and wait for the disaster. We could do that, but as a practical matter, that is not a good use of taxpayers' dollars. It makes much more sense, if we have a terrible disaster, if we have floods, hurricanes, or tornadoes that create a declaration of disaster, that we make sure we have enough money in the disaster relief fund to meet the immediate needs, and if it needs more, we can come back and do it under emergency declaration.

There is no question there is enough money in the relief fund to take care of all the disasters we know about, with potentially the exception of Katrina, which is being handled outside the relief fund for the reconstruction of the gulf coast. There is no need to put any more money in this account. Certainly, if we put more money in it at this time, it will have no impact on an event that occurred a month ago or an event that occurs tomorrow or occurs up until the end of September because this money will not be available until October 1.

So this amendment is a statement, I understand that, of concern by the Senators from New York, and as representatives of the State of New York, I can understand their desire to get on record with such a statement. But at the appropriate time, I will make a point of order against it because it is an expense which we should not incur at this time for the reasons which I have outlined.

For the edification of our Members, my hope is—and I have talked with the Senator from Washington about this—my hope is that after Senator SESSIONS offers his amendments—and my understanding is that he will be here shortly to do that—we will be able to vote on four amendments. That would be an amendment by Senator MENENDEZ, an amendment by Senators Schumer and Clinton, and the two Senator SESSIONS amendments. I hope those votes will get started soon after Senator SESSIONS has completed his presentation and when anybody who wishes to respond to him has done so.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4582

Mr. LOTT. Mr. President, I ask that the pending amendment be set aside. I wish to comment briefly on amendment No. 4582, which I understand would reverse the Transportation Security Administration's decision to remove small scissors and tools from the prohibited items list.

I understand we want to take every precaution when it comes to security on our airplanes, in our ports, and on our trains, but this is a case where I think the Administrator of the TSA has been trying to do the right thing.

In my opinion, one of the problems with TSA is we have given them tons of money, we have demanded and expected all kinds of security instantly, and it has created certain problems. We should focus our money more wisely. I think the Transportation Security Administration should focus on higher priorities. They have been willing to do that.

I have talked to the Administrator, Kip Hawley, several times about what they are trying to do. This is an issue which does have jurisdiction in the Commerce, Science, and Transportation Committee on which I serve. Frankly, I commended him, privately and publicly, for being willing to take some of these things off the list. How many of you have been through these outrageous processes that you have to go through or have had to go through to get on airplanes? How many times have I been ripped off of scissors or small pocket knives that are no damage at all? I just went ahead and bought them by the dozen. I mean, this is not going to an airplane take.

So common sense is what I have asked the TSA to use: Use your head. My goodness, is this a weapon? It looks pretty dangerous. It is a ballpoint pen. So it is time we have some common sense at the Department of Homeland Security, at the Transportation Security Administration. How many times am I going to have to take off my shoes because one guy tried to light the heel of his shoe? How long is it going to take us to get technology that makes these frisking processes we go through make sense?

Look, the American people don't mind being a little inconvenienced or being delayed a little bit if it makes sense. But I am telling you, I have warned TSA: This is one of the examples where you have a problem because Senators in this instance are like everybody else; when we get on a commercial airplane, we have to endure the same inconveniences and embarrassments and ridiculousness as everybody else.

So I really do oppose this amendment. I think TSA is trying to do the right thing. I go back to what I was talking about a while ago. Senators and Congressmen, you are in a line with your constituents; what are they saying to you? They are ripping us because some of the ridiculousness they have to go through they don't really think makes an airplane or train or whatever more secure.

So I just hope we will not pass this amendment. I believe the TSA has done the right thing, and I hope they will continue to make it less inconvenient, while making it more secure. Focusing on things that really are a danger will allow them to do a better job where it matters.

I just wanted to raise this point of view with regard to the decision by TSA and to object to the amendment that is pending. I hope to focus on this issue and talk about it responsibly among ourselves and with the Transportation Security Administration—that is good, but I think it would be a mistake to reverse these items which have been taken off the list.

Mr. President, I understand there are other speakers who may be in the area, so 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. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 4657, 4573, AS MODIFIED, 4626, AS MODIFIED, 4636, AND 4653, EN BLOC

Mr. GREGG. Mr. President, I have a series of amendments that have been cleared on both sides that I will call up en bloc. I ask unanimous consent that amendment No. 4657, Senator STABENOW; amendment No. 4573, Senator OBAMA, as modified; amendment No. 4626, Senator DODD, as modified; amendment No. 4636, Senator CANTWELL; and amendment No. 4653, Senator LAUTENBERG, be called up, deemed read, and agreed to by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 4657

(Purpose: To provide collections and expenditures for the Customs User Fee Account)

On page 127, between lines 2 and 3, insert the following:

SEC. _____. CUSTOMS USER FEES.

Notwithstanding any other provision of law, the Secretary of Homeland Security

shall provide personnel and equipment to improve national security by inspecting international shipments of municipal solid waste, and shall levy a fee limited to the approximate cost of such inspections.

AMENDMENT NO. 4573, AS MODIFIED

(Purpose: To assist individuals displaced by a major disaster in locating family members)

On page 98, line 6, before the period insert the following: ''*Provided further*, That the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall conduct an assessment of the models used by the Louisiana family assistance call center and the National Center for Missing and Exploited Children in assisting individuals displaced by Hurricane Katrina of 2005 in locating members of their family to determine how these models may be modified to assist individuals displaced in a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in locating members of their family: *Provided further*, That the Secretary of Homeland Security shall submit to the chairman and ranking member of the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, and the Committee on the Judiciary of the Senate and the chairman and ranking member of the Committee on Homeland Security, the Committee on Energy and Commerce, and the Committee on the Judiciary of the House of Representatives results of the assessment conducted under the previous proviso as well as a plan to implement the findings of such assessment, to the maximum extent practicable''.

AMENDMENT NO. 4626, AS MODIFIED

(Purpose: To increase appropriations for firefighter assistance grants, and for other purposes)

On page 65, line 22, strike ''$90,122,000'' and insert ''$82,622,000''.

On page 120, increase the amount on line 9 by $17,500,000.

On page 94, line 17, strike ''$655,000,000'' and insert ''$680,000,000''.

On page 94, line 17, strike ''$540,000,000'' and insert ''$552,500,000''.

On page 94, line 19, strike ''$115,000,000'' and insert ''$127,500,000''.

AMENDMENT NO. 4636

(Purpose: To provide for interoperable communications systems planning in connection with the 2010 Olympics)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON CROSS BORDER COMMUNICATIONS CHALLENGES FOR THE 2010 OLYMPICS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of State, the Federal Communications Commission, and relevant agencies in the States of Alaska, Idaho, Montana, Oregon, and Washington, shall—

(1) evaluate the technical and operational challenges with respect to interoperable communications facing regional, local, State, and Federal authorities in preparing for the 2010 Olympics; and

(2) develop an integrated plan for addressing such technical and operational challenges.

(b) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit and present the plan developed under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

AMENDMENT NO. 4653

(Purpose: To require the Secretary of Homeland Security to submit a classified report to Congress on the security vulnerabilities of the bridges and tunnels connecting New Jersey to New York City)

On page 96, line 23, insert '': *Provided further*, That not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a classified report describing the security vulnerabilities of all rail, transit, and highway bridges and tunnels connecting Northern New Jersey and New York City to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives'' before the period at the end.

AMENDMENT NO. 4657

Ms. STABENOW. Mr. President, today I offer an amendment cosponsored by Senator LEVIN and Senator BAUCUS that will require U.S. Customs and Border Patrol to charge inspection fees to Canadian shippers who export municipal solid waste into Michigan in order to pay for truck inspections. My amendment would impose approximately a $420 fee on every trash truck that crosses into Michigan.

In 2003, the city of Toronto started shipping 100 percent of its trash to Michigan. The result? Every day, 350 trucks carrying trash from Toronto enter Michigan on their way to Michigan landfills. But they don't just carry trash. In recent years we have found illegal medical waste, including radioactive materials, and illegal drugs and currency. There is no limit to what could be smuggled in these trucks.

In February, the Department of Homeland Security inspector general released a report that I requested with Senator LEVIN and Congressman DINGELL. The inspector general found that trash trucks are extremely difficult to inspect and carry dangerous waste. The report also points out that trash trucks are difficult to screen with traditional x-ray equipment and must be physically inspected to verify their contents. Finally, the report states that it is virtually impossible to find dangerous items because of limited resources for conducting time-intensive physical inspections.

The people of Michigan know exactly what kinds of dangerous materials are in these trash trucks. Over the past few years, we have seen numerous examples. Customs officials seized nearly 1 ton of illegal drugs hidden inside a Canadian trash truck that entered the U.S. from Toronto over the Blue Water Bridge. A Canadian trash truck arrived in Michigan dripping blood because it contained broken bags of untreated blood and hospital waste in direct violation of Michigan and Ontario law requiring medical waste to be placed in secure containers separate from other waste. A trash truck that was on fire attempted to cross the Blue Water Bridge, requiring 8,000 gallons of water and valuable local, State, and Federal resources before it was finally doused. Most recently, a Canadian trash truck spilled sewage sludge across a main thoroughfare of Huron Township closing the road for hours and diverting valuable local resources for the cleanup.

These outrageous incidents and the inspector general's report led me to offer an amendment to the fiscal year 2007 budget resolution that was unanimously accepted by the Senate. My amendment assumes $45 million a year in Federal funds that would be collected by charging Canadian trash shippers an inspection fee as they enter Michigan. The collected fees will pay for the increased personnel costs associated with increasing the number of physical inspections of trash trucks, ensuring that taxpayers are not on the hook to pay the costs for inspecting these dangerous trash shipments.

Based on information provided by the inspector general, we know that it will take four Customs agents about 4 hours for each trash truck inspection. Based on personnel and administrative costs, we estimate that the fee for each trash truck will be approximately $420.

The next step is to ensure that Customs can actually collect these fees. The amendment I am offering today does exactly that.

On March 30, the Committee on Homeland Security's Permanent Subcommittee on Investigations released a report called ''An Assessment of U.S. Efforts to Secure the Global Supply Chain.'' This report includes a section on Canadian trash shipments.

The subcommittee report states that it is ''inherently difficult and dangerous to physically inspect trash containers.'' Furthermore, the subcommittee recommends that Congress ''enact into law the provisions recently adopted by the U.S. Senate to impose a fee on international shipments of trash to pay for a more rigorous inspection regime to protect U.S. citizens from the security risks currently associated with trash containers.''

This is what the amendment that I am offering today does: establishes the inspection fees that the Senate already approved in the budget resolution.

We need to give Customs the resources to more effectively screen and inspect them.

Mr. President, I also wanted to make some remarks and discuss the two reports I previously mentioned in order to provide some legislative history and intent of my amendment No. 4657, that the Senate just adopted.

The Permanent Subcommittee on Investigations' March report, among other things, analyzed the unique security risks posed by the importation into the United States of cargo containers carrying trash.

The report points out that the importers of consumer products, by contrast, have more control over the specific content and the origin of the imported products, making it easier to

take steps to monitor and ensure the security of the supply chain. There are few, if any, security measures in place to screen trash or ensure that trash does not conceal illegal or harmful materials, such as weapons or nuclear material.

Growing imports of trash present an increasingly serious security problem. For example, according to the Senate report, Canada shipped roughly 100,000 containers of trash across U.S. borders into Michigan in 2004 alone, an 8-percent increase over 2003. Another 10,000 containers of trash come through nine other ports of entry on both the northern and southern borders of the United States each year.

The inspector general's report found that from 2003 to 2004, tons of illegal drugs and millions of dollars in illegal currency have been transported into the United States in trash containers, among other forbidden cargo. The Senate report concluded that the Department of Homeland Security should ban imports of trash into the United States entirely until the Secretary of Homeland Security ''can ensure that the supply chain of a trash importer is secure or develops protocols ensuring adequate inspections of individual trash containers.''

In order to pay for more rigorous inspections to protect people in the United States from the security risks currently associated with trash containers, the Senate report recommended enacting into law a ''fee on international shipments of trash.''

In my amendment, the shipments that would be more rigorously inspected would be in the Customs Territory of the United States, which has the meaning given the term in the general note 2 of the Harmonized Tariff Schedule of the United States.

Also, the term ''municipal solid waste'' means all waste materials discarded for disposal by households, including single-family and multifamily residences, and hotels and motels; and all waste materials discarded for disposal that were generated by commercial, institutional, municipal, and industrial sources, to the extent such materials are essentially similar to what I just described and were collected and disposed of with other municipal solid waste previously described as part of or normal municipal solid waste collection services, except that this does not apply to hazardous materials other than hazardous materials that, under regulations issued under section 3001(d) of the Solid Waste Disposal Act are not subject to regulation under subtitle C of that act.

The term ''municipal solid waste'' includes food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, household hazardous waste, and debris resulting from construction, repair, or demolition of structures.

The term ''municipal solid waste'' does not include any solid waste identified or listed as a hazardous waste under section 3001 of the Solid Waste Disposal Act, except for household hazardous waste; any solid waste including contaminated soil and debris resulting from a response action taken under the section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, a response action taken under a State law with authorities comparable to the authorities of such section 104 or 106 or a corrective action taken under the Solid Waste Disposal Act.

It also does not include recycled materials that have been separated, at the source of the waste, from waste otherwise destined for disposal or that have been managed separately from waste destined for disposal; scrap rubber to be used as a fuel source; materials and products returned from a dispenser or distributor to the manufacturer for credit, evaluation, and possible reuse, any solid waste that is generated by an industrial facility and transported for the purpose of treatment, storage, or disposal to a facility or unit thereof that is owned or operated by the generator of the waste, located on property owned by the generator or a company with which the generator is affiliated or the capacity of which is contractually dedicated exclusively to a specific generator, or as long as the disposal area complies with local and State land use and zoning regulations applicable to the disposal site, any medical waste that is segregated from or not mixed with solid waste, combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing, including pollution control, operations not essentially the same as waste normally generated by households.

Mr. President, I hope this will provide the executive and judicial branches with a fuller explanation of the intent and meaning of this amendment.

AMENDMENT NO. 4626

Mr. DODD. Mr. President, I rise to speak on a bipartisan amendment which I introduced with my colleagues, Senators DEWINE and MIKULSKI, that helps our Nation's firefighters perform their critical duties more safely. This amendment was passed earlier by unnanimous consent. I would like to thank the chairman of the Homeland Security Appropriations Subcommittee, Senator GREGG, and the subcommittee's ranking member, Senator BYRD. Crafting legislation that meets the varied domestic security needs of our Nation is no easy feat and I thank Chairman GREGG, Senator BYRD, and all of my colleagues on the subcommittee for their hard work and support.

This amendment increases funding to the Assistance to Firefighters Grants, which I initially authored in 2000 with my colleagues, Senators DEWINE, LEVIN, and WARNER. During the past 5 years, this initiative, which includes the FIRE and SAFER grants, has provided almost $2.5 billion in assistance to over 29,000 fire departments in all 50 States and the District of Columbia. These resources have enabled fire departments to obtain updated firefighting equipment, hire additional firefighters, and improve firefighter training—activities that are crucial toward ensuring that firefighters can protect American citizens safely and effectively in this post-9/11 world.

Our Nation's firefighters are willing to do whatever it takes to perform their duties. We have first-rate firefighters throughout our Nation, but they continue to be under-funded, under-staffed, undertrained, and underequipped to deal with the various emergencies that may arise and have already arisen in their jurisdictions.

Very few people who are not firefighters stop and think about how much we continue to ask of our firefighters in today's world. They still perform their traditional duties of extinguishing fires, delivering emergency medical services, and ensuring that fire codes are inspected. However, refighters have also taken on homeland security responsibilities that include responding to and handling hazardous biological and radiological agents.

The fact remains that cash-strapped municipalities across our Nation simply do not have the financial resources and personnel to assist their fire departments in fully meeting these enhanced responsibilities and, consequently, safeguarding their populations. According to the most recent needs assessment study of the U.S. Fire Service published in December 2002, most fire departments lack the necessary resources and training to properly handle terrorist attacks and large-scale emergencies.

More specifically, the study found that, first, using local firefighters, only 11 percent of fire departments can handle a rescue with emergency medical services at a structural collapse of a building with 50 occupants. Second, using local firefighters, only 13 percent of fire departments can handle a hazardous material incident involving chemical and/or biological agents with 10 injuries. Third, an estimated 40 percent of fire department personnel involved in hazardous material response lack formal training in those duties. And finally, the study found that an estimated 60 to 75 percent of fire departments do not have enough fire stations to allow firefighters to respond swiftly to emergency calls.

These statistics are startling and are not improving over time. A new needs assessment that is forecasted to be released in the coming months is expected to conclude that—despite the success the firefighter grants have achieved in individual departments—fire departments across the Nation continue to struggle to carry out their critical duties.

The risks that firefighters are expected to face continue to outgrow the

ability of municipalities fully to provide them with the resources they require. Therefore, it is imperative that the Senate continue supporting our firefighters and working to address their concerns.

The amendment that I have offered increases funding for firefighters by $25 million—$1.5 million for the FIRE Act grant initiative and $12.5 million for the SAFER Act grant initiative. These increases bring the total arpount of funding for the FIRE Grant to $552,500,000 and the SAFER Grant to $127,500,000. While I thank Senators GREGG, BYRD, and their colleagues on the Homeland Security Appropriations Subcommittee for finding the resources necessary to support these important grant initiatives at levels slightly above last year's funding, I believe that more resources need to be dedicated to the FIRE and SAFER grants.

The FIRE Act grant initiative has been one of the most successful homeland security grant initiatives in recent years. It is clear that the need for these competitive, merit-based grants continues to grow in all regions of our Nation. For fiscal year 2006 alone, there were over 18,000 applications submitted, totaling over $2.3 billion in grant requests. Unfortunately, less than $545 million in Federal funding was ultimately made available.

Equally important as the FIRE Grant is the SAFER Grant—an initiative which provides critial resources for fire departments to hire and recruit personnel.

Just as the FIRE Act provides the equipment and training resources for firefighters to do their job, the SAFER Act provides the human resources necessary to get those jobs done safely and effectively. Over the past three decades, the number of firefighters as a percentage of the Nation's workforce has steadily declined. Today two-thirds of fire departments in the United States lack adequate personnel. We have fewer firefighters per capita, one firefighter for every 280 people, than nurses and police officers.

In fiscal year 2006 alone, 1,727 applications were submitted, totaling over $1.8 billion in grant requests. Unfortunately, less than $110 million in Federal funding was ultimately made available. Clearly, we must do more in order to ensure that fire departments are adequately staffed and trained to meet the needs of their communities.

The amendment that I have offered is fully offset by reducing administrative funding for the Office of the Homeland Security Secretary and Executive Management and utilizing unused funding from last year for science and technology initiatives. These offsets still allow the Office of the Secretary to meet its obligations fully in the coming year and the Department of Homeland Security to develop new technologies that keep Americans safe.

I would like to conclude by reminding my colleagues that the fiscal year 2007 authorization levels for the FIRE and SAFER Grants are $1 billion each. The appropriations in this bill for these initiatives are less than one-third the sums authorized. I am committed to working with my colleagues in the future to ensure that firefighters receive more critical resources they require.

America's firefighters are always the first ones in and the last ones out. They risk their own lives to save the lives of others. They stare danger in the face every single day because they know they have a duty to fulfill. We must rcognize their contribution to our domestic safety and see to it that they have the necessary equipment and personnel in order to perform their critical duties safely and effectively.

Ms. MIKULSKI. Mr. President, I rise today to support the Dodd-DeWine amendment increasing funding for firefighter grants. These grants are for local fire departments to ready themselves. The cost of equipment can't be covered on fish fries and bingos alone. The firefighter grant program is a wise and prudent use of Federal funds. I know these funds are used well in my home State of Maryland.

This program has no winners or losers. Everyone wins in rural and urban America. I acknowledge that these are tight times and there is a tight allocation. But we must do better for our first responders. When I was the ranking member on the Appropriations Subcommittee on Veterans Affairs and Housing and Urban Development, Senator BOND and I funded firefighter grants at $900 million. While this amendment does not get us to that funding level, it does provide an increase for the program.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4659

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, and Mr. ENSIGN, proposes an amendment numbered 4659.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 4659

(Purpose: To appropriate an additional $1,829,400,000 to construct double-layered fencing and vehicle barriers along the southwest border and to offset such increase by reducing all other discretionary amounts on a pro-rata basis)

At the appropriate place, insert the following:

SEC. ____. (a) The amount appropriated by title II under the heading ''CUSTOMS AND BORDER PROTECTION'' and under the subheading ''CONSTRUCTION'' is hereby increased by $1,829,400,000, which shall remain available until expended.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a)—

(1) not less than $1,184,000,000 shall be used for the construction of 370 miles of double-layered fencing along the international border between the United States and Mexico; and

(2) not less than $645,400,000 shall be for the construction of not less than 461 miles of vehicle barriers along the international border between the United States and Mexico.

(c) All discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced on a pro rata basis by $1,829,400,000.

AMENDMENT NO. 4660

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, and Mr. ENSIGN, proposes an amendment numbered 4660.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 4660

(Purpose: To appropriate an additional $85,670,000 to enable the Secretary of Homeland Security to hire 800 additional full time active duty investigators to investigate immigrations laws violations and to offset such increase on a pro rata basis)

At the appropriate place, insert the following:

SEC. ____. (a) The amount appropriated by title II under the heading ''IMMIGRATION AND CUSTOMS ENFORCEMENT'' and under the subheading ''SALARIES AND EXPENSES'' is hereby increased by $85,670,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a) not less than $104,000,000 shall be available to increase the number of full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) by not less than 800 more than the number of such positions for which funds were made available during the fiscal year ending September 30, 2006, pursuant to section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734).

(c) All discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced on a pro rata basis by $85,670,000.

AMENDMENT NO. 4659

Mr. SESSIONS. Mr. President, I call up amendment No. 4659.

The PRESIDING OFFICER. The amendment is pending. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, less than 2 months ago, on May 17, my colleagues, by a vote of 83 to 16, approved

my amendment to the Department of Homeland Security immigration bill to construct at least 370 miles of fencing and 500 miles of vehicle barriers along the southwest border of the United States. This was based on the statement of the Secretary of Homeland Security, Secretary Chertoff, that this was what he believed was necessary to create a border enforcement system.

Of course, a fence is not a cure-all, but it is a very real and integral component of enforcement at the border. Many of the areas we have the greatest difficulty with are urban areas. You can't put a policeman at every single street corner where people can walk across. So a barrier is necessary.

We have a number of barriers in San Diego and other places, and they have worked very well. Crime on both sides of the border has decreased, property values have increased in those areas, and economic development has occurred.

So there is no doubt—and it is not something that is mysterious—that a good fencing procedure will help us in many ways. It is something we discussed and debated, and then when we voted, we voted 83 to 16 to approve it—a bipartisan vote.

But what I wish to make clear is this was simply an authorization. It represented a promise, a commitment by the Senate that we would build fencing. We would build fencing, and that, in large degree, is a part of our dialog with the American people in which we told them we are getting serious about enforcement. We are not just talking anymore. We really mean this time to get serious about enforcement, and we are going to do the things that are necessary. We are not going to build a fence along the entire border, but we need a certain amount of fencing—370 miles—and that is what would be put in, and that is what this Congress, this Senate, voted for. The House has more. I think they have 600 miles in their bill. So this was where we were.

I have made this point for some time in the debate: We do a lot of talking, we do a lot of legislating. The things we do often sound very good. The things we say often sound very good. But we don't ever quite get there. The things which will really make a difference, which can be demonstrable in improving lawfulness at the border, somehow, some way, seem not to become law.

This fencing requires a sum of money. We are going to show an increase—an increase—in spending for Medicare and Medicaid and Social Security next year or this year, this period, of over $100 billion. We are talking here about a cost of less than $2 billion, a one-time enforcement enhancement of having a barrier at the border.

The figure we have in here of $1.8 billion contemplates that it will all be done by private contractors at the higher prices for the better fence. I suspect as we move forward in conference the conferees may find that the National Guard, which were not part of the process at the beginning, were not being called out when we first voted on this amendment, could actually build this fencing for what we understand would be one-third the cost per mile. This might be a perfect thing for them to do and participate in. There may be other ways to keep this cost down.

We made a commitment as a body that we were going to take some real steps that would work to enhance enforcement at the border.

So I say to my colleagues, in many ways the vote we are about to take on funding this amendment is a test. The American people should look at us and evaluate us according to this test we are about to take. Were we serious on May 17 when we said we wanted to build this fence? It is not in this bill today. This is the legislation that is the appropriate vehicle to put in the spending for it. It is not in the President's request. It is not in the item that came out of the committee.

I know the committee had many challenges, but this matter is important. It represents a commitment we made to the American people. We need to follow through on that. If we do not, how could anyone say that the Senate has integrity in the commitment that it has made to the American people to create a lawful system of immigration in our country, to end the lawlessness at the border and create a lawful system?

That is what we need to do. We don't need to end immigration. We are going to maintain immigration. We are going to treat people fairly. We are going to allow people to come in and go from the United States. In fact, we can enhance that and make it much easier, but we need to have a lawful system. We need to end this unlawful system, and that is what I would say is so critical about this process.

The bill as presently written appropriates $288 million for necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration.

None of this $288 million is designated for any construction of new areas of border fencing on the Southwest border, as we voted to do by 83 to 13. The construction funding only includes money to continue land acquisition and construction for the San Diego fence—$30 million—which is already under construction.

As for vehicle barriers that we have been told are important, especially out in the rural areas, barriers to stop the easy crossing of vehicles, 39 miles of new permanent vehicle barrier in western Arizona only are funded. That is for 39 miles, not the 500 miles that we authorized. It continues construction of vehicle barriers in El Paso for a few miles; $200,000 for vehicle barriers in the Swanton Sector.

Those amounts are the only amounts out of the $288 million that are designated specifically for fencing and vehicle barriers. That is not enough to fund what the Senate voted to authorize, 370 miles of fencing and 500 miles of vehicle barriers.

I know there are ways to contain costs. Frankly, I think if we work at it we might be able to demonstrate this amount of fencing could be done for less than we have here. But I would say to my colleagues, the estimates we have had are these. This will meet the challenge. Unless we have clear evidence to the contrary, we need to follow through on our commitment to fund this.

This amendment appropriates the funds for the 370 miles of fencing and 461 miles of vehicle barriers at strategic locations along the Southwest border that the Senate authorized in May. Although the Department of Homeland Security supported my amendment at the time to add these miles of fencing and barriers when we voted on those issues in May, funding for these miles of fencing is not included in the bill.

The advantages of fencing are numerous. It magnifies, it multiplies the effectiveness of our Border Patrol officers as they go about their work. They have a difficult job to do. They have to maintain a border that is 1,700 miles long. They need help. There is no way we could have enough Border Patrol agents to patrol that entire border. We need to make it more difficult for those who would come in to our country illegally.

Fencing has worked in San Diego, it has worked in Arizona, and it is going to work wherever we put it, to enhance the ability of our law enforcement officers to detain and stop and interdict those who would enter the country illegally, which is what we need to do if we are going to move from this lawless system of immigration to a lawful system of immigration.

These are the kinds of things the American people have been asking for. They are asking for us to demonstrate that business as usual is no longer in effect, that talk is no longer in effect. The American people are looking at us and they are going to be looking at us carefully to see if we are actually going to follow through on what might really work to reduce illegal immigration and to create a system that is lawful and decent and fair, so people who wait in line are not chumps and those who break the law and come across the border illegally are the ones who get rewarded.

We need to stop that. That is wrong. It undermines law and sends a wrong message to those people who come into our country.

I say to my colleagues that we need to do a better job. We have a serious problem with the American people. They are suspicious of us. They are cynical about what we have done. We have been talking about a lawful system of immigration for 30 or 40 years, and we have never produced it. We

passed a bill 20 years ago, in 1986, that was to be the amnesty to end all amnesties. We said we are going to do this one time and after this is done we are going to create a lawful system for immigration.

What happened? Amnesty became law just like that. The people got their amnesty. And there was a promise. As we made a promise on May 17 to build fences, they promised to do the things necessary to secure the border after 1986, and it never happened. It didn't happen in the 1970s, 1980s, 1990s, and 2000. We had a series of Presidents who did not follow through. We have had a series of Congresses that have sat over those years and they have not made this system work. Yet when we go back home to our borders we say we want no amnesty and we want a lawful system. It is time for us to make a decision.

This is a lot of money, you say. It is $2 billion. I say we spend $1,400 billion a year in this country. If you took a poll of the American people, would they say we ought to spend a couple of billion dollars to start making a real dent in the illegality at the border, that they would expect us to find the money somewhere? I think there is no other program in this country not worthy of being reduced to some degree so we could fund this.

My amendment would simply take an overall reduction in funding in this bill because that is what I am limited to, really, as an effective amendment at this point: to cut across all funding levels in the bill a sufficient sum to fund what we committed to do, which is build a fence.

I want to say to my colleagues, this matter is not going away. We are not going to be able to go back to the American people and tell them we have taken seriously their directive to us to fix this system if we don't put up the money necessary to do so.

As I have said for so many years—and recently we have talked about it a lot—you have to get to that tipping point in enforcement. You have to reach that point in which it is quite clear to those who would want to come to this country that the best way to do so is to come lawfully, to wait in line and take your turn.

I talked with President Bush about it on Air Force One. He agreed. He used the phrase ''tipping point.'' That is exactly correct. We want to establish a tipping point; a barrier, sufficient agents, sufficient detention spaces are key to that. It is not going to break the bank.

I am optimistic about our ability to achieve this. But you simply have to close the holes. You have a bucket with three holes in it. If you close two of the holes, you are still going to have the water run out. When we do what is necessary to close the holes in our legal system we can create a system that will actually work, create a tipping point where people wait in line and come legally according to the standards this country establishes for them.

I am very concerned that by not funding what we just so recently voted for, by not funding that we will be indicating, just like in 1986, we were really serious about moving forward with an amnesty but we are not serious about creating a lawful system of immigration in this country. Wouldn't that break faith with the people who sent us here? Wouldn't that undermine their respect once again? It is already at the lowest possible ebb.

They know we have not been serious about the border. Everybody knows that. Who can deny that? It has been an issue for quite a long time. It has been discussed and discussed.

They say we can have a virtual fence. A virtual fence will help a little bit. But I am not able to cash a virtual check at the bank.

I would like to see some real fencing. So we had a discussion about that and we voted. We voted to build a fence. It was a little more than half of what the House voted in size, but it was a significant step that will, in fact, multiply the effectiveness of our Border Patrol agents who are working their hearts out for us right now, today. It will absolutely do that. It will absolutely work.

That is why some people oppose it so steadfastly. Whatever you present in the matter of immigration, in my experience, that actually tends to work, gets objected to. Somehow it becomes very difficult to pass.

There was objection to this amendment, frankly, until the very end. I think the voices of the American people were heard and all of a sudden we ended up with 83 votes. Some people thought it would be a close vote. It wasn't so close when we voted because we were listening to our constituents, which is what we are supposed to do.

There are 2,000 miles on the border. Many of those are quite remote, not appropriate to build a fence on. Some say they want to build a wall along the border. What we need is strategic fencing. We need to use high technology. We need increased agents. We need enough bed spaces when someone is apprehended so that they can be detained pending deportation, particularly if they are other than Mexicans, because the Mexicans can be taken across the border right quickly, normally. But for those who are from other areas of the world, sometimes it is very difficult to effect a deportation.

As a result, people in our law system are forced to confront a problem. They don't have the bed space for them. They don't have a plane flying back to the Philippines or Brazil or Chile or wherever the people may be from that day, so they are releasing people on bail, called catch and release. They are released and they don't show up to be deported.

Mr. President, how much time remains on this?

The PRESIDING OFFICER. There is no time limit in effect at this time.

Mr. SESSIONS. Mr. President, that is where we are. What you need to do is reduce the number of people who are coming here illegally. You need to reach a tipping point. People who are coming here illegally, other than Mexicans, have been told correctly until recent months that if they are apprehended, they are not going to be put immediately on a plane back to Brazil or the Philippines or wherever they may have come from. They are going to be released on bail. One study showed that 95 percent of the people released on bail under these circumstances don't show up to be deported. Surprise, surprise.

You need bed spaces. We have some more bed spaces in our bill. You need more agents—not a huge number of bed spaces and not huge increases in agents, but you need more agents and more bed spaces. You need to multiply the impact and effectiveness of Border Patrol agents by barriers.

How much more simple can it be than that, that we have these barriers that multiply the effectiveness of our Border Patrol people?

The strategy among those who support this bill that passed the Senate—the Kennedy-McCain bill, or whatever we want to call it, which moved through the Senate—is that it become law. The strategy is that we will sort of have a conference with the House of Representatives in secret and we will come up with some deal that gives amnesty to everybody who is here. Check the future flow of immigration in the country forever, and we will talk about how to make enforcement work.

A lot of people said: Listen, we went through that in 1986. That is what we talked about in 1986. Remember? Don't forget that. That is what they said in 1986. They said in 1986: Give us amnesty today and we will take care of the enforcement tomorrow.

Senator ISAKSON offered an amendment to deal with that very specific matter. He said: I am worried about that, too. That is what happened in 1986. That is what I am hearing from my constituents back in Georgia. We are all concerned about that. We know it is a very real problem. Why don't we say amnesty doesn't become effective, or any relief that one may choose to give to those who come here illegally, whatever relief we give them doesn't become effective until we have the border secured. He offered that as an amendment. It was one of the most intensely watched amendments in the entire process.

I have to tell you, it was very discouraging to me and very discouraging, I think, to the American people to see that amendment fail. Why? Why was that amendment important? Because they rightly conclude from that that we never had or never intended to create a good enforcement mechanism. If not, why wouldn't we pass the Isakson amendment? Why wouldn't we pass it? Why wouldn't we pass it if we intended to actually create a lawful system?

It made you think that maybe what we are hearing is rhetoric—talk and

promises—but we are not going to deliver.

That is why I am saying to my colleagues that this border fence is more than just a little matter of $1 billion-plus, as much as that is. It is a matter for the American people to evaluate whether or not they consider that we are acting with integrity when it comes to creating a lawful system of immigration in America.

The Secretary of Homeland Security said it is necessary. We voted 83 to 16 to approve it. Now we have the Homeland Security bill where this project should be funded, and it is not funded.

I know we have difficult choices to make. But that is what they pay us for.

Are people not listening to their phone calls, and not reading their mail?

The Presiding Officer, the Senator from Louisiana, understands this issue. I have heard him speak articulately on it.

It is a matter of legitimate concern for the American people. The American people are not anti-immigrant. They do not want to punish immigrants. They believe in immigration. But they want a lawful system of immigration that serves the just interests of the United States of America—not a system that makes a mockery of the law. They have been asking for it to be fixed for 30 years, and no President and no Congress has responded to their cry.

I am going to tell you, they are going to be heard this November. There may be some people who will have to answer if they voted for this fence and then didn't vote to fund it.

Why not? Why shouldn't they be held to account on that?

We are facing some difficult choices. The American people are concerned about the issue. Fundamentally, the American people are correct. They have good and decent instincts.

This Nation is a nation of laws. And on immigration we can have laws that work. That is what we are looking to do.

I don't know of anyone else who wishes to speak at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. 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 dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I want to make a few remarks regarding the amendment that has been offered by the Senator from Alabama.

I want my colleagues to know that this amendment which the Senator from Alabama is proposing provides over $1.8 billion for the construction of a fence along the southwest border of the United States. However, my colleagues should know that he pays for this amendment by an across-the-board cut to virtually every other discretionary program that is funded within this Homeland Security bill. That amendment amounts to a 5.7 percent decrease to critical programs such as the Coast Guard operations that are absolutely essential in both homeland security and with the number of domestic issues.

His amendment would also cut FEMA and disaster relief funds at the height of the hurricane and western forest fire season, and it cuts funding from the Secret Service for the protection of the President.

This amendment also cuts a lot of our critical border security programs.

On a bipartisan basis earlier this week, the Senate increased funding for border security programs by $350 million. The bill that is before the Senate right now has $11 billion for Customs and border protection and immigration and Customs enforcement.

The irony of the Senator's amendment is that it would cut funding for the hiring of 1,000 new Border Patrol agents to pay for the fence. His amendment cuts funding for 1,000 additional detention beds to pay for this fence. And his amendment cuts funding for unmanned aerial investigation and surveillance helicopters and Border Patrol helicopters to pay for this fence.

The bill before the Senate is carefully constructed and balanced to provide funding for homeland security priorities within very limited resources.

I know the chairman and the ranking member of this committee have worked long and hard to balance a lot of requests regarding homeland security. The amendment before us would unbalance that dramatically.

I urge my colleagues to oppose this amendment.

I yield the floor.

Mr. GREGG. Mr. President, I greatly respect the Senator from Alabama and his tireless efforts in addressing the issue of illegal immigration and his amendment on building a wall in those parts of the urban areas of the border where a wall would be effective. It is an appropriate amendment, and I strongly support it. It was in the authorization. Had the administration supported our efforts relative to capital improvements in the supplemental, we might have been able to make a fairly significant commitment toward that wall. But the wall would be built over 2 years.

This amendment accelerates that construction into a 1-year time period. Within the bill, we have approximately $400 million in supplemental capital improvements that could be used for wall construction. I don't think all of it would be used. Some of it would be obviously.

We should build these walls. There is no question about it. The real issue is that the offset being used creates a Hobson's choice for almost everyone here, I suspect, because the practical effect of a 5.7 percent cut would be that we would have to reduce Border Patrol agents by about 750. We would have to reduce detention beds by about 1,100.

We have attempted very hard to increase Border Patrol agents in this bill and increase detention beds. Yet we haven't funded the wall specifically as a result of our efforts to do these increases.

The effect on the Coast Guard, the Senator from Washington alluded to, would probably be that the number of fast boats which we intended to buy would be reduced significantly, and our capacity to arm helicopters would be reduced from what we hoped to arm—60 helicopters. We have, at the most, armed probably 50, maybe 55.

There is a real implication to this amendment. It has an implication in the things we are doing relative to border security which will be impacted by it.

I am totally sympathetic to the need to make this investment in this fencing activity. And I believe within the Department's funds relative to capital improvements there is also some money which could be put there but nowhere near the dollars he believes are necessary with which the Department needs to continue construction.

We are going to have to come up with a better way to do this. We are not going to be able to do this, in my humble opinion, the way this amendment is constructed—in an across-the-board cut.

I have to oppose this amendment in its present form for that reason.

Mr. SESSIONS. Mr. President, we are going to proceed with construction over 2 years. Since we don't know what will happen next year, the Congress voted to build a fence, and we ought to fund the fence, in my opinion, when we promised to build it. But we could build it over 2 years and split the money each year, I suppose. It would ultimately slow down completion. It would probably take some time to get it constructed. I don't know whether my colleagues would agree to cut that price in half and do it over 2 years, and whether it would gain their support. If so, I would be prepared to accept that reduction in the amendment.

Let me just say that we know what happened. Senator GREGG did his very best in the supplemental. JUDD GREGG, chairman of our committee, is a fine Budget Committee chairman. He also chairs this Homeland Security Subcommittee. He was able to force into the supplemental additional money for border security which was not in the President's request. I salute him for that. But that is not getting us there. We are still talking about nickles and dimes. We are still talking about business as usual. Somehow we need to find this money. We spend over $800 billion a year in discretionary spending. We spend nearly $1.4 trillion a year in entitlement spending, entitlement increases—an increase of over $100 billion next year. So we can't find a couple of billion dollars to fulfill the commitment we made to the American people?

We know how the system works around here. There is no one way that

it works. There are many ways to skin a cat, as they say.

We need a vote for this amendment. And that would send a signal to the Appropriations Committee and send a signal to the White House that this Senate is serious about fulfilling its commitments. Some way between now and then, some way they will find this money through whatever sources are appropriate to fund it. That is where we need to be. That is what we need to achieve.

If we allow it to go through without any money for this fencing, we will rightly be accused of not being serious about the commitments we have made to the American people with regard to actually enforcing the laws of immigration in America, which many Americans already believe we are not serious about. They do not respect what we have done in the past, and they should not; we have failed. It is time for Congress to try to fix it and do better. In fact, we must do better. The Secretary of Homeland Security has told us this kind of barrier fencing is necessary for his success.

Now, we build a bridge in immigration that goes about 8 feet across the 10-foot cavern, and we never quite close the loop. As a result, we never reach the tipping point where it becomes much more logical for someone who wants to come to America to come legally than illegally, so they continue to come illegally. They are rewarded for that. They get to the head of the line, and they get amnesty when they get here after a period of time. That is a bad signal. We need to stop that signal.

By building more barrier fencing, by following up on the President's commitment to call out the National Guard, those activities send a signal to the world that our border is no longer open. Isn't that the message we want to send? We do not have an open border. We have a generous immigration system, far more generous that any nation I am aware of in the world. More generous than Canada, more generous than England, more generous than Mexico. We have a generous system. Don't let anyone put us down that we are somehow an anti-immigrant Nation. Nothing could be further from the truth. We are very generous, but we do need to have a system that is lawful.

About a million people come into our country legally. About 750,000 or 800,000 come into the country illegally. Almost as many come illegally. That is not right. It cannot continue. This is not an extreme position to take.

Let's build the fences that the Secretary of Homeland Security discussed. I don't know where the Senator would get the money for it and exactly how it would be worked, but I believe if we voted a strong vote to fund this fencing, somehow, some way, the leadership of the House and the Senate would get together and figure out a way to fund it appropriately.

I yield the floor.

Mr. GREGG. Mr. President, I ask to enter into a unanimous consent agreement relative to a series of votes: At 2:30, the Senate proceed to consecutive votes in relation to the following amendments: Senator MENENDEZ, No. 4634; Senator SCHUMER, No. 4600; Senator SESSIONS, No. 4659; Senator SESSIONS No. 4660.

I further ask consent that the time until then continue under the agreement which we had earlier relative to the Sessions amendment; further, that no amendments be in order to any of the amendments prior to the vote; further that prior to the first vote, Senator LEAHY be recognized for 1 minute, Senator MENENDEZ for 1 minute, and myself for 1 minute; further that between the remaining votes there be 2 minutes equally divided in the usual form and that after the first vote, all votes be 10 minutes.

Mr. DAYTON. Reserving the right to object, I have an amendment, possibly a second amendment if the first is not agreed to, stipulating that at least 20 percent of the agents will be directed to the northern border.

Mr. GREGG. I say to the Senator, we will be happy to entertain that amendment after we have completed voting on these and put that in the queue for consideration after we complete the votes.

Mr. DAYTON. There will be an opportunity to offer and have it considered by the full Senate after this sequence?

Mr. GREGG. We will be here for a little while.

Mr. DAYTON. I have no objection.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I make one thing very clear: Fencing should not be a political gimmick. It should not be a suggestion that it would cure all of our problems, but fencing works.

Let me share some thoughts about it. It is proven with the establishment of the San Diego border fence, crime rates in San Diego have fallen off dramatically. According to the FBI crime index, crime in San Diego county dropped 56.3 percent between 1989 and 2000. Vehicle drive-throughs—these are people who bolt across the border in a vehicle—vehicle drive-throughs through the immigration prohibited areas have fallen from between six and ten per day before the construction of border infrastructure to only four drive-throughs in all of 2004. And those four only occurred where the secondary fence was incomplete.

Fencing has reduced illegal entries in San Diego. According to numbers provided by the San Diego Border Sector Patrol in February of 2004, apprehensions decreased from 531,000 in 1993 to 111,000 in 2003. Let me repeat that, talking about tipping points: They had to arrest, in 1993, along the San Diego border, 531,000 people; after the fence was up in 2003, only 111,000 were arrested, one-fifth. How many hours, how much money was saved because people did not have to be arrested and did not come illegally? How many people did not successfully enter the United States because of this fence?

Fencing has also reduced drug trafficking in San Diego. In 1993, authorities apprehended over 58,000 pounds of marijuana coming across the border, but in 2003 the fence helped stem the tide of drug smuggling and only 36,000 pounds of marijuana were apprehended. In addition, cocaine smuggling decreased from 1,200 pounds to 150 pounds, about one-tenth.

I talked to Congressman DUNCAN HUNTER, who chairs the House Committee on Armed Services. He is very familiar with the border. He explained to me it was an absolute wonder how much good that fence did. That is why the Secretary of Homeland Security, Secretary Chertoff, has spoken out and said this is what he needs: 370 miles.

I am quite aware there is a shortage of money, and we have to make choices. I repeat, in our discretionary budget, we spend about $870, maybe $900 billion in our entitlement program expenditure. It will increase 9 percent next year. It will increase by over $100 billion. We spend $1.4 trillion-plus on entitlements. That is $1.4 trillion on entitlements. We cannot find $2 billion to deal with the fencing that we voted a few weeks ago to approve? I think we can. I know it is difficult.

I know Chairman GREGG, if he had the money, as he said, would fund it. How do we break this train wreck we are heading to? How do we get off this track of not doing what we committed to do? Vote for this amendment. It will send a message to the appropriators, it will send a message to the administration, it will send a message to those who are working on our appropriations accounts that we as a Senate expect them to somehow, some way, go back and make the tough priority choices and find the money necessary to do this. Maybe we can fund it over 2 years. If so, they will work that out. This is not the final draft of the bill that will ultimately be before the Senate. They will work that out. I am willing to work with them on that.

Also, if the National Guard were to build it, we have been told they would do it for one-third of the cost that private contractors would charge. That could be a savings, and we could get this fencing done without so much money in any one budget year.

We voted to build 370 miles of fencing, 500 miles of barriers for vehicles, and I am hoping we will not disappoint the American people, once again. I am hoping somehow, some way, we will rise to the occasion and say: We made a commitment. It is the right thing to do.

The administration was never out here championing building fencing. That is never something they said would be a cure-all. Frankly, it is a bigger positive step than many people

admit. They did come forward and tell us, through the Secretary of Homeland Security, that these were the figures they needed to create a lawful system at our border. We have areas in developed cities and towns where people can walk across the border without even a checkpoint. There is not even a fence there. This is what we need to do.

If we are serious about it, and I think the American people are, and I think there is a growing seriousness with the President and the Members of the Senate, let's step up and do what it takes. Don't go 8 feet across the 10-foot ravine and fall into the pit. Let's complete the task before the Senate. Somehow, some way, we can find the money in this budget. I know we will if we pass this amendment. If we do not pass this amendment, we will be sending a signal, it is business as usual, and we do not intend to honor our commitments.

That is the wrong thing to do it. It could not be more damaging to have failed to honor our commitments on any bill before the Senate than the immigration bill. This is a bill for which the people have the least confidence in us.

AMENDMENT NO. 4660

The other amendment I call up is amendment No. 4660; I ask the previous amendment be set aside, and I will make my remarks about amendment No. 4660.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, this amendment deals with sufficient funding of ICE, Immigrations and Custom Enforcement interior agents. ICE is authorized. We voted to authorize and hire 800 new investigative agents in fiscal year 2007. That begins October 1st. Beginning October 1st, we voted to authorize the hiring of 800 new agents under the Intelligence Reform and Terrorism Prevention Act of 2004.

The Department of Homeland Security asked for 206 investigative agents in 2007. Among other things, those agents are used to investigate illegal employment in the workplace, workplace enforcement. Virtually every Senator, in the context of the immigration debate, has talked about how important it is to increase worksite enforcement. We have talked about it time and time again. The way to do that is to increase the number of agents who are investigating these cases. How simple can it be?

This Senate bill appropriates $57 million, an increase of $19 million, to enhance resources devoted to worksite enforcement. According to the Department of Homeland Security, the $19 million increase would hire 141 new agents. The bill also appropriates funds to hire 27 new compliance investigators. They are similar to but not the same as an investigative agent.

The 141 new agents and the 27 compliance investigators do not meet the President's request for 206 agents. They just do not meet the President's request for 206 agents. And it does not come close to funding the 800 agents that Congress authorized ICE to hire next year.

You see, once again, this is serious business. We talk about enforcement. We say we are going to do it, but when it comes down to the lick log, we spend our money on other things.

So my amendment will ensure that the fiscal year 2007 appropriations bill for the Department of Homeland Security funds the full level that Congress authorized to hire in 2007, a total of 800 new agents. This means that we have to find the money for ICE to hire 659 more agents than the bill currently funds. That is 800, minus 141.

The Department of Homeland Security tells me that it costs as much as $130,000 to fund a fully wrapped new ICE agent for the first year, with training and equipment and all those things. Therefore, the cost for these additional 659 new agents will be $85 million. To pay for these agents, the amendment contains an across-the-board reduction.

This is about making some decisions about what we intend to do with regard to enforcement of immigration laws. It sets some priorities. So that will help us focus on what we need to do.

To me, based on my experience, having worked with Customs agents, having worked with Border Patrol agents, having worked with INS agents back when I was a Federal prosecutor, interior enforcement agents, who are responsible for enforcing immigration laws in the workplace and inside our borders, are a top priority.

Let me tell you, it is not going to be that difficult. We are not going to need tens of thousands of Federal agents to change the workplace illegality that is going on. Most businesses today want to do the right thing. We have not given a biometric card, which is not easily counterfeitable, to those people who come here legally so the businesses can make a legitimate decision about whether they are legal or not. We have created a lawless system in many different ways.

But businesses must be held accountable. We can create, under this bill, a system that gives businesses a greater ability to know what the law is and to comply with the law. Once they know we expect them to comply with the law, once we pass this immigration bill that will create better workplace rules and procedures, we can almost overnight see a dramatic reduction in the hiring of illegals at the workplace. Isn't that what we want?

Some do not want that. They would like to be able to hire as many as they want to at lower wages.

But we as a nation have to look at the national interest and set a policy about how many people should come into the country, only allow those in lawfully, and make sure they are given a good identifier so they can go to work. But we need sufficient investigators to make sure we reach the tipping point in the workplace so that employers know with certainty what the rules are and know that if they do not comply with those rules they will be held to account. Once they know that they will be held to account, we will see, in very short order, a dramatic dropoff in illegal activity. Just this increase would make a tremendous amount of progress.

Mr. President, I have a few minutes left. I would yield to the Senator from New Hampshire. He may want to make some remarks.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the votes that should have been set for 2:30 now be set to begin at 2:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I thank the chairman for yielding me time.

Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4610 WITHDRAWN

Mr. THUNE. Mr. President, I call up amendment No. 4610.

The PRESIDING OFFICER. That amendment is now pending.

Mr. THUNE. Mr. President, this particular amendment, which enjoys wide support here in the Senate, would dramatically increase the availability of alternative energy refueling systems, such as biodiesel, ethanol, and compressed natural gas, by reimbursing eligible entities up to $30,000 for the costs associated with installing these alternative gas pumps.

Like many of my colleagues in the Senate, I believe our Nation's homeland security is directly related to our Nation's energy security. The underlying goal of this amendment is to provide American consumers more opportunities to use American-made alternative fuels as we work to lessen our Nation's dependence upon foreign sources of energy.

As I noted yesterday when I offered this amendment, I am unaware of any opposition to what this amendment attempts and seeks to do. In fact, since I offered the amendment, a number of our colleagues here in the Senate have cosponsored this particular provision.

Additionally, American automakers, such as General Motors and Ford, support this effort, as do various agricultural groups—from the Farm Bureau to the National Corn Growers Association—as well as environmental groups. The reason is very simple. It makes a lot of sense for so many reasons, not the least of which is getting us away from this overdependence of foreign sources of energy. But it is good for the environment. It is good for the American consumer. It is good for the American agricultural producer.

I certainly appreciate the bill managers' patience regarding this amendment. And while I also appreciate the fact that the Homeland Security appropriations bill probably is not the appropriate vehicle to have this amendment considered and discussed, I am greatly encouraged by many of the calls and statements of support for this initiative that I have received since offering it, as well as some new ideas I have received that I hope to explore to make this particular provision even stronger.

So I expect we will revisit this issue. I fully am hopeful we will be able to get a vote in the Senate on this provision. Again, as I said before, I think it is important for our national security because of the direct correlation to energy security. It is also important for our economy. It is important for our environment.

For all those reasons, I intend to offer this amendment at a later time to what I hope will be a debate on an energy bill later this summer. But for the time being, I will withdraw the amendment.

I look forward to working with the chairman and other of my colleagues in the future as we work to get this provision signed into law. I believe it is that important. It is important for the future. Inasmuch as I would like to see it voted on today, I realize in the interest of keeping this debate about the issue at hand and trying to keep ancillary and nongermane business away from it, I will withdraw the amendment and look forward to having it debated at a later time.

So with that, Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Mr. THUNE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the remarks of the Senator from South Dakota. The issue he has raised here is an important one. I also appreciate the fact that it is more appropriately raised on another matter.

AMENDMENT NO. 4660

Mr. President, speaking to the second amendment that Senator SESSIONS has offered, this again is an issue of priorities. The first amendment juxtaposes the need to build a wall with the need to add border security agents and detention beds and make the Coast Guard a more robust player and more capable, and have the US–VISIT program and the immigration program work well.

It is ironic, actually, that this amendment, which increases investigators by 800, would, if the first amendment were to pass, end up reducing investigators by 300. I guess the net result would be if both amendments passed, you would end up with 500 investigators. But that shows the problem here that is being presented to the Senate by the way these amendments are structured with their across-the-board cuts. Because the across-the-board cuts impact the entire Department. This is not a Department that does a lot of things we do not need to do.

Certainly, we need our Border Patrol agents. We need our Coast Guard. We need our Secret Service. We need our detention beds to make sure we can put these people away when we have them. So when you do an across-the-board cut, you impact all these other services.

And, yes, ICE could use more investigators. That is why in this bill we added 75, so that we have 6,000 investigators in the ICE program. He would add 800 more to that. But, as I said, should his first amendment pass, he would reduce that number, logically—because there would be a 5-percent reduction—by 300. It would be almost a 6-percent reduction, actually.

So, again, I have to oppose the amendment. Although the policy may make sense, the way it is paid for does not. It would actually do significant harm to our capacity, in my opinion, to have a robust Department of Homeland Security.

So I will oppose the second amendment offered also by the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 4659

Mr. KYL. Mr. President, thank you. First of all, I appreciate the explanation of the chairman of the subcommittee and conclude, as he has, unfortunately, that, good policy notwithstanding, taking money away from other good policy decisions we have made or intend to make in support of funding for more Border Patrol agents, more detention spaces, and so on, requires that we oppose the amendment that would take money from those programs to build more fencing.

Much of this fencing is in my State of Arizona. We need that fencing. I am convinced we will be able to get the fencing done, if not by the National Guard, then by construction that will, in fact, cost money, for which there is some in the budget. There is probably more needed, and we are going to have to find a way to add that. But this, unfortunately, has been constructed as a zero-sum game with this amendment. In order to put more money on fencing, we take more money away from Border Patrol. So that is going to make it a very difficult proposition.

Mr. President, the matter I would like to ask unanimous consent to speak on, I say to the chairman, actually is a matter not related to this bill. I ask unanimous consent to speak for 90 seconds as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. KYL are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 4634

Ms. COLLINS. Mr. President, I had reserved the final 4 minutes of my time in opposition to the Menendez amendment. I am going to claim that time now.

I urge my colleagues to vote against the amendment of the Senator from New Jersey. Let me briefly summarize three issues that make the amendment so problematic.

First, it slashes the minimum allocation for homeland security grant moneys for States. It would impose a two-thirds cut in the guaranteed allocation which would undermine the efforts of States that have entered into multiyear projects such as improving the interoperability of their communications equipment which is an expensive multiyear proposition.

Second, the amendment makes absolutely no sense. If my colleagues are unhappy, as I am, with the Department of Homeland Security's allocation of funding for the Homeland Security Grant Program, why would they want to give unfettered discretion to the Department on how to allocate the funds?

The amendment has absolutely no criteria included in it to define risk. By contrast, the proposal that was approved by the Homeland Security Committee sets out criteria—such as whether there had been a terrorist attack previously, the population density, whether it is a border State, whether it is on the coastline—and gives guidance to the Department since it has clearly shown that it does not have a well-developed system for allocating based on risk. We have seen the results of that.

Third, the Senator from New Jersey strikes the requirement in current law to have the Department look at the need for the funding. All of us are concerned about reports that homeland security grant money in some localities has been wasted, whether it is on leather jackets or air-conditioned garbage trucks, actual cases, one in the District and one in New Jersey, or for other questionable purposes. We need to make sure that the Department is allocating the funds not only based on risk, threat, and vulnerability but also on need and effectiveness. There are no requirements for this funding to be developed and allocated based on the need for it nor the effectiveness of the State's plan.

For those three reasons and many more, I urge my colleagues to oppose the Menendez amendment. Thirty-six States and the District of Columbia would lose funding under his proposal. The funding instead would be reallocated to 14 States which already receive more than 70 percent of all the funding for homeland security.

This is a misguided amendment. It will lead to wasteful spending. It will undermine the efforts to bring all States up to a base level of preparedness and response. I urge my colleagues to oppose it.

I see the Senator from Delaware is on the floor. He has been very active in

this area. If I do have any time remaining, I would be happy to yield to my colleague, the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 23 seconds.

Mr. CARPER. Mr. President, the Senator has said it well. There is nothing much I can add. When it comes to proportioning these funds, we need to use common sense. If we do, I think we will vote no on the amendment. I thank the Senator from Maine for all the leadership she provides.

Mr. GREGG. 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. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 4659 AND 4660

Mr. SESSIONS. Mr. President, I would like to conclude my remarks on the question of funding of the authorized border fencing in amendment No. 4659 and amendment No. 4660 which would authorize funding for the hiring of a number of interior enforcement agents that we authorized and voted to hire just a few weeks ago. I would like to talk about that.

I am well aware—and I know the argument that has been made by our wonderful Budget Committee Chairman JUDD GREGG, and Senator MURRAY—that there is just not enough money in this bill to pay for it. I would say to my colleagues: This is an important issue that deals with something that we made a commitment to the American people about just a few weeks ago. And now it comes time for us to fund it and we don't have the money.

We spend almost $900 billion in discretionary spending, $1.4 trillion in entitlement spending. We can find a couple of billion dollars to fund this.

How do we do it? We pass these amendments, and we will send a signal to the appropriators and to the White House that we are serious and find the money somewhere. That is what we will be saying. I know they are going to say: Don't vote for this amendment. I am for the fence. Everybody is for the fence, JEFF. We just don't have the money.

How can we say that? We just voted to build the fence. We can't say we don't have the money. That is not an acceptable answer. So pass this amendment. Yes, it is going to cause some grief. Yes, there is going to be huddling of appropriators and budgeteers and the White House. They are going to have to hammer out a way to get the money to fund this thing. But to let this slip and to be on record as a Member of the Senate who just voted to build a fence and now vote not to fund it is not a good thing to do. It is going to send a bad signal to the American people. It is going to be a bad signal. They are going to say: They have been promising to have some enforcement and the first vote that comes up, the first bill that comes down the pike, they don't put the money in to do just what they voted to do.

Remember the fence can't be built and the agents we authorized to be hired can't be hired unless we appropriate the money. Please, we have to appropriate the money. I know this budget is tight. I will just say to my colleagues, I thank Senator GREGG for his support for the fence, his work in the supplemental to get more money for enforcement. If it had not been for his leadership, we would not have as much as we have. But it is not enough.

I encourage my colleagues to vote for this amendment. It is a statement by the Senate that somehow we expect this matter to be funded. There is plenty of money in this Government, if we look for it, to fund this important matter.

I thank the Chair and yield the floor.

Mr. GREGG. 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. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 4659 AND 4660, AS MODIFIED

Mr. SESSIONS. Mr. President, I have a modification at the desk for the two amendments I have proposed. I ask unanimous consent that I be allowed to modify those two amendments, as we have proposed them.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments (Nos. 4659 and 4660), as modified, are as follows:

AMENDMENT NO. 4659, AS MODIFIED

At the appropriate place, insert the following:

SEC. ____. (a) The amount appropriated by title II under the heading ''CUSTOMS AND BORDER PROTECTION'' and under the subheading ''CONSTRUCTION'' is hereby increased by $1,829,400,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a)—

(1) $1,184,000,000 of which shall be used for the construction of 370 miles of double-layered fencing along the international border between the United States and Mexico; and

(2) $645,400,000 of which shall be for the construction of not less than 461 miles of vehicle barriers along the international border between the United States and Mexico.

(c) Discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced by $1,829,400,000.

AMENDMENT NO. 4660, AS MODIFIED

At the appropriate place, insert the following:

SEC. ____. (a) The amount appropriated by title II under the heading ''IMMIGRATION AND CUSTOMS ENFORCEMENT'' and under the subheading ''SALARIES AND EXPENSES'' is hereby increased by $85,670,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a) $104,000,000 of which shall be available to hire an additional 800 full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) pursuant to section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) which requires the hiring of not less than 800 more investigators than the number for which funds were made available during fiscal year ending September 30, 2006.

(c) Discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced by $85,670,000.

Mr. SESSIONS. Mr. President, I will take 30 seconds to say that this amendment would authorize the appropriating committee to pay for the fencing—give them more discretion to pay for it out of the account they deem is appropriate. It would be across the board but within their discretion, so that no one particular account must be cut or reduced by passage of this amendment. The Coast Guard and other things would not have to be reduced in order to pay for this amendment.

I yield the floor.

Mr. GREGG. Mr. President, the points I previously made relative to the impact of this amendment remain accurate. I continue my opposition to both amendments because of the across-the-board cut nature and the impact it would have on all elements of the Homeland Security Department. Even though the policy may be something we would agree with if we had the resources, we don't have the resources.

I call for the regular order.

The PRESIDING OFFICER. Under the previous order, there will be votes on four amendments: Menendez, No. 4634; Schumer, No. 4600; Sessions, No. 4659, as modified; and Sessions, No. 4660, as modified.

Prior to the first vote, Senator LEAHY is recognized for 1 minute, Senator MENENDEZ for 1 minute, Senator GREGG for 1 minute, and between the remaining votes there will be 2 minutes of debate equally divided in the usual form, and after the first vote each will be a 10-minute vote.

Senator LEAHY is recognized for 1 minute.

AMENDMENT NO. 4634

Mr. LEAHY. Mr. President, the underlying issue today on this amendment is that the administration has slashed Homeland Security funding. It has mismanaged the grants it has awarded. We would not be in the situation of pitting State against State if the President adequately funded Homeland Security. Grants are being cut from $2.3 billion in 2003 to under $1 billion this year—$1 billion for the whole

year, this Homeland Security grant. We spend over a billion dollars a week in Iraq. If we can spend money for homeland security in Iraq, we ought to be able to spend a tiny fraction of that here.

I commend Senator COLLINS for her leadership on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute.

Mr. MENENDEZ. Mr. President, let me first say I totally agree with my colleague from Vermont. We are dramatically underfunded for what we need for homeland security. That truly is the core of the issue. I appreciate the spirit of the debate he has had with us on this issue and his comments. I simply believe that as we seek to fund it fully, the question becomes, What do we do now? The bipartisan, unanimous 9/11 Commission recommended that homeland security funding be based on risk. That is what this amendment does.

Many of my colleagues have actually made the case, by virtue of what they have said, that risk-based funding should be the very essence of our foundation. They made a good case for their respective States for risk-based funding when they argued that their States have high-risk targets. This amendment does nothing to eliminate the effectiveness component. It does not eliminate the minimum guarantees for States. But threat after threat has been revealed, and that makes it very clear where the greatest threats are in our country. That ultimately should be our thrust, driving our resources, those which we have, as we try to build more to where the risk is.

We are all in this together. We are called upon to vote for agriculture, hurricanes, and other things. I ask Senators to vote in favor of this amendment.

Mr. GREGG. Mr. President, I believe in a risk-based approach. I support the amendment.

I yield back my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is this a sufficient second? There is a sufficient second.

The question is on agreeing to the Menendez amendment No. 4634. 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 result was announced—yeas 36, nays 64, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—36

Allen	Durbin	Landrieu
Boxer	Feinstein	Lautenberg
Byrd	Gregg	Levin
Cantwell	Hutchison	Martinez
Chambliss	Inhofe	McCain
Clinton	Inouye	Menendez
Coburn	Isakson	Mikulski
Cornyn	Kennedy	Murray
DeWine	Kerry	Nelson (FL)
Obama	Schumer	Vitter
Santorum	Specter	Voinovich
Sarbanes	Stabenow	Warner

NAYS—64

Akaka	DeMint	Lugar
Alexander	Dodd	McConnell
Allard	Dole	Murkowski
Baucus	Domenici	Nelson (NE)
Bayh	Dorgan	Pryor
Bennett	Ensign	Reed
Biden	Enzi	Reid
Bingaman	Feingold	Roberts
Bond	Frist	Rockefeller
Brownback	Graham	Salazar
Bunning	Grassley	Sessions
Burns	Hagel	Shelby
Burr	Harkin	Smith
Carper	Hatch	Snowe
Chafee	Jeffords	Stevens
Cochran	Johnson	Sununu
Coleman	Kohl	Talent
Collins	Kyl	Thomas
Conrad	Leahy	Thune
Craig	Lieberman	Wyden
Crapo	Lincoln	
Dayton	Lott	

The amendment (No. 4634), as modified, was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. WARNER. Mr. President, I respectfully request that on vote No. 198 my vote be recorded as yea. It will not make a difference in the final tally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

Mr. CORNYN. Mr. President, on rollcall vote 198, I voted nay. It was my intention to vote yea. I ask unanimous consent that I be permitted to change my vote since the outcome will not be affected.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 4600

The PRESIDING OFFICER. There will be 2 minutes for debate on the Schumer amendment.

Who yields time?

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, this amendment is one which I believe would be supported by George Bush because it restores the amount of funding for FEMA by $300 million. That is what the President requested.

We have had unprecedented disasters in the Northeast and in so many other places in other parts of the country as well. We have had disaster after disaster in this country. FEMA should not be underfunded. We should not have the people who have been wiped out by floods and drought and hurricanes sitting on tenterhooks in the hopes that maybe we will pass a supplemental 6 or 8 months from now.

This simply restores the President's request for FEMA. It would hardly be a profligate request. So I ask my colleagues on both sides of the aisle, particularly those from the Northeast, to support this amendment.

Mr. GREGG. Mr. President, the disaster relief fund has $9.3 billion in it. That is more than enough money to get us through the balance of this year and will give us a surplus going into next year. We have $1.6 billion in this bill to add to the $9.3 billion for next year. If a disaster occurs and it is of significant proportions, we will obviously come back and do an emergency appropriations.

No money that would occur as a result of the amendment of the Senator from New York could be used this year for any disasters that have occurred this year in the Northeast because, of course, this money won't be available until next year. There is adequate money, however, to take care of the Northeast issues. So at this time I ask Members to oppose this amendment.

Mr. President, pursuant to the deeming language in Public Law 109–234, I raise a point of order against the emergency designation of the pending amendment.

Mr. SCHUMER. Mr. President, pursuant to section 402 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006, I move to waive section 402 of that concurrent resolution for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

Mr. GREGG. And this is a 10-minute vote?

The PRESIDING OFFICER. This is a 10-minute vote.

The clerk will call the roll.

[Rollcall Vote No. 199 Leg.]

YEAS—46

Akaka	Hatch	Nelson (FL)
Baucus	Inouye	Obama
Bayh	Jeffords	Pryor
Biden	Johnson	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Santorum
Clinton	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Specter
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Talent
Feingold	Menendez	Wyden
Feinstein	Mikulski	
Harkin	Murray	

NAYS—54

Alexander	Craig	Lugar
Allard	Crapo	Martinez
Allen	DeMint	McCain
Bennett	DeWine	McConnell
Bond	Dole	Murkowski
Brownback	Domenici	Nelson (NE)
Bunning	Ensign	Roberts
Burns	Enzi	Sessions
Burr	Frist	Shelby
Carper	Graham	Smith
Chafee	Grassley	Snowe
Chambliss	Gregg	Stevens
Coburn	Hagel	Sununu
Cochran	Hutchison	Thomas
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Conrad	Kyl	Voinovich
Cornyn	Lott	Warner

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the

affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

The Senator from New Hampshire.

Mr. GREGG. I will raise a point of order against the amendment which was ruled not an emergency. The pending amendment would cause the bill to violate section 302 of the Budget Act.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

AMENDMENT NO. 4659, AS MODIFIED

Mr. GREGG. Now I understand we are on to the first amendment of the Senator from Alabama.

The PRESIDING OFFICER. There is 2 minutes equally divided on the Sessions amendment, No. 4659, as modified. Who yields time? The Senator from Alabama.

Mr. SESSIONS. This amendment would follow through on our 83-to-16 vote on May 17 to build 370 miles of fencing at the border and 500 miles of vehicle barriers, as requested by the Secretary of Homeland Security, Mike Chertoff. Unfortunately, this bill does not fund it. Just a few weeks ago, we authorized it. Now we are not funding it. That is not acceptable and will undermine our credibility with the American people.

Please note that the amendment has been modified. The amendment has been amended, and it does not require any account to be reduced, such as the Coast Guard or others, but it does require discretionary spending in the bill to be reduced to pay for it, so it is paid for.

We need to honor our commitment and our vote of just a few weeks ago in order to maintain credibility with the American people on the question of immigration, an area in which they have great reason to distrust our actions. I urge my colleagues to vote for this amendment.

I know Senator GREGG and his team will figure out a way to fund it if we require it.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield 30 seconds to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as I stated earlier on the floor, all of our colleagues need to understand that we have worked very hard to put together a balanced bill under the direction of the chairman and the ranking member on this side, Senator BYRD. This amendment will essentially cut Border Patrol agents, transportation security, Coast Guard operations, Secret Service, Office of Domestic Preparedness, FEMA disaster relief, and FEMA operations.

I urge my colleagues to vote against this amendment in order to keep a balanced bill.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Although I am very sympathetic to the purpose of the policy behind this amendment, the simple fact is that this sort of across-the-board cut would wreak havoc on this department and potentially mean significant reductions in a number of critical areas. This department does not have a lot of activity that is not critical to our homeland security, and a 5.5 percent cut across the board would have a devastating impact. So I have to oppose this amendment.

Mr. BYRD. Mr. President, I must oppose the Sessions amendment because it would eliminate critical border security funds from this bill.

The subcommittee has carefully balanced the needs of our law enforcement personnel on the border, and an across-the board cut, like that proposed in the Sessions amendment, would leave our borders dangerously exposed.

I remain committed to strengthening the fencing along the border. But it is unwise to finance that fencing with cuts in our border security elsewhere.

I join the chairman in opposing this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. GREGG. 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 result was announced—yeas 29, nays 71, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—29

Allen	DeMint	Nelson (NE)
Brownback	DeWine	Roberts
Bunning	Dole	Santorum
Burns	Ensign	Sessions
Burr	Enzi	Shelby
Carper	Grassley	Talent
Chambliss	Hatch	Thomas
Coburn	Inhofe	Thune
Craig	Isakson	Vitter
Crapo	Lott	

NAYS—71

Akaka	Feingold	McConnell
Alexander	Feinstein	Menendez
Allard	Frist	Mikulski
Baucus	Graham	Murkowski
Bayh	Gregg	Murray
Bennett	Hagel	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Hutchison	Pryor
Bond	Inouye	Reed
Boxer	Jeffords	Reid
Byrd	Johnson	Rockefeller
Cantwell	Kennedy	Salazar
Chafee	Kerry	Sarbanes
Clinton	Kohl	Schumer
Cochran	Kyl	Smith
Coleman	Landrieu	Snowe
Collins	Lautenberg	Specter
Conrad	Leahy	Stabenow
Cornyn	Levin	Stevens
Dayton	Lieberman	Sununu
Dodd	Lincoln	Voinovich
Domenici	Lugar	Warner
Dorgan	Martinez	Wyden
Durbin	McCain	

The amendment (No. 4659), as modified, was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4660, AS MODIFIED

The PRESIDING OFFICER (Mr. CHAFEE). Two minutes are divided on the Sessions amendment numbered 4660.

Who yields time?

Mr. SESSIONS. Mr. President, this amendment will fund the investigative agents we authorized in the immigration bill that passed this Congress. It would do so by increasing the funding for $85 million and would fully fund the 800 positions we authorized. We authorized 800 positions, but, unfortunately, we have only funded 141.

Once again, it raises serious questions, as in 1986, about whether or not we are going to talk but not be willing to put up the money to fund the bill.

Also, this will be offset by reductions in any discretionary account without mandating across-the-board cuts. The amendment has been amended from that previously filed so that no specific account is required to be cut, such as the Coast Guard.

I believe we need to follow through on our commitment to the American people to increase our investigative agents. This will fund what we authorized.

Mr. GREGG. I yield 30 seconds to the Senator from Washington.

Mrs. MURRAY. As noble as it is to hire 800 full-time active duty investigators, this amendment cuts law enforcement grants, firefighter grants, emergency management grants, State Homeland Security grants, urban security initiative, FEMA, and, ironically, will cut money for the fence that is within the bill before the Senate. I urge a no vote.

Mr. GREGG. Mr. President, again, the policy is very laudable, but the problem is, the dollars are being taken out of other accounts. We are attempting to ramp up the personnel in a lot of Border Patrol activities, to ramp up the number of beds, and to ramp up our efforts in the Coast Guard.

This $85 million is not going to come out of thin air and will have to come from one of these accounts or a series of accounts.

We have a balanced bill. As much as I appreciate the Senator's proposal, this .3 of a percent across-the-board cut will have a fairly significant impact on Homeland Security.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 34, nays 66, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—34

Baucus	Burr	Crapo
Bayh	Carper	DeMint
Brownback	Chambliss	DeWine
Bunning	Coburn	Dole
Burns	Craig	Ensign

Enzi	Leahy	Shelby
Grassley	Lott	Talent
Hatch	McConnell	Thomas
Inhofe	Nelson (FL)	Thune
Isakson	Nelson (NE)	Vitter
Johnson	Roberts	
Landrieu	Sessions	

NAYS—66

Akaka	Durbin	Menendez
Alexander	Feingold	Mikulski
Allard	Feinstein	Murkowski
Allen	Frist	Murray
Bennett	Graham	Obama
Biden	Gregg	Pryor
Bingaman	Hagel	Reed
Bond	Harkin	Reid
Boxer	Hutchison	Rockefeller
Byrd	Inouye	Salazar
Cantwell	Jeffords	Santorum
Chafee	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Cochran	Kohl	Smith
Coleman	Kyl	Snowe
Collins	Lautenberg	Specter
Conrad	Levin	Stabenow
Cornyn	Lieberman	Stevens
Dayton	Lincoln	Sununu
Dodd	Lugar	Voinovich
Domenici	Martinez	Warner
Dorgan	McCain	Wyden

The amendment (No. 4660), as modified, was rejected.

Mr. GREGG. I move to reconsider.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. I ask unanimous consent that we proceed to an amendment by Senator REED, followed by an amendment by Senator DAYTON. After those two amendments are disposed of, we will have an hour of debate relative to the Vitter amendment, with Senator DURBIN controlling 45 minutes and Senator VITTER controlling 15 minutes. And then we will proceed to a vote on the Vitter amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. GREGG. I amend my request by saying that at the end of the hour of debate on Vitter, we will go to a vote in relation to the Vitter amendment without any second degrees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

AMENDMENT NO. 4613

Mr. REED. Mr. President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 4613.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 4613.

Mr. REED. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the reduction in operations within the Civil Engineering Program of the Coast Guard)

At the appropriate place, insert the following:

SEC. ____. The Secretary of Homeland Security may not take any action to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, and design and construction centers, the Coast Guard Academy, and the Research and Development Center until the Committees on Appropriations and Commerce, Science, and Transportation of the Senate receive and approve a plan on changes to the Civil Engineering Program of the Coast Guard. The plan shall include a description of the current functions of the Civil Engineering Program and a description of any proposed modifications of such functions and of any proposed modification of personnel and offices, including the rationale for such modification, an assessment of the costs and benefits of such modification, any proposed alternatives to such modification, and the processes utilized by the Coast Guard and the Office of Management and Budget to analyze and assess such modification.

Mr. REED. Mr. President, my amendment would require the Coast Guard to report to the Committees on Appropriations and Commerce, Science, and Transportation on proposed changes to the civil engineering program before the Coast Guard takes any action to alter or reduce operations within this particular program. The mission of the civil engineering program is to provide high-quality planning and real property and facilities maintenance to support Coast Guard units across the country. In my judgment, reducing staff and reorganizing the civil engineering program is not appropriate, given the current workload and the increased number of homeland security responsibilities taken on by the Coast Guard. If significant reductions in personnel and offices take place, I have serious concern that the Coast Guard would not be able to adequately support its shore facilities in New England and across the Nation.

The work performed by employees of the Coast Guard civil engineering program is of paramount importance. It is important that Congress review any plan to reorganize or consolidate this program.

It is my understanding, hope, and expectation that the amendment will be accepted by voice vote. I thank my colleagues on the Appropriations Committee and the Commerce Committee for their kindness.

Mr. GREGG. Mr. President, I ask for a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4613.

The amendment (No. 4613) was agreed to.

Mrs. MURRAY. I move to reconsider.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

CHANGE OF VOTE

Mr. DAYTON. Mr. President, on roll-call vote No. 194, I voted ''yea.'' It was my intention to vote ''nay.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4663

Mr. DAYTON. Mr. President, I call up amendment No. 4663 and ask for its immediate consideration, and I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 4663.

Mr. DAYTON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount appropriated for United States Customs and Border Protection salaries and expenses by $44,000,000 to place an additional 236 border patrol agents along the Northern Border and to fully offset that amount with corresponding reductions in the appropriations for administrative travel and printing)

On page 70, line 21, strike ''$5,285,874,000;'' and insert ''$5,329,874,000, of which $44,000,000 shall be used to hire an additional 236 border patrol agents.''.

At the appropriate place, insert the following:

SEC. ____. (a) All amounts made available under this Act for travel and transportation shall be reduced by $43,000,000.

(b) All amounts made available under this Act for printing and reproduction shall be reduced by $1,000,000.

Mr. DAYTON. I thank Senator GREGG and Senator MURRAY for their gracious help in fashioning this amendment. It does not add any additional funding to this bill. It does, however, redirect $44 million from travel and transportation, printing and reproduction to hire 236 additional Border Patrol agents to protect our country's 5,525-mile northern border which covers 13 States, including my State of Minnesota. When Congress passed the 9/11 act in 2004, there were reportedly 994 Border Patrol agents working on our northern border. Since then that number has declined to 950 border guards, and only 250 of them are working at any one time.

I recognize the very serious needs on our southern border and fully support the need for additional Federal border guards there. The fact that President Bush is calling yet again upon our National Guard to reinforce those southern border patrols evidences the shortsightedness of the administration and a majority in Congress opposed to Democratic caucus efforts in the Senate 10 times during the past 4 years to increase funding for Border Patrol and other homeland security efforts. Once again, the administration says one thing but does another. Now it has evidently actually reduced the number of northern Border Patrol agents since 2004, despite the 9/11 Commission in its report noting:

Despite examples of terrorists entering from Canada, awareness of terrorist activity

in Canada and its more lenient immigration laws, and an inspector general's report recommending that the Border Patrol develop a northern border strategy, the only positive step was that the number of Border Patrol agents was not cut any further, despite the fact that the only terrorist caught entering the United States, millennium bomber Ahmed Ressam, tried to come in from Canada. We also know that criminal gangs are trafficking Asian sex workers in Canada into the United States. The result is that Minnesota's northern border counties such as Kittson and Lake of the Woods are struggling by themselves to protect their communities from drug traffickers and other illegal invaders. They say they can't rely on Federal Border Patrol agents because there aren't any there. These five or six-person local police and county sheriff operations in northern Minnesota are nearly entirely on their own.

My amendment will increase the number of northern Border Patrol agents across this country by 24 percent while taking nothing from our southern Border Patrol reinforcement.

I urge its adoption.

I yield the floor.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4663) was agreed to.

Mr. DAYTON. I thank the Chair and yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4615, AS MODIFIED

Mr. DURBIN. I was waiting in deference to the sponsor of the amendment. I think it is appropriate for him to open the debate. Now I am told that my time is running because he is not here. I have no option or alternative but to speak to the amendment.

I cannot believe this amendment is being offered to this bill. This is a bill on homeland security. This amendment relates to a declaration of a disaster, a disaster like Hurricane Katrina. Do you know what happens in times of disaster? You have probably seen it. Basic law enforcement breaks down. The police you expect to be there to manage things are overwhelmed. There are too many things going on at once. The fire department, the police department are trying to maintain order in the midst of chaos. Don't take my word for it. Remember what you saw on CNN around the clock. It was absolute chaos as people were being flooded out of their homes, desperately swimming through the water trying to reach the Superdome, trying to find a safe place.

What happened was, the police decided under those circumstances they wanted to maintain order. So the first thing they said is: This is a gun-free area. When people go into the Superdome, they don't bring guns into the Superdome because there are families there. There are mothers, fathers, and children. We are going to keep this as a gun-free area.

They obviously were sensitive to the fact that anyone can be vulnerable in a situation such as that. Imagine if your son or daughter is in a National Guard unit sent to this emergency trying to maintain order and snipers start shooting at them. It can happen. You may recall the reports of gunfire going on in New Orleans. I have no idea how valid those reports were. But it is understandable that law enforcement agencies in those situations will say: Wait a minute. We have to establish order. We have to at least have a safe zone around our National Guard troops so they don't get shot while they are down there trying to save these poor people.

Do you recall all those people who were filing across the bridge? Mothers were carrying babies. Imagine if someone was standing at the top of that bridge with a gun saying: Give me your money, as they come by. The police are trying to maintain order. In those circumstances, wouldn't you want to give the police, law enforcement agencies, the tools they need to protect rescue workers, to protect National Guard troops, to protect the mothers and fathers with their children who have been dispossessed from their homes? It is an obvious thing. It is commonsense.

Along comes the Vitter amendment. Do you know what Mr. VITTER, my colleague from Louisiana, suggests? None of the funds appropriated by this act shall be used for the seizure of a firearm based on the existence of a declaration of a state of emergency. You can't take the guns away. If they declare a disaster an emergency, you can't say to people, this is a gun-free zone and we are taking your gun away.

Is that what the second amendment is all about? Is that what the right to bear arms is all about, in a state of an emergency, in an effort to restore order in a chaotic situation, that you want to take away the power of a law enforcement agency to say: You can't bring a gun into the Superdome because there are children in there trying to sleep and mothers trying to keep them together in the midst of a disaster? Is that a violation of the second amendment to say if they are taking potshots at the National Guardsmen who are down there risking their lives for those poor people in that situation, that we are going to stop the guns from being close to where they are staying, where they are living? Is that a violation of the second amendment to say if somebody is using a gun which they might legally have but using it in an illegal fashion, you can't take the gun away?

That is what this amendment does. This is an incredible amendment. I can't believe that we would want to tie the hands of law enforcement in the midst of an emergency situation, when it is difficult to maintain law and order.

Years and years ago I went to law school in Washington. In 1968, I was sitting in my law school library, where I should have spent a lot more time. This city turned into pure chaos with the assassination of Dr. Martin Luther King, Jr. There were riots in the streets. Buildings were being burned. People were being arrested for looting and arson by the hundreds and thousands. The whole system disintegrated.

They went to the law schools and said: You are going to be lawyers today. You are going to represent people. The system was out of control. We were trying to establish order. We were trying to give to the police what they needed to get things settled down to keep people safe, to protect innocent victims.

I lived through it. I saw it. You have seen it, maybe not in your personal life, but following it on television. Yet, what we have here in the Vitter amendment is, it takes away the authority of law enforcement to take a gun from a person even if it is a threat to a helpless victim in a disaster or if it is a threat to a National Guard trooper or if it is a threat to another law enforcement agency.

Let me tell you what else. In his original version of the amendment, which he has changed, the Senator says we will make an exception—I want to make sure I get this right. If you see someone who has a gun, which could be seized under Federal or State law in a criminal investigation—think about that, this is a gun that may have been used to murder someone—you can take that gun in the midst of a disaster. They took that out. So if someone is standing there with a gun that you know was used in a criminal situation for a murder, they take away the authority of the law enforcement people to even seize that gun if someone has declared a disaster.

What are we thinking? Why would we do this to the men and women in law enforcement, to the National Guardsmen, or to innocent victims, which could be you or me or people we love, in a disaster they cannot even anticipate? Why would we do that?

I will tell you why. We are doing it for the National Rifle Association. We are doing it for the gun lobby. In their devotion to the second amendment, they have closed their eyes to the obvious. Owning guns legally and using guns legally in America is a protected right in Illinois and most States. But to take a situation that is a disaster, when the law has broken down and to say that you won't allow law enforcement to take a gun away that might be used to hurt an innocent person, that just goes too far.

I reserve the reminder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I again stand to strongly support this amendment and urge my colleagues to vote for its passage.

I have only been able to listen to some of the comments of the distinguished Senator from Illinois. I really think he has been watching a very different disaster and scenario than I experienced and lived through on the ground in Louisiana. I can tell you that the confiscations we are talking about were not from the criminals he is referring to—by the way, confiscations from criminals who are engaged in criminal activity can still occur under my amendment. The police have the power and the authority to enforce the law, which includes apprehending criminals and taking weapons away from criminals committing criminal acts.

The confiscations I have been talking about that happened in the disaster area were from law-abiding citizens. They were law-abiding citizens who didn't have a phone line to communicate with the police or anyone else. They were law-abiding citizens who were isolated in their homes, frightened, and only had their own resources and witnesses and, yes, in some cases, firearms, to protect themselves and their families and to protect their possessions. Those are the confiscations that happened. Those are the confiscations we are trying to prevent.

And, of course, this amendment would in no way prevent confiscations from criminals, those involved in criminal activity. Of course, the police have the full power and authority to enforce the law in that situation, as they do at all other times.

That is why the Fraternal Order of Police strongly supports this amendment. That is why they have written a letter expressing that strong support. I would like to read a portion of it:

> Your amendment would prohibit the use of any funds appropriated under this legislation from paying for the seizure of firearms during a major disaster or emergency, except under circumstances currently applicable under Federal and State law. As we witnessed in the communities along the Gulf Coast in the wake of Hurricane Katrina, large-scale critical incidents demand the full attention of law enforcement officers and other first responders. During this time, the preservation of life-search and rescue missions is the chief priority of every first responder. Further, breakdowns in communications systems and disaster-related transportation or other infrastructure failures will lengthen a law enforcement agency's response times, increasing the degree to which citizens may have to protect themselves against criminals. A law-abiding citizen who possesses a firearm lawfully represents no danger to law enforcement officers or any other first responder.

That is why the Fraternal Order of Police are supporting this amendment, as well as, yes, the NRA, who supports this amendment. I say that proudly. I don't say it with any fear that it brings disrespect to the cause.

With that, I yield 5 minutes of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, this is not a curious amendment. It has nothing to do with the Superdome in New Orleans at the time of Katrina, because if law enforcement people were standing at the door and they said you could not enter with a legal or illegal firearm, you could not enter. But the Senator from Illinois would like to suggest to you that this is to stop chaos within the Superdome.

That is flatly false. It is important that you understand that. That would not prohibit—if we want to fast forward, God forbid, to a national disaster in Chicago of an unprecedented kind, and for the police to say for those seeking sanctuary at the McCormack Center, you cannot bring guns in here—this amendment would not prohibit that. This amendment agrees with a Federal judge who got an injunction to stop the chief of police of New Orleans from acting illegally. That is what it did.

I am not going to judge the chief of police. He has resigned and is long gone. He left town. He was in a crisis situation. But in this instance the Senator from Illinois is right. When law enforcement breaks down in a national or local disaster, should not the private citizen who legally owns a firearm have the right to protect themselves and their property? The answer for 200 years in this Nation is absolutely yes.

I will give you a couple of situations. A little old lady is sitting on her porch in New Orleans with a shotgun across her lap. Why? Because there were marauders in her neighborhood who were stealing and robbing. She was protecting her home, property, and life. The police came and ripped the gun out of her hand and said, Get out of our way. That happened. I saw it on videotape. It happened. She had not shot anybody. She was deterring those from entering her home and stealing her life savings.

Another example: A couple is moving down one of the canals of New Orleans in their boat. They lost their home and they were in their boat, and it was post-Katrina. They were stopped by the local water patrol in the area, who said, Do you have a firearm on board, and they said, Yes, we do. Is it legal? Yes, it is; here are the papers. Give us your gun. That is what happened. That is really what happened in New Orleans. A Federal judge finally stepped in and said, Stop that, you cannot do it, and, by the way, the thousands of firearms that you have confiscated, give them back, they are private property. Guess what happened. They didn't give them back because they kept no records. They were on a massive sweep. Even some of the local police who were interviewed were embarrassed because they were taking guns away from people and they knew it was their only defense in protecting their own property.

Is the Senator from Illinois denying the basic right of property, defense, self-defense, and family defense in a national disaster when law enforcement breaks down? You bet he is. But the Senator from Louisiana is saying quite the opposite. The Senator from Louisiana is also saying that current law, Federal law, is in no way abridged here. That is fundamentally important. Circumstances can get very, very difficult.

I would not want to prejudge the former chief of police of New Orleans in an impossible situation. When criminal elements were misusing firearms, as they always do, but where private citizens were protecting property, as they can and should have the right to do with the use of their firearms, in his broad sweep of a desire to protect, he took everything. That should not happen. When I saw it happening and when I heard about it, I said, Not in America; that is not the way this country works.

But for a moment in time, that is the way it worked in New Orleans, until a Federal judge stepped up and said, You are out of bounds and off of the law, so stop it. That is what happened.

Now, this should not have been done in the Superdome, and there were none. This amendment would not prohibit that. It would not deny current law and the right of the police to so designate. But it would prohibit the kind of order that would create the sweep of law-abiding citizens who were using a firearm for the protection of their property, their life, and their family's life.

The day we give up the right of self-protection in this country by law-abiding citizens is the day we become the victims of government. That is something that should never be allowed.

I thank the Senator from Louisiana for offering the amendment. It is appropriate, timely, and I hope our colleagues will support it.

Mr. DURBIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Louisiana has 6 minutes. The Senator from Illinois has 37 minutes.

Mr. DURBIN. Mr. President, I see the Senator from Massachusetts here. I will speak briefly.

What the Senator from Louisiana understands, and I think will concede, is that this is the third version of this amendment. It has been written and rewritten and rewritten again. What you have heard described may reflect an earlier version, but it doesn't reflect what is before us, I say to the Senator from Idaho. I respect him and I know he has a good understanding of the Constitution and the laws.

Let me read the words in the amendment before us:

> None of the funds appropriated by this act shall be used for the seizure of a firearm based on the existence of a declaration of a state of emergency.

Did you hear a reference to existing State and local law exemption, which both the Senator from Louisiana and Idaho referred to? No.

Mr. KENNEDY. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. KENNEDY. Let me ask, if we had a 9/11-type situation and you had Wal-Mart that was closed down, with broken windows, and they have a series of guns in the back, and K-Mart and pawn shops were broken down, does the purpose of this for first responders say they have to leave those guns on the shelves so that looters can arm themselves and terrorize a community? Would that be the result, in your reading of this?

Mr. DURBIN. It is so broad that that is exactly what would happen. All of the commonsense explanations you have heard notwithstanding, that is not what the amendment says.

Mr. KENNEDY. Let me ask further, did not the Senator from Idaho—I know the Senator from New Jersey and myself have indicated that if they wanted to go ahead and have some way that individuals could demonstrate they had a legitimate ownership of that gun, they would be immune from this amendment. That was rejected, as I understand it.

Mr. DURBIN. I say to the Senator that if the Senator from Idaho and the Senator from Louisiana want to put together an amendment that allows me to protect my home, as you have described, with my legally owned firearm, I have no objection to that. There are circumstances here that we could write into it, but as it is written, this prohibits the seizure of a firearm based on the existence of a declaration of a state of emergency. That covers it all. If they are firing on National Guardsmen and they say we are going to have a gun-free area around where the Guardsmen are living, you could not seize the guns. You could not take them away, according to the Vitter amendment.

Earlier versions of the amendment were much more explicit and they went through explanations, and the Senator, because he is on an appropriations bill and has procedural challenges, took out the language that clarifies what he is trying to do, and what he left behind is language that goes too far.

I yield 10 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am grateful for the leadership of the Senator from Illinois. That is why the International Brotherhood of Police and the Major Chiefs of Police for the Major Cities strongly oppose this amendment, because it interferes with a police officer's discretion to react as he or she sees fit under extreme emergency circumstances. The International Brotherhood of Police also notes that responsible gun owners who continue to act in accordance with federal, state, and local law are unlikely to have their guns confiscated unless they use or possess the guns in a manner or place that would be prohibited or threatening. That's why they aren't endorsing this amendment.

We are here today talking about the increase in availability and accessibility. Today's USA Today is talking about the extraordinary growth in crime that is taking place in communities across this country. And one of the reasons that the police chiefs give is because of the accessibility and availability of what? Guns.

So the Senator from Louisiana is saying we want to make these guns in crisis situations more accessible, more available, when you have thugs and those who go out and loot the unfortunate. What possible sense does that make? It makes sense from the NRA's point of view, but when you are trying to have a community that is subject to that kind of violence, that makes no sense whatsoever.

Mr. President, we get to the question, well, if people are law-abiding and they own those weapons, guess what? The NRA will not let you list or gather the list for legitimate law-abiding people. They don't want anybody on the list. They won't let you collect names.

As the Senator from New Jersey has pointed out, at the time of 9/11 when we had all of those terrorists here, you could find out where they spent the night, you could find out what they charged on their credit cards, you could find out what cars they rented or what hotels they stayed in, but you couldn't find out where they bought their guns. Why? Because of the NRA. They said they won't permit anyone to keep records.

This is payoff time, payback time to the National Rifle Association, and it will be payoff time if this goes through.

The next time, the Lord only knows, when we have a natural disaster or terrorist attack, when people are at a height of anxiety and places that have these weapons are deserted—not only handguns, but rifles and sometimes even machine guns—we are going to find that the school is out: First responders, leave them alone. Sure we are having strife and violence in the streets, but the Vitter amendment is going to protect the second amendment and leave that alone.

That is hogwash, Mr. President. That isn't security. This makes a sham of the Homeland Security bill—a sham of it. And that is what this amendment is.

As the Senator from Illinois has pointed out, it is very simple:

> None of the funds appropriated by this Act—

That means nothing, no first responders—

> shall be used for the seizure of a firearm based on the existence of a declaration or state of emergency.

If there is any harm out there whatsoever, no first responder can see it. If a gun is lying out there and there is a terrorist who wants to grab it and cause mayhem, the Vitter amendment says the first responder cannot seize it. Go ahead, help yourself, help yourself; go on in that shop and take every rifle and piece of ammunition you want. Why? Because we are first responders. And then come on out and cause havoc.

That is what this says, not what some have stated it says. Read the language. The language is clear. That is what it says, and that is why this makes absolutely no sense.

We talk about trying to deal with the problems of violence in our communities. We see the proliferation of violence that is taking place, and we are going to make it easier in times of crisis to go out and get more guns when, on the front page of the newspapers, they say this is a contributor to the growth in violence that is taking place in all of our communities in this country.

If you want to be in the tank for the NRA, be our guest because that is what this is all about.

This amendment makes absolutely no sense in terms of the safety and security of our communities in times of crisis, in times of natural disasters, and in times of potential terrorists in this country. That is the time we need restraint. That is the time we need responsibility. That is the time we ought to follow the first responders who are trained for these kinds of crises, but what we know is those individuals think this amendment makes no sense whatsoever.

I reserve the remainder of my time.

Mr. DURBIN. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There is 29½ minutes remaining.

Mr. DURBIN. Mr. President, I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I appreciate the opportunity to speak on this issue because, frankly, it is so hard to comprehend that it needs clarification.

What are we talking about? We are saying if people have guns, and they are caught up in the chaos of a natural disaster, with people being chased out of their homes, people being rescued from rooftops, people begging for assistance, hanging out of windows, and so forth, if you have the wrong person who is hollering for help, and you are a first responder and you go into that house, you could get shot.

What is the sense of this? We are not saying you are being deprived of a privilege at that point. What is the privilege? To maybe kill a neighbor? Mr. President, if there are 30,000 people in a place that cannot accommodate that number, and in the middle of that confusion, in the middle of that frustration, in the middle of the anger and the rage that has to follow because you have been taken out of your home, or maybe don't know where your children are or where your spouse is, and the mental attitude that could exist in that situation, and they are making sure you have your pet pistol handy?

It is outrageous, and it should not be allowed. We have to vote against the Vitter amendment because what it attempts to do is to make sure there is protection. The protection, however, is for the NRA. National Rifle Association really means ''No Records Available'' and that is ridiculous that we

don't want to have lethal weapons controlled in times of crisis.

I am sure the Senator from Louisiana is reacting to a situation. To put it bluntly, I think the Vitter amendment would put the lives of police officers, National Guard troops, rescuers, and victims of a disaster in far greater danger. The Vitter amendment would prevent law enforcement officials and rescuers, first responders from collecting firearms from individuals, even temporarily, during an emergency or major disaster.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. LAUTENBERG. I will be pleased to yield.

Mr. KENNEDY. If a situation arose where a home is abandoned, and there are guns—say there were two guns and ammunition available and first responders came in, the house has been abandoned and looters are out there looking around in different buildings, the way I read this amendment is if the first responders get there first and they see these two rifles or additional handguns, the first responders will be prohibited from removing those weapons, preventing them from the possibility of falling into the hands of the looters; am I correct?

Mr. LAUTENBERG. The Senator is absolutely correct. Imagine this in response to what the Senator is saying: There were felons turned loose on the streets, there were looters occupying homes or anything to get themselves out of the flood or out of the way and steal anything, and here we give them a present. Not only did they find a roof over their head, they found guns.

So someone innocently trying to be of help comes in, such as an ambulance group, a physician, a coastguardsmen—look how gallant the Coast Guard people were—and imagine they try to break their way into a window to rescue someone they know is in there, and some crazy is there with a gun. Everybody knows, despite the fact that the person coming into the house wants to be of help—visualize what is taking place in some of the major cities across our country, where fire trucks responding to a fire are shot at. Here we are going to say: Wait a second, don't take away their guns. Maybe we ought to take away the fire engine, but don't take away their guns.

It is the NRA button. It has been pushed by the organization, and they are saying: Hey, don't let them encroach on our weapon ownership, even if the crisis is one that is going to take lives, as we saw in Katrina. Imagine being in that facility, that hall with all those people who were desperate to find some way out of that mess and someone starts an argument. Pistols, guns around? Outrageous.

What it means is that our law enforcement community will not be able to, even temporarily, hold weapons to protect other victims of the community at large during this crisis. At the next evacuation center, such as the Louisiana Superdome, we should allow people to roam around that facility with guns and assault weapons? What happens if someone wants to steal something they see one of their neighbors has and an argument ensues? The lawfulness is gone. They will be totally out of control giving somebody a gun like that.

I was fortunate enough to have the opportunity to write a law that took guns away from domestic abusers of children and spouses. We had a huge fight over it and finally we got it through. It was 1998. Since then, we have had over 100,000 gun permits denied to people who get so enraged that they beat up their kids, their spouse, their wives, their husbands, and the NRA was in there fighting every inch along the way: Oh, no, don't deprive the people of their freedom to beat up their wife, beat up their kids, and maybe if they are drunk enough, they may want to take a couple of shots at members of their household. No, we stopped that.

We plead with the Senator from Louisiana: Don't force us to vote on this amendment. Don't do it. Think about the people in Louisiana and think about what it might have been like in New Orleans at that time, with water running over the rooftops in many cases. Now we are asking for the right to prohibit law enforcement from confiscating guns if they knew where they are? Perhaps one of these people who had a gun, been arrested and convicted for domestic abuse still has the gun—let them sit there with a gun and try to enter into a household that is disturbed? It is not right, not fair.

The Senate is going to tell law enforcement officials who are trying to control these facilities that they are powerless: Keep your hands off those guns, policemen, FBI agents, FEMA people; keep your hands off those guns. Our police and Federal law enforcement officers are the first line of defense in terrorist attacks and natural disasters, and they have to have some degree of discretion.

The International Brotherhood of Police Officers thinks this about the Vitter amendment:

> The IBPO stands by our brothers and sisters in law enforcement and disapproves of any legislation that may interfere with a police officer's discretion to react as he or she sees fit under extreme emergency circumstances.
>
> Furthermore, the IBPO believes that responsible gun owners who act in accordance with Federal, State and local law are unlikely to have their guns confiscated unless they use or possess the guns in a manner or place that would be prohibited or threatening.

They are confirming that this is a bad idea.

The Vitter amendment would make it almost impossible for officials to set up safe areas during an emergency. It would turn evacuation centers into the Wild West. Take the guns and set them up in a safe area so they are returned to the owners. However, be careful to make sure that the original owner, the person who turned the gun in, isn't really a felon on the loose. Police know that large crowds, confined quarters, and limited amounts of food and water will lead to high tempers and leave people on the edge.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent for 2 minutes more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I thank the chair.

Understandably, police don't want guns in those shelters. The police must have the right to make that shelter a gun-free area. So what do they do? They say: Hey, Joe, turn in that gun; turn it in, and as soon as you are settled, we will keep it in safekeeping for you, and we will give you back your gun. But meanwhile, don't permit that gun owner, in a moment of rage, to do damage that is irreparable.

The fact is, our law enforcement community has to have the ability to make decisions that it believes will ensure the health and safety of the community at large. There is no valid reason law enforcement agencies should be prevented from doing their job in times of emergency. Let's not make it tougher for them. What do we want to do in times of crisis such as a flood, an earthquake, a hurricane, a tornado? At times like that, do we want to make it tougher for our emergency response people to carry out the duties they volunteer for, typically, and do so efficiently, under dangerous circumstances to themselves?

Let the NRA say: Come on, come on, let's let them have their guns. What is the difference? So they may take a shot or two. That is how it sounds to me, and I hope it sounds the same way to others.

I yield the floor.

Mr. DAYTON. Mr. President, I ask unanimous consent that my request with respect to vote No. 194 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I yield 1 minute to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish the Senator from Louisiana had offered this and just said: That is the way we want it in Louisiana. That would be OK. But why he wants to do this so it will affect my State of Massachusetts or other States is something I find unacceptable.

I quote here from Superintendent Warren Riley. He was the superintendent of police in New Orleans. He said:

> Most of the weapons were not taken from the hands of gun owners. Instead, they were seized from empty homes where evacuees left them behind to prevent looters from getting their hands on them.

Well, if we accept the Vitter amendment, they won't have that opportunity to do it again. If that was the

purpose, for gun owners to be able to have it, then the Vitter amendment should be redrafted. That isn't what his amendment says. Under the Vitter amendment, the police chief and the police chief in Boston or Springfield or Worcester or New Bedford or Fall River or any one of our communities would not be able to provide protection for the citizens of those communities.

Mr. DURBIN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Fifteen and a half minutes.

Mr. DURBIN. Mr. President, I understand that Senator VITTER has 6 minutes remaining; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. In the interest of bringing this debate to a close—we have had much more time than you have—I will make a few closing remarks and then give the floor to the Senator from Louisiana to close. I would ask the Senator from Louisiana if he is going to request a rollcall vote on this amendment?

Mr. VITTER. I am.

Mr. DURBIN. I thank the Senator for responding, and I will be as brief as I can. I thank my colleagues from Massachusetts and New Jersey.

Understand the situation we are talking about. This is not ordinary life in America. It is a time of a national emergency. It is a time of disaster. God forbid something like 9/11 should occur again; or Hurricane Katrina. It is an extraordinary circumstance where ordinary life is challenged, and we are just this close to seeing our society disintegrate, and the law enforcement officials are trying to keep things together. People are injured. People are pushed out of their homes. Fires are taking place. Chaos is reigning, and they are trying to keep the society together. So they make it clear that in some places, you can't use guns. Where you might have been able to use them under ordinary circumstances, because of a disaster, you cannot use them.

The example I use is you send the National Guardsmen in, they are sent in by the hundreds and thousands to maintain order, and then snipers start shooting at them. The police make it known that this will be a gun-free zone. We are going to confiscate every gun. We don't want any National Guardsmen killed because of this emergency, this disaster. Is that unreasonable? Not if it is your son or daughter who is a member of the National Guard.

But according to the Vitter amendment, the Vitter amendment would prohibit the seizure of a firearm based on the existence or a declaration of an emergency. You couldn't seize the firearm to protect the National Guardsmen or those, as the Senator from New Jersey said, driving down the street trying to put out the fire. People are shooting at them and they say: That is it, we are clearing the guns away from these major highways. We don't want people to be shooting at policemen and firemen and rescue workers. We don't want snipers killing people who are piling sandbags to save levees. Is any of that unreasonable? It sounds like exactly what we want our law enforcement agencies to do. But the Vitter amendment will tie their hands. The Vitter amendment will stop them.

One Senator came up to me on the floor and said: This doesn't sound like the Vitter amendment that was described to me earlier. It is not. This is the second rewrite of the original amendment. Each time Senator VITTER has rewritten it, in fairness to him, he has had to comply with Senate rules and he has had to change the wording, and now the wording is terrible. It no longer allows for existing State and Federal and local law enforcement, it no longer allows for the confiscation of guns that you know were used in the commission of a crime. These were in an earlier version of the amendment, but they are no longer there. It just says you can't use any of the funds in this act to seize a firearm based on the existence or the declaration of a state of emergency. It is the wrong way to go.

I suggest to the Senator from Louisiana that I hope he will withdraw this amendment. If he wants to do what the Senator from Idaho suggests, which is to put in an amendment to allow people to protect their own homes with their own legally owned firearms, I am not going to object to that. I don't think we should. But in this situation, in a disaster or an emergency, to say that law enforcement cannot control the flow of firearms—God forbid we face terrorism again in America and those people are armed and the law enforcement agencies don't have the power to take the guns away from them in a state of emergency. What are we thinking?

I hope the Senator from Louisiana will reconsider his position. I will yield the floor at this point and allow him to close, and then we can move to a rollcall if he requests one.

Mr. VITTER. Mr. President, in closing and in support of my amendment, I wish to make four brief points.

First of all, I reiterate the widespread support for this amendment from many quarters, including the Fraternal Order of Police, a leading organization of law enforcement personnel. I ask unanimous consent that this strong letter of support be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRATERNAL ORDER OF POLICE,
Washington, DC, July 13, 2006.

Hon. DAVID VITTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR VITTER: I am writing to you on behalf of the members of the Fraternal Order of Police to advise you of our support for an amendment you intend to offer to H.R. 5441, the FY2007 appropriations bill for the U.S. Department of Homeland Security.

Your amendment would prohibit the use of any funds appropriated under this legislation from paying for the seizure of firearms during a major disaster or emergency, except under circumstances currently applicable under Federal or State law. As we witnessed in the communities along the Gulf Coast in the wake of Hurricane Katrina, large scale critical incidents demand the full attention of law enforcement officers and other first responders. During this time, the preservation of life-search and rescue missions—is the chief priority of every first responder. Further, breakdowns in communications systems and disaster-related transportation or other infrastructure failures will lengthen a law enforcement agency's response times, increasing the degree to which citizens may have to protect themselves against criminals. A law-abiding citizen who possess a firearm lawfully represents no danger to law enforcement officers or any other first responder.

On behalf of the more than 324,000 members of the Fraternal Order of Police, I am pleased to offer our support for this amendment and look forward to working with you to getting it passed. If I can be of any further assistance on this issue, lease do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

Mr. VITTER. Secondly, Mr. President, I will also request that the following list be printed in the RECORD. It is a list of 10 States that have already passed State law doing exactly what we are going to do here on the floor of the Senate today, and that is simply say that a declaration or a state of emergency in and of itself does not give law enforcement the right to confiscate firearms held in legal possession. Ten States have already done that. One additional State, the State of Ohio, has pending legislation.

I ask unanimous consent that this list be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMERGENCY POWERS 2006

Alaska—HB 400, sponsored by Representative John Coghill (R–11) passed out of the Senate 19–1 (4/27); House concurred on Senate amendments 30–4 on (4/28); signed by Governor Frank Murkowski (R) on May 18.

Idaho—SB 1401; passed Senate unanimously 34–0 and passed House 59–6; signed by Governor Dirk Kempthorne (R) on March 30.

Florida—HB 285, sponsored by Representative Mitch Needelman (R–31) unanimously passed the House 116–0 and passed the Senate 40–0; signed by Governor Jeb Bush (R) on June 7.

Kentucky—HB 290, the ''Gun Owner Protection Act'' sponsored by Representative Robert Damron (D–39), includes: prohibits government officials from restricting the rights of law-abiding gun owners during declared states of emergency. HB 290 passed the House with a vote of 89–7 on February 15 and passed the Senate with a vote of 35–2 on March 24. The House concurred 90–4 that same day; signed by Governor Ernie Fletcher (R) on April 22.

Louisiana—HB 760 by Representative Steve Scalise (R–82)—an NRA-backed bill amending the state's emergency powers laws to prevent New Orleans-style gun confiscations

in the event of another natural disaster in Louisiana: House unanimously approved (102–0), Senate approved 36–0; House concurred 98–0; signed by Governor Kathleen Blanco (D) on June 8.

Mississippi—HB 1141, enables hunters to continue hunting on certain-sized land tracts annexed by a city or county, even if that locality bans the discharge of firearms within its limits; prohibits the seizure and confiscation of firearms by local officials in the unfortunate event of a future natural disaster in Mississippi; and permits employees to transport and store firearms in their locked, private vehicles while parked on their employer's property if the employer doe not provide secure parking separate from the public; signed by Governor Haley Barbour (R) on March 23.

New Hampshire—SB 348, sponsored by Senator Peter Bragdon (R–11); signed by Governor John Lynch (D) on May 15.

Oklahoma—HB 2696, sponsored by Representative Trebor Worthen (R–87), passed the House overwhelmingly with a vote of 94–1, and unanimously in the Senate with a vote of 46–0; signed by Governor Brad Henry (D) on April 20.

South Carolina—S 1261, sponsored by Senator Danny Verdin (R–9), prohibits the Governor, or any government agency, from suspending the Right to Keep and Bear Arms during a state of emergency and prohibits South Carolina Law Enforcement Division (SLED) from releasing the personal information of Right-to-Carry (RTC) permit holders unless the request for the information is part of an investigation by law enforcement. Signed by Governor Mark Sanford (R) on June 9.

Virginia—HB 1265, sponsored by Delegate William R. Janis (R–56), unanimously passed House 97–0 (2/08) and Senate 40–0 (3/7); signed by Governor Tim Kaine (D) on April 4.

Mr. VITTER. Mr. President, I wish to make a third point, which is that, quite frankly, I find it somewhat ironic that the Senator from Illinois would welcome more detailed language, as I did have in the earlier draft, because the reason we don't have slightly more detailed language on the floor is because of a rule XVI objection by the leadership, the Democratic leadership, those working against the amendment in conjunction with the Senator from Illinois. So they objected to more detailed language in one breath, and then after we redrafted the amendment to comply with Senate rules regarding germaneness, they object to less detailed language in the next. You can't have it both ways.

The fourth and final point is that the language we do have on the Senate floor goes to the heart of the issue and protects fundamental second amendment rights.

There is one point I strongly agree with the Senator from Illinois about, and that is that we are not talking about ordinary life in America, an ordinary day; we are talking about a time of emergency where everything is different, where the world is turned upside down.

It is exactly that very reason that this second amendment right to bear arms and use legally possessed firearms in defense of yourself, your life, and your property is so crucial, because you know what, your phone line in this very unique situation doesn't work, your cell phone and Blackberry don't work, there is no communication, and you can't reach out to the law enforcement authorities and have them there in a reasonable amount of time when your home is being broken into. All of that is gone. All of that is gone. The only thing that remains, in many instances, is your legally possessed firearm. That is the only thing for the defense of yourself, your life, your family's life and health, and your possessions. That is exactly why protecting this fundamental constitutional right is so very important, precisely for this sort of time of emergency.

The distinguished Senator from New Jersey made some remarks and read a letter talking about leaving it up to the judgment and discretion of law enforcement personnel. Well, I have great respect in general for law enforcement personnel, but I don't think their judgment or their discretion trumps the Constitution, and that is what happened and that is the attitude many of them took, unfortunately, after Hurricane Katrina in Louisiana. They thought their judgment and their discretion trumped the Constitution. They confiscated legally held firearms from law-abiding citizens, in some cases literally older, defenseless women, older citizens trapped in their homes with a legally possessed firearm as their only means of defense. That should never happen again. The Constitution, the second amendment, should never be abused again, particularly in such a state of emergency.

Mr. President, in closing, I urge all of my colleagues to support this commonsense, straightforward amendment. It is supported by the Fraternal Order of Police, it is supported by the National Rifle Association, which intends to grade this vote, and I urge all Members to offer their support for this straightforward, commonsense amendment.

With that, I yield back my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENTS NOS. 4618, 4616, 4578, 4592, 4638, AS MODIFIED, 4642, AS MODIFIED, 4619, AS MODIFIED, 4635, AS MODIFIED, 4550, AS MODIFIED, 4624, AS MODIFIED, AND 4661, AS MODIFIED, EN BLOC

Mr. GREGG. Mr. President, I ask that prior to this vote, we do a little housekeeping. The following amendments have been cleared. I ask unanimous consent that they be deemed to be called up and read and approved en bloc after I have read them out. The first one would be No. 4618, Senator DAYTON; No. 4616, Senator DURBIN; No. 4578, Senator WARNER; No. 4592, Senator FEINGOLD; No. 4638, Senator BOXER, as modified; No. 4642, Senator PRYOR, as modified; No. 4619, Senator DURBIN, as modified; No. 4635, Senator CARPER, as modified; No. 4550, Senator SPECTER, as modified; No. 4624, Senator OBAMA, as modified; and No. 4661, Senator LAUTENBERG, as modified.

I ask unanimous consent that those amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 4618

(Purpose: To prohibit the use of appropriated funds to take an action that would violate Executive Order 13149 (relating to greening the government through Federal fleet and transportation efficiency))

On page 127, between lines 2 and 3, insert the following:

SEC. ____. None of the funds made available by this Act may be used to take an action that would violate Executive Order 13149 (65 Fed. Reg. 24607; relating to greening the government through Federal fleet and transportation efficiency).

AMENDMENT NO. 4616

(Purpose: To provide funding for mass evacuation exercises)

On page 93, strike lines 7 and 8 and insert the following:

(4) $331,500,000 for training, exercises, technical assistance, and other programs (including mass evacuation preparation and exercises):

AMENDMENT NO. 4578

(Purpose: To increase funding for the Office of National Capital Region Coordination, and for other purposes)

On page 90, line 15, strike ''of which $8,000,000'' and insert ''of which no less than $2,741,000 may be used for the Office of National Capital Region Coordination, and of which $8,000,000''.

AMENDMENT NO. 4592

(Purpose: To require the Under Secretary of Transportation for Transportation Security to assist in the coordination of the voluntary provision of emergency services during commercial flights)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The Transportation Security Administration shall require each air carrier and foreign air carrier that provides air transportation or intrastate air transportation to submit plans to the Transportation Security Administration on how such air carrier will participate in the voluntary provision of emergency services program established by section 44944(a) of title 49, United States Code.

(b)(1) Not more than 90 days after the date of the enactment of this Act, the Transportation Security Administration shall prepare a report that contains the following:

(A) Procedures that qualified individuals need to follow in order to participate in the program described in subsection (a).

(B) Relevant contacts for individuals interested in participating in the program described in subsection (a).

(2) The Transportation Security Administration shall make the report required by paragraph (1) available, by Internet web site or other appropriate method, to the following:

(A) The Congress.

(B) The emergency response agency of each State.

(C) The relevant organizations representing individuals to participate in the program.

AMENDMENT NO. 4638, AS MODIFIED

(Purpose: To direct the Director of the Federal Emergency Management Agency in conjunction with the Director of the National Institutes of Standards and Technology to submit a report outlining Federal earthquake response plans for high risk earthquake regions in the United States)

At the appropriate place, insert the following:

SEC. ____. FEDERAL EARTHQUAKE RESPONSE PLANS.

Not later than 90 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency in conjunction with the Director of the National Institutes of Standards and Technology shall submit a report to the Senate Committee on Appropriations outlining Federal earthquake response plans for high risk earthquake regions in the United States as determined by the United States Geological Survey.

AMENDMENT NO. 4642, AS MODIFIED

On page 66, line 5, strike ''$166,456,000'' and insert ''$163,456,000''.

On page 91, line 6, strike ''$2,393,500,000'' and insert ''$2,400,000,000''.

On page 93, strike lines 7 and 8 and insert the following:

(4) $338,000,000 for training, exercises, technical assistance, and other programs: *Provided*, That not less than $18,000,000 is for technical assistance:

On page 120, increase the amount on line 9 by $3,500,000.

AMENDMENT NO. 4619, AS MODIFIED

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall establish revised procedures for expeditiously clearing individuals whose names have been mistakenly placed on a terrorist database list or who have names identical or similar to individuals on a terrorist database list. The Secretary shall advise Congress of the procedures established.

AMENDMENT NO. 4635, AS MODIFIED

On page 114, line 8, insert the following: ''Until the Secure Flight program or a follow on or successor passenger screening program has been deployed or implemented, the Transportation Security Administration shall provide airlines with technical or other assistance to better align their reservation and ticketing systems with terrorist databases to assist in alleviating travel delays and other problems associated with mistaken identification.''.

AMENDMENT NO. 4550, AS MODIFIED

On page 92, line 2, strike the semicolon and insert the following: '': *Provided*, That not later than September 30, 2007, the Secretary shall distribute any unallocated funds provided for in title III of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90; 119 Stat. 2075) under the heading ''STATE AND LOCAL PROGRAMS'' under the heading ''OFFICE FOR DOMESTIC PREPAREDNESS'' to assist organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code) determined by the Secretary to be at high-risk or potential high-risk of a terrorist attack: *Provided further*, That applicants shall provide for the Secretary's consideration prior threats or attacks (within or outside the U.S.) by a terrorist organization, network, or cell against an organization described in the previous proviso and the Secretary shall consider prior threats or attacks (within or outside the U.S.) against such organizations when determining risk: *Provided further*, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives the risk to each designated tax exempt grantee at least 3 full business days in advance of the announcement of any grant award;

AMENDMENT NO. 4624, AS MODIFIED

On page 99, line 4, insert after ''Act'' the following: '': *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used to enter into contracts using procedures based upon the unusual and compelling urgency exception to competitive procedures requirements under section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code, unless the contract is for the procurement of only such property and services as are necessary to address the immediate emergency and is only for so long as is necessary to put competitive procedures in place in connection with such procurement and the Secretary of Homeland Security notifies the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate and Appropriations and Homeland Security of the House of Representatives of such contract not later than 7 days after the contract is entered into''.

AMENDMENT NO. 4661, AS MODIFIED

At the appropriate place, insert the following:

SEC. ____. (a) NATIONAL CAPITAL REGION AIR DEFENSE MISSION OF THE COAST GUARD.—

Of the amount appropriated or otherwise made available by title II of this Act under the heading ''UNITED STATES COAST GUARD'', ''OPERATING EXPENSES'', $13,934,000 may be available for the purpose of the National Capital Region Air Defense mission of the Coast Guard.

AMENDMENT NO. 4550

Ms. MIKULSKI. Mr. President, today I rise to support and cosponsor Senator SPECTER's amendment to make sure funding to nonprofit institutions that are at high risk of terrorist attack receive the funds we have given to them. I have worked with my colleague from Pennsylvania on legislation to help nonprofits that serve communities throughout the Nation but that are threatened daily by the risk of terrorist attack. We have also worked together to provide these vulnerable communities with needed funding for the past 2 years. Yet despite our efforts to protect these ''soft targets'' of terrorism, the Department of Homeland Security has refused to release any of last year's money to these nonprofits. This is unacceptable. Today, we are making it clear that the $25 million provided for nonprofits must be spent to protect these institutions.

We are all aware of recent terrorist attacks in the United States, Spain, Germany, Iraq, Tunisia, Kenya, Morocco, and Turkey. These attacks by al-Qaida on an international Red Cross building, synagogues, train stations, hotels, airports, restaurants, night clubs, and cultural centers, show its willingness to attack ''soft targets'' of all types in order to conduct its campaign of terror.

I want to make sure that our communities are safe and the buildings where citizens live, learn and work are strong and secure to safeguard American lives in the event of a terrorist attack. Local communities are on the front lines in our war against terrorism. This Congress must do its share to make sure that they do not have to bear the full cost of this war. We have done this by providing funds for security enhancements in buildings that Americans visit everyday. Yet DHS has failed to give local communities the funds they need. DHS has not released any of the funds despite instruction from Congress to do so.

This amendment is very simple—it requires the Office for State and Local Government Coordination and Preparedness to release the $25 million Congress provided to enhance the security and safety to these nonprofits. This funding will help nonprofits make the needed security improvements to protect these ''soft targets'' of terrorism. These nonprofits are worried now, they are under threat now, and they need our help now. This Congress has acted and now DHS must act now to make these nonprofits and the communities that they serve safer and stronger.

As a nation our priority in fighting the war on terror is to be safer, stronger, and smarter so that we are able to better detect, prevent and respond to acts of terrorism. This amendment gets us one step closer to meeting those goals by making vulnerable targets smarter in detecting and preventing terrorist attacks and by making sure that if terror strikes one of these facilities, security and safety measures are in place to protect the lives of those inside and around these buildings.

Nothing the Senate does is more important than providing America security and Americans safety. I am pleased that this amendment has been accepted because it does exactly that. In the battle to protect our nation from terrorist attacks, we must be sure to provide assistance to these high-risk nonprofit organizations that provide vital health, social, cultural, and educational services to the American people.

AMENDMENT NO. 4616

Mr. DURBIN. Mr. President, I offer an amendment to improve the Nation's preparedness and response to natural disasters and terrorist attacks.

This amendment is based on legislation that I introduced last year, the Mass Evacuation Exercise Assistance Act of 2005, S. 2043, which would implement a recommendation in the Senate Homeland Security and Governmental Affairs Committee's report ''Hurricane Katrina: A Nation Still Unprepared'' that Federal agencies work with State and local officials to develop evacuation plans.

That bill would address a gaping hole in our Nation's disaster preparedness by providing grants for evacuation exercises and the implementation of emergency response plans. It would establish a grant program to ensure that

cities across America have the resources they need to develop comprehensive evacuation plans; stage drills and exercises to practice and perfect evacuation procedures; and stockpile the materials needed to supply evacuation areas. In addition, the legislation would help cities prepare for future emergencies and evacuations to ensure that their citizens will be evacuated quickly and safely should a natural disaster or terrorist attack occur. Otherwise, like the victims of Hurricane Katrina, citizens can easily become trapped without food or water in a devastated area or along an escape route.

Based on that bill, S. 2043, my amendment today specifically includes evacuation exercises among the list of activities funded by homeland security grants. Evacuation planning and exercises are already permitted, but adding the words ''evacuation preparation and exercises'' to the bill would encourage state and local governments to request homeland security funds for that particular purpose. States and localities need to practice their evacuation plans in order to test and improve their systems before they must be executed in real emergencies.

The Department of Homeland Security recently reported to Congress that many states, territories, and urban areas lack confidence in the adequacy and feasibility of their plans to deal with catastrophic events. The Department's report also highlighted the importance of exercises in preparing first responders for disasters and revealing shortcomings in disaster plans. The Washington Post recently called for increased attention to evacuation exercises and disaster preparation in preventing a reoccurrence of the disaster that followed Hurricane Katrina. According to the Post, the insufficient Federal and local response to Hurricane Katrina was ''a failure of execution, not prediction.''

Therefore, I encourage my colleagues to support this important amendment to strengthen our Nation's emergency and disaster preparedness and response.

AMENDMENT NO. 4619

Mr. DURBIN. Mr. President, I rise to offer an amendment to the fiscal year 2007 Homeland Security appropriations bill. This measure would direct the Secretary of Homeland Security to revise existing procedures and establish new methods for expeditiously clearing the names of individuals who have been mistakenly placed on a terrorist database list, including the Transportation Security Administration's, TSA, No-Fly and Selectee watch list, or who have names identical to or substantially similar to names on these database lists. The Secretary of Homeland Security would report the revised procedures to Congress no later than 6 months after enactment of this bill.

Since the terrorist attacks of September 11, 2001, the TSA and other Government agencies have maintained terrorist database lists containing the names of individuals suspected of posing a risk of terrorism or other threat to airline or passenger safety. The TSA watch list contains the names of individuals who have been placed into two categories. One is the group of individuals in the ''No Fly'' category. Any individual whose name appears in this category will not be permitted to board a commercial flight, as the Department of Homeland Security and other Federal agencies have deemed that person is a known terrorist or someone who has solid ties to terrorist activity. The second category is known as ''Selectees,'' and they may be on this list for a variety of reasons, such as attempting to pass a weapon through a security checkpoint or otherwise exhibiting behavior that presents suspicion that the person may engage in future terrorist acts, even though information about the individual is not sufficient to place them in the ''No Fly'' category.

Unfortunately, thousands of innocent passengers have been placed on the TSA watch list mistakenly or, as is often the case, because they have the same name as others on the list. This prevents those passengers from using the internet or electronic kiosks located at the airport to check in when they fly. This causes these passengers to wait in long lines to be cleared by airline personnel at the check-in counter, sometimes even resulting in missed flights.

The TSA procedure for differentiating the innocent travelers from those who pose a threat is long and still results in the cleared passengers having to check in at the counter and present a clearance letter from the TSA. In other words, after going through the clearance and verification process, innocent passengers still cannot use the internet and kiosks that airlines rely on for passengers to obtain their boarding passes.

I truly hope that as a result of this amendment, the TSA will establish a better system to not only clear innocent passengers from any terrorist database lists, but also to work with the airlines to devise a safe and secure check-in procedure that differentiates between the criminals and the innocent.

I thank Senator CARPER for joining as an original cosponsor of my amendment, and I urge all of my colleagues to support it.

AMENDMENTS NOS. 4669, 4670, 4671, 4672, AND 4673

Mr. GREGG. Mr. President, I send five amendments to the desk, one on behalf of Senator BAUCUS, one on behalf of Senator KYL, one on behalf of Senator SCHUMER, one on behalf of Senator GRASSLEY, and one on behalf of Senator LEVIN, and I ask unanimous consent that those amendments be considered read and approved en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 4669

(Purpose: To express the sense of the Senate that Customs and Border Protection should continue to focus on reporting and analysis of trade flows to prevent the spread of methamphetamine)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 540. (a) The Congress makes the following findings:

(1) Domestic methamphetamine production in both small-and large-scale laboratories is decreasing as a result of law enforcement pressure and public awareness campaigns.

(2) It is now estimated that 80 percent of methamphetamine consumed in the United States originates in Mexico and is smuggled into the United States.

(3) The movement of methamphetamine into the United States poses new law enforcement challenges at the border, in the financial system, and in communities affected by methamphetamine.

(4) Customs and Border Protection is working to stop the spread of methamphetamine by examining the movement of the drug and its precursors at the borders and points of entry.

(5) Customs and Border Protection is a vital source of information for the Drug Enforcement Administration and other law enforcement agencies.

(b) It is the sense of the Senate that Customs and Border Protection should continue to focus on methamphetamine in its reporting and analysis of trade flows to prevent the spread of methamphetamine throughout the United States.

AMENDMENT NO. 4670

(Purpose: To increase the total number of Department of Homeland Security additional detention bed spaces by 1,700 beds in fiscal year 2007)

On page 76, line 15, before the period insert '': *Provided further*, That an additional $58,000,000 shall be available under this heading and authorized for 1,700 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds and the amount made available under the heading '**DISASTER RELIEF**' in this Act is reduced by $58,000,000''.

AMENDMENT NO. 4671

(Purpose: To require the Secretary to submit a report to Congress addressing its compliance with the recommendations from the July 6, 2006 Inspector General Report ''Progress in Developing the National Asset Database'')

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON COMPLIANCE WITH INSPECTOR GENERAL RECOMMENDATIONS.

Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations a report addressing the compliance by the Department of Homeland Security with the recommendations set forth in the July 6, 2006, Inspector General of Homeland Security report entitled ''Progress in Developing the National Asset Database''. The report shall include the status of the prioritization of assets by the Department of Homeland Security into high-value, medium-value, and low-value asset tiers, and how such tiers will be used by the Secretary of Homeland Security in the issuance of grant funds.

AMENDMENT NO. 4672

(Purpose: To require the Inspector General of the Department of Homeland Security to review each Secure Border Initiative contract valued at more than $20,000,000 and to report the findings of such reviews to the Secretary of Homeland Security and to Congress)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 60 days after the initiation of any contract relating to the Secure Border Initiative that is valued at more than $20,000,000, and upon the conclusion of the performance of such contract, the Inspector General of the Department of Homeland Security shall review each action relating to such contract to determine whether such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority-owned, and women-owned businesses, and time lines.

(b) If a contract review under subsection (a) uncovers information regarding improper conduct or wrongdoing, the Inspector General shall, as expeditiously as practicable, submit such information to the Secretary of Homeland Security, or to another appropriate official of the Department of Homeland Security, who shall determine if the contractor should be suspended from further participation in the Secure Border Initiative.

(c) Upon the completion of each review under subsection (a), the Inspector General shall submit a report to the Secretary that contains the findings of the review, including findings regarding—

(1) cost overruns;

(2) significant delays in contract execution;

(3) lack of rigorous departmental contract management;

(4) insufficient departmental financial oversight;

(5) contract bundling that limits the ability of small businesses to compete; or

(6) other high risk business practices.

(d)(1) Not later than 30 days after the receipt of each report submitted under subsection (c), the Secretary shall submit a report to the congressional committees listed in paragraph (3) that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in the report.

(2) Not later than 60 days after the initiation of each contract action with a company whose headquarters is outside of the United States, the Secretary shall submit a report regarding the Secure Border Initiative to the congressional committees listed in paragraph (3).

(3) The congressional committees listed in this paragraph are—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Appropriations of the House of Representatives;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(F) the Committee on Homeland Security of the House of Representatives.

AMENDMENT NO. 4673

(Purpose: To provide that, of the amount appropriated by title VI for Customs and Border Protection for air and marine interdiction, operations, maintenance, and procurement, such funds as are necessary may be available for the final Northern border air wing site in Michigan)

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title VI for Customs and Border Protection for Air and Marine Interdiction, Operations, Maintenance, and Procurement, such funds as are necessary may be available for the establishment of the final Northern border air wing site in Michigan.

AMENDMENT NO. 4615

Mr. GREGG. I believe we are now ready to go to a vote on the amendment of Senator VITTER.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 84, nays 16, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—84

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Baucus	Dorgan	Murray
Bayh	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Biden	Feingold	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sessions
Cantwell	Inhofe	Shelby
Carper	Isakson	Smith
Chafee	Jeffords	Snowe
Chambliss	Johnson	Specter
Coburn	Kerry	Stabenow
Cochran	Kohl	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Talent
Conrad	Leahy	Thomas
Cornyn	Lieberman	Thune
Craig	Lincoln	Vitter
Crapo	Lott	Voinovich
Dayton	Lugar	Warner
DeMint	Martinez	Wyden

NAYS—16

Akaka	Harkin	Mikulski
Boxer	Inouye	Reed
Clinton	Kennedy	Sarbanes
Dodd	Lautenberg	Schumer
Durbin	Levin	
Feinstein	Menendez	

The amendment (No. 4615), as modified, was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4608 AND 4574

Mr. GREGG. I send to the desk two amendments that have been agreed to that may have already been filed: Biden No. 4608 and Senator COLEMAN No. 4574. I ask unanimous consent they be considered as reported and read and they be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4608 and 4574) were agreed to, as follows:

(Purpose: To require passenger and baggage screeners at New Castle Airport in Wilmington, Delaware as long as commercial air service is provided at that airport)

On page 78, line 20, strike the colon and insert the following: ": *Provided further, That* the Transportation Security Administration shall provide passenger and baggage screeners and related resources at the New Castle Airport in Wilmington, Delaware as long as commercial air service is provided at that airport:".

AMENDMENT NO. 4574, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. PILOT INTEGRATED SCANNING SYSTEM.

(a) DESIGNATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security (referred to in this section as the "Secretary") shall designate 3 foreign seaports through which containers pass or are transshipped to the United States to pilot an integrated scanning system that couples nonintrusive imaging equipment and radiation detection equipment, which may be provided by the Megaports Initiative of the Department of Energy. In making designations under this subsection, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(2) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and host foreign government to implement the pilot program under this subsection.

(b) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the terminal;

(2) electronically transmit the images and information to the container security initiative personnel in the host country and/or Customs and Border Protection personnel in the United States for evaluation and analysis;

(3) resolve every radiation alarm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval and analysis.

(c) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (b), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report, to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot program implemented under this section;

(2) an analysis of the efficacy of the Automated Targeting System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers; and

(4) a plan and schedule to expand the integrated scanning system developed under this section to other container security initiative ports.

(c) IMPLEMENTATION.—As soon as practicable and possible after the date of enactment of this Act, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

Mr. GREGG. Mr. President, I turn to the Senator from California who has an amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 4674

Mrs. BOXER. Mr. President, I will take less than a minute to thank both sides.

Can the Senator help me? This is my able assistant.

Mr. LEAHY. If the Senator will yield, I must say what a thrill it is to work on the staff of Senator BOXER and to be able to help her.

I wonder, Senator, if it is OK to go to work for Senator JEFFORDS?

Mrs. BOXER. I have never had such a fantastic, underpaid, assistant in my life.

I will take a minute to explain why I am very delighted that Senators GREGG and MURRAY have signed off on this amendment we are about to adopt.

Senator SCHUMER has worked very hard on this issue. Here is what we say. We say the inspector general did an investigation and found out that on the out-of-place assets list—these are assets that the Department of Homeland Security will protect—were places such as the Nestle Purina Pet Food plant, the Sweetwater Flea Market, petting zoo, the beach at the end of a street, the Pepper and Herb Company, Auto Shop, groundhog zoo, high stakes bingo, mule day parade.

We wish we could protect every activity in America, but I think when you are looking at a budget that is limited, we should go after the targets that al-Qaida has told us—the bridges, the highways, the infrastructure, the chemical plants, the nuclear plants. We do not have to spend taxpayer money protecting the bourbon festival, as an example.

The point is, we are going to ask the Department to either accept the recommendations of the inspector general or tell us why not. That is the essence of the amendment.

I thank my colleagues. I don't know if I need to ask for the yeas and nays.

Mr. GREGG. I hope the Senator wouldn't.

I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4674.

Mrs. BOXER. I ask unanimous consent the reading of the amendment be dispensed with.

The amendment is as follows:

(Purpose: To prohibit the use of certain funds for travel by officers or employees of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled ''Progress in Developing the National Asset Database'', dated June 2006)

On page 90, line 24, before the period, insert the following: '': *Provided further*, That none of the funds made available in this title under the heading ''Management and Administration'' may be used for travel by an officer or employee of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled 'Progress in Developing the National Asset Database', dated June 2006; or until the Under Secretary for Preparedness submits a report to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives explaining why such recommendations have not been fully implemented.

Mr. GREGG. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4674) was agreed to.

AMENDMENT NO. 4574, AS MODIFIED

Mr. GREGG. I further ask unanimous consent the amendment numbered 4574 by Senator COLEMAN should have been modified. Therefore, I ask unanimous consent it be deemed modified as sent to the desk and that it be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I now ask unanimous consent the only remaining amendments to be considered prior to final passage will be the amendments of Senator CLINTON, Senator CHAMBLISS, and Senator DOMENICI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. 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. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4598, AS MODIFIED

Mr. GREGG. Mr. President, I ask that Senator DOMENICI's amendment numbered 4598, as modified, be considered pending and it be agreed to by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4598), as modified, was agreed to, as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. _____. EXPANSION OF THE NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given the term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)).

(2) EMERGENCY AND MAJOR DISASTER.—The terms ''emergency'' and ''major disaster'' have the meanings given the terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.—The term ''National Infrastructure Simulation and Analysis Center'' means the National Infrastructure Simulation and Analysis Center established under section 1016(d) of the USA PATRIOT Act (42 U.S.C. 5195c(d)).

(4) PROTECT.—The term ''protect'' means to reduce the vulnerability of critical infrastructure in order to deter, mitigate, or neutralize an emergency, natural disaster, terrorist attack, or other catastrophic event.

(b) AUTHORITY.—

(1) IN GENERAL.—The National Infrastructure Simulation and Analysis Center shall serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to—

(A) counterterrorism, threat assessment, and risk mitigation; and

(B) an emergency, natural disaster, terrorist attack, or other catastrophic event.

(2) INFRASTRUCTURE MODELING.—

(A) PARTICULAR SUPPORT.—The support provided under paragraph (1) shall include modeling, simulation, and analysis of the systems comprising critical infrastructure, in order to enhance critical infrastructure preparedness, protection, response, and recovery activities.

(B) RELATIONSHIP WITH OTHER AGENCIES.—Each Federal agency and department with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive, shall establish a formal relationship, including an agreement regarding information sharing, between the elements of such agency or department and the National Infrastructure Simulation and Analysis Center.

(C) PURPOSE.—

(i) IN GENERAL.—The purpose of the relationship under subparagraph (B) shall be to permit each Federal agency and department described in subparagraph (B) to take full advantage of the capabilities of the National Infrastructure Simulation and Analysis Center consistent with its workload capacity and priorities (particularly vulnerability and consequence analysis) for real-time response to reported and projected emergencies, natural disasters, terrorist attacks, or other catastrophic events.

(ii) RECIPIENT OF CERTAIN SUPPORT.—Modeling, simulation, and analysis provided under this subsection shall be provided to relevant Federal agencies and departments, including Federal agencies and departments with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4649, AS MODIFIED

Mr. GREGG. Mr. President, I address the Chambliss amendment numbered 4649 and I ask unanimous consent it be called up, considered read, and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4649), as modified, was agreed to, as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Notwithstanding any other provisions of law, the Secretary of Homeland Security shall consult with National Council

on Radiation Protection and Measurements (in this section referred to as the ''NCRP'') and other qualified organization and government organizations in preparing guidance and recommendations for emergency responders, to assist recovery operations, and to protect the general public with respect to radiological terrorism, threats, and events.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, a lot of work has been accomplished in the last 3 days. I particularly thank Senator GREGG, chairman of the committee, who has done a good job of balancing a very difficult budget in a very difficult year but has been great to work with. The numerous amendments came from both sides of the aisle, and I thank all of his staff for their work.

I thank the ranking member on our committee, Senator BYRD, for his work on this committee and all of the effort he has put into making sure we have a balanced bill that has come before the Senate to appropriate funds for Homeland Security.

I especially thank the staff that has been out here on our side working for the last numerous days, night and day, to get us to the point where we will shortly vote on this bill: Chuck Kieffer, Chip Walgren, Scott Nance, Drenan Dudley, Adam Morrison, and all of our staff who have been out here.

I end by thanking Senator GREGG for his tremendous work on this bill in a very difficult year.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I join the Senator from Washington.

I especially thank the Senator from Washington who has been drawn in here to help out. She has done a fabulous job. We would not have gotten to this point as promptly as we have without her assistance and leadership. It has been a joy to work with her. Her professionalism is extraordinary.

I also, of course, thank Senator BYRD, the ranking member. He is a tremendous force. He has been for decades. His influence on this bill is very significant. He has been a very constructive individual to work with as my ranking member, although he is well my senior in both experience, knowledge, and ability.

I especially thank my staff: Rebecca Davies, Carol Cribbs, Shannon O'Keefe, Mark VandeWater, Nancy Perkins, and Christa Crawford. They have done a great job. They have been working long hours, as have other members of our staff, including interns who have been brought in and Budget staff who have been thrown in the breach. But the Appropriations staff is a small, rather effective cadre, and we admire what they do.

On the minority side Chuck Kieffer and his team do a superb job, and we greatly admire their efforts. And, of course, we very much appreciate the assistance of the staff of the full committee, and especially the assistance of Senator COCHRAN and Keith Kennedy, Bob Putnam, Jack Conway, and Richard Larson. These are folks who come in and help us out a great deal. So we thank them immensely. We could not have gotten to this point without them.

They work immense hours. We can never really adequately express our appreciation to them, but we do greatly appreciate all they have done.

AMENDMENT NO. 4582, AS MODIFIED

Mr. President, at this time I ask unanimous consent that we call up and proceed to the consideration of amendment No. 4582 on behalf of Senator CLINTON, that it be modified with the modification I send to the desk, and that it be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4582), as modified, was agreed to, as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. The Comptroller General shall provide a report to the Senate and House Committees on Appropriations no later than thirty days after enactment describing the impact on public safety and the effectiveness of screening operations resulting from the modification of the list of items prohibited from being carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation set forth in section 1540 of title 49, Code of Federal Regulations, as of December 1, 2005, to be carried aboard a passenger aircraft.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, Senator BYRD, the ranking member on our side, does have further remarks. I thank him and all of his staff.

Mr. BYRD. Mr. President, I rise today in support of the fiscal year 2007 Homeland Security Appropriations Bill. I commend Chairman GREGG for his leadership on this important legislation. I thank Senator MURRAY for her contributions to the bill this week. I also thank Chairman GREGG's staff and my staff for their excellent work on this legislation.

The bill that is before the Senate contains numerous improvements to the President's request, both in terms of funding and in giving clear direction to the Department on how to improve its operations. Regrettably the President sent a budget to the Congress for Homeland Security programs that is hollow.

This bill provides critical improvements to that request and does so in a fiscally responsible manner. Additional funding is provided for border security, port security, grants to equip, train, and hire firefighters, for the Coast Guard Deepwater program to replace its aging fleet of ships, planes and helicopters, as well as additional funding for emergency managers. In addition, we provide clear direction to the Secretary for securing our Nation's chemical facilities.

While many of the Department's legacy agencies, such as the Coast Guard, Customs and Border Protection, and the Secret Service, continue to operate effectively, the Department itself has become an ineffective, behemoth. Rather than make America safer, the Department has become a cumbersome agency, burdened by malaise.

FEMA, the Federal Emergency Management Agency, has been broken into ineffective pieces, separating the responsibilities for preparedness and response. We all learned after Hurricane Katrina that FEMA is no longer up to the task of responding to a catastrophic disaster, whether the disaster is a terrorist attack or a natural disaster.

The Department has become a haven for contractors. DHS spends millions of dollars on contractors who produce lots of paper and data dumps, that sit in file cabinets and computer files. But the Department fails to use that information to make careful choices about how to secure the Nation.

In addition to failing to address known vulnerabilities, the Department of Homeland Security is turning into a case study for failed management. The GAO and the DHS Inspector General have documented numerous financial management and procurement failures at the Department. DHS information systems are not secure. GAO alone has completed 494 evaluations of DHS programs. The DHS Office of the Inspector General is spread so thin that it was unable to follow through on 616 different allegations of wrongdoing last year.

The Department continues to allow valuable homeland security dollars to gather dust in the Treasury. Last week was the 1-year anniversary of the London train bombing; yet, under the Department's plan, rail and transit security funding that was appropriated by Congress last October will not be awarded until this September. And the same malaise applies to grants to secure our ports, our buses, for securing buffer zones around nuclear and electrical plants, and grants to hire more firefighters.

The Department, working with its contractors, put together a list of 77,000 critical infrastructure sites around the country. It is an undifferentiated list including nuclear power plants and electrical grids, an Old McDonald's Petting Zoo, a fleamarket, and an ice cream parlor. How ridiculous. Without careful choices, how does that investment make us safer?

The Congress gave the Department authority to allocate first responder funds based on risk, and what did they do? They cut grants to New York by 37 percent and the Washington, DC, area by 43 percent.

Nearly 5 years after 9/11, key issues, such as fixing FEMA, establishing

chemical security standards, inspecting cargo on commercial aircraft, inspecting air passengers for explosives, securing our ports, and making sure that State and local governments have effective mass evacuation plans, are all languishing at the Department. The list of issues that are festering at the Department goes on and on.

To the Department of Homeland Security I have two words: Wake up.

To the administration, I simply say, if you are not going to lead on making our homeland safer, than follow the lead of Chairman GREGG and the United States Senate.

Chairman GREGG has done a masterful job on this bill.

I urge adoption of the bill.

Mr. JEFFORDS. Mr. President, yesterday, the Senate passed Senator BYRD's amendment, which would require the Secretary of Homeland Security to set interim security regulations that establish homeland security requirements for chemical facilities. Today, I rise to support this amendment in conference.

This amendment takes a necessary first step in ensuring that all chemical facilities presenting the greatest security risk are secure against potential threats. This first step will require these facilities to submit facility security plans to the Department of Homeland Security.

In the U.S., 14,000 chemical plants, manufacturers and water utilities and other facilities store and use extremely hazardous substances that if suddenly released can injure or kill employees or residents in nearby communities. Of these facilities, nearly 450 individually pose a risk of harm to more than 100,000 people.

When I chaired the Senate Environment and Public Works Committee during the 107th Congress, the committee unanimously passed chemical security legislation that was offered by Senator Corzine. Industry concerns have stalled efforts to adopt strong bipartisan legislation ever since. In the 108th Congress, this committee passed weaker chemical security legislation that lacked adequate accountability to ensure compliance with essential protective requirements. We filed minority views articulating our concerns.

In 2003 and in 2005, I introduced legislation to improve the security and safety of our Nation's wastewater treatment works. Again, this legislation takes into account our growing awareness of security needs that has developed in the nearly 5 years that have passed since the terrorist attacks of September 11, 2001. My wastewater security legislation requires all wastewater facilities to complete vulnerability assessments, emergency response plans, and site security plans and to submit them to the EPA.

Senator BYRD's amendment is consistent with my legislation, in that wastewaster facilities would not be exempt from completing security plans and submitting them to the Federal Government.

On May 23, 2006, the Senate Environment and Public Works Committee considered wastewater security legislation. I offered an amendment at that markup which would require wastewater facilities to complete and submit to the EPA the full range of security plans that I believe are essential to the protection of wastewater facilities. The amendment would also require facilities to switch to safer treatment chemicals and technologies if grant funding is available. My amendment was not successful and the bill reported out of committee did not require wastewater facilities to complete vulnerability assessments and submit them to the EPA.

Senator Byrd's amendment takes the first step in hardening our Nation's entire chemical infrastructure against security threats.

I urge my colleagues to support this amendment in conference.

Ms. MIKULSKI. Mr. President, I rise today to address yet another problem with the Department of Homeland Security. It has been 3 years since its creation, and the Department continues to have difficulties integrating a financial management system. The Department began with 18 different financial systems. The Department's most recent effort to create a new, consolidated financial management system, known as Emerge2, has been canceled after the Department spent $23 million without making progress.

History has shown that integrating Federal computer systems and migrating data can be a complicated and costly undertaking. As the Department of Homeland Security moves forward in its efforts on financial management integration, it should do so carefully and deliberately. It is my hope that the Department considers a range of possible solutions. This includes soliciting ideas from commercial providers with prior Department of Homeland Security experience and contemplating a pilot program with one of these providers to work through the complicated technical and operational problems.

Mr. President, I also wish to address one of the most important issues the Congress faces today—protecting our homeland from terrorist threats. One threat we have only just begun to address is a possible attack on our food production, supply and distribution systems. Bioweapons could threaten both our crops and livestock, which would have profound impacts on the health of our society and our ability to export such products.

The Senate must support funding for biodefense research, to prevent and prepare for such an attack. I am proud that the fiscal year 2007 Homeland Security appropriations bill provides additional funding to complete planning and design of the National Bio and Agro-Defense Facility, an initiative to replace outdated labs transferred to the Department of Homeland Security from the Department of Agriculture when DHS was created in 2002.

Earlier this year, the Department of Homeland Security solicited expressions of interests from around the country from consortiums qualified to operate this facility. DHS received twenty-nine proposals and will choose a set of finalists later this year. The chosen teams and sites will go through a competitive process and National Environmental Policy Act review to identify a final team and site. NBAF will be on the front-line of research and development of new ways to protect our nation's food supply, so the final choice of a team to operate NBAF must be made on the basis of scientific and technical merit.

The Mid-Atlantic Bio-Ag Defense Consortium is among the 29 applicants to run NBAF. It consists of a group of researchers from leading universities and selected federal and state agencies in Maryland, Virginia, Pennsylvania, West Virginia and Delaware. I believe that this five-state consortium, led by the University of Maryland's School of Medicine, offers unparalleled scientific expertise and critical understanding in large institutional management, and will present a strong proposal for the Department's consideration.

The combined expertise of the Mid-Atlantic Consortium has a proven track record in research and development of countermeasures to many agents and toxins designated as threats by the Centers for Disease Control and Prevention, the U.S. Department of Health and Human Services, and the U.S. Department of Agriculture. This team has considerable ''hands on'' experience in handling the most sensitive kinds of material while adhering to the protocols essential for high quality and safely-managed scientific research. I believe this team is uniquely qualified define problems so as to develop, test and implement solutions to ensure that we can protect our crops and livestock from biological threats.

To augment its exclusive research capability, the consortium has identified the Beltsville Agricultural Research Center, BARC, to serve as the NBAF site. BARC offers the Department an integrated, secure and results-oriented approach to tackling plant and animal diseases of high consequence that could enter the U.S. through ordinary commerce or an act of terrorism. Its existing infrastructure and location would contribute to successfully protecting a highly sensitive facility like NBAF.

I believe that the Mid-Atlantic Bio-Ag Defense Consortium offers a superior group of scientific talent, with world class leadership expert in running large, complex organizations. It also offers a solutions-based approach to tackle the scientific and public health challenges to be undertaken at the NBAF. For these reasons, it is my hope that the Department will give strong consideration to this Consortium for the NBAF in the coming months.

In the end, the Department's selection of a team and a site must be based

upon carefully reviewed and documented merit-based analysis, with the support of the community in which it will be located. As we move forward on this initiative, it is my hope that Secretary Chertoff will base the selection on merit, to ensure the integrity of NBAF and the important work that will be conducted there in the years ahead.

Mr. SALAZAR. Mr. President, when I was elected to the Senate, I promised the people of Colorado that protecting the homeland and supporting law enforcement would be among my highest priorities. In the year and a half since taking the oath of office, I have worked hard to fulfill that pledge by working with my colleagues to help pass the Combat Meth Act, working to find bipartisan compromise on the PATRIOT Act, working to pass a comprehensive immigration reform bill that increases border security, and most important, paying close attention to the concerns of Colorado's law enforcement and homeland security communities.

But great challenges remain, challenges that should not be deferred for the next Congress to deal with, challenges that should not be turned into partisan weapons, challenges that will require reaching across the aisle to solve.

I would like to take a few moments to discuss just a few of these challenges. First, however, I want to briefly discuss the Department of Homeland Security appropriations bill, which we passed today.

Thank Senators GREGG and BYRD, who did an excellent job shepherding this bill through the committee process and on the floor. While there are some provisions in the bill with which I disagree—for example, I would like to see more funding for first responders, port, and rail security—the bill is a product of serious and careful deliberation.

I would also like to draw attention to an issue of great importance: the training of our law enforcement and homeland security officials. I was pleased to see the DHS appropriations bill increase funding for the Federal Law Enforcement Training Center. I am also pleased that the bill classifies Federal Law Enforcement Training Center staff as serving an ''inherently governmental'' function, which guarantees that law enforcement training cannot be outsourced. Law enforcement training has been an issue of concern to me dating back to my time as attorney general, when we guaranteed an adequate stream of funding for the training of law enforcement officers through the Colorado Peace Officer Standards and Training Board. I look forward to working doing more work on this issue in the future.

I also thank my colleagues for agreeing to the two amendments I offered to the appropriations bill.

The first requires DHS to provide a detailed report on how it will improve the inspection of incoming agricultural products in order to protect U.S. agriculture from foreign pests and disease.

Agriculture is the largest industry and employer in the United States, generating more than $1 trillion in economic activity each year. However, the agricultural sector is both a great strength and a potential vulnerability: the entry of foreign pests and disease could wreak havoc on the economy, the environment, and public health. In order to safeguard American agriculture, we need—first and foremost—effective inspection at our points of entry. There have been some serious questions about the effectiveness of the inspection program at DHS, and my amendment will make sure that DHS has a sensible strategy in place to improve that program.

My second amendment requires DHS to produce a detailed blueprint regarding how it will help Federal, State, and local officials achieve communications interoperability.

More than 5 years after September 11, first responders are still struggling to achieve communications interoperability. Fixing this problem will require money, leadership, and sound planning by Federal, State, and local officials.

In my own State of Colorado, first responders and emergency managers are working hard to solve this problem—and they are making progress. But they deserve to know exactly what DHS plans to do, in the short, intermediate, and long terms to help them get to where they need to be.

So I thank my colleagues for agreeing to my amendments, for increasing funding for training, and for putting together a thoughtful—if imperfect—appropriations bill.

I would like to spend just a few minutes discussing some important homeland security and law enforcement priorities which I hope the Senate will take up as soon as possible.

Each of these issues share two important characteristics: they are vital to the security of our Nation, and they have broad bipartisan support.

First and foremost is providing adequate funding for law enforcement.

When I talk to law enforcement officials in Colorado, no issue comes up more often and I can understand why. When I was attorney general, I saw firsthand the importance of Federal assistance for law enforcement: Federal funds allow law enforcement agencies to hire more police officers and firefighters, to purchase equipment, to conduct training exercises, and to fight the meth epidemic. This is not a partisan or ideological issue: it is about protecting our communities and the first responders who serve them.

To be honest, I have long been confused by this White House's annual effort to cut these vital programs. Of all the line items in the budget, of all the places to cut unnecessary Federal spending, the President keeps trying to cut key programs for first responders. For example, this year, the President's budget request proposed deep cuts to the COPS Program, which helps State and local law enforcement agencies hire police officers; the Edward Byrne Justice Assistance Grant Program, which makes grants to help States improve their criminal justice systems; firefighter assistance grants, which provide direct assistance to local fire departments; and the Office of Violence Against Women.

These proposed cuts are particularly appalling at a time when the crime rate seems to be rising. Indeed, preliminary figures indicate that the national violent crime rate rose 2.5 percent in 2005 as compared to 2004.

Fortunately, there is bipartisan support to restore many of these cuts. Indeed, this week the Commerce, Justice, Science Appropriations Subcommittee restored funding for many of the programs that the President proposed to cut or eliminate, including COPS and the Byrne JAG Program. For that, I applaud the subcommittee—and I hope the full Senate follows suit. The heroes who keep us safe every day deserve the best equipment, the best training, and the best support available—and they deserve Senators who will fight for them.

Next, I want to discuss the need to pass a comprehensive immigration reform package that includes strong border security measures.

We are now embroiled in a historic debate about immigration and border security. The reality is that our borders are broken and lawless—and that millions have crossed the border without the Government knowing who they are or why they are here. Indeed, the GAO released a report in March that detailed how two Federal investigators were able to smuggle enough nuclear material to make two dirty bombs across our northern and southern borders. The report stated that GAO investigators ''transported radioactive sources across both borders . . . with ease.''

This is why the comprehensive immigration reform backed by a bipartisan majority of Senators includes thousands of new positions aimed at fixing the border. For example, the bill would add 12,000 new Border Patrol agents, 10,000 new ICE worksite inspectors, 2,500 new port-of-entry inspectors, 1,000 new document fraud inspectors, and hundreds of other related positions.

I am hopeful that we can address this issue in the context of a comprehensive reform of our immigration laws—and that we can bring law and order to our porous borders.

Next, I wish to address identity theft—another issue that calls for a bipartisan approach.

Each year, roughly 5 percent of the population is victimized by identity theft. That means that in 10 years, roughly half of the population will have been affected. But not only does identity theft affect the victims—many of whom see their credit ratings ruined and their financial situations turned

upside down—it is also fueling and financing a good part of the meth epidemic that is ravaging so many communities. Indeed, meth addicts have become the driving force behind identity theft in Colorado—as they seek new ways to fund the production and consumption of the drug. So tackling identity theft is also a way of tackling the meth epidemic.

I believe that a comprehensive approach to attacking identity theft will require working with the financial industry, law enforcement, retailers, and consumer groups. I applaud the Judiciary and Commerce Committees, both of which have bipartisan bills addressing this issue. There are elements of both bills that would go a good ways toward addressing identity theft, and I hope that the Senate takes action on this issue soon.

I also wish to briefly discuss prisoner reentry—another vital law enforcement issue that cries out for a bipartisan solution.

Approximately 650,000 State and Federal prisoners reenter society each year, and a staggering two-thirds of them are returned to prison for a new crime or parole violation within 3 years of release. Prisoners returning to society face difficulties with housing, employment, mental health, and substance abuse—all of which impose a great toll on families, communities, State and local governments, and overcrowded prison systems. The problem is truly multidimensional and calls out for a bipartisan approach.

For that reason, I am happy to cosponsor the Second Chance Act, a bipartisan bill which provides badly needed resources for prisoner reentry programs. I hope the Senate takes action on this bill soon.

Finally, I would like to briefly discuss port and chemical security.

I am proud to be a cosponsor of the bipartisan GreenLane Maritime Cargo Act and the Chemical Facility Anti-Terrorism Act. I cannot stress how important these bipartisan pieces of legislation are to protecting our homeland security.

Indeed, each year roughly 9 million shipping containers enter the United States via our seaports. Those containers carry approximately 2.4 billion tons of goods worth more than $1 trillion—and those numbers are expected to double in the next 20 years. Furthermore, the average container originating overseas will pass through over a dozen intermediate points before arriving in the United States—providing multiple points of vulnerability for both our security and our economy. The GreenLane Maritime Cargo Act would take some important steps to secure our ports—including requiring 100 percent screening of incoming containers within a year—and is a fine example of bipartisan problem-solving.

Regarding chemical security, we face a situation today where there are no Federal laws establishing minimum security standards at chemical facilities—this despite the fact that the roughly 15,000 chemical plants and refineries in this country pose a great vulnerability and despite the fact that dangerous chemicals routinely travel along our highways, inland waterways, and on railcars that pass through the heart of major cities. The cost of an attack would be staggering in terms of both loss of life and economic impact. Even DHS agrees that chemical security legislation is necessary. So I am very pleased to be a cosponsor of the bipartisan Chemical Facility Anti-Terrorism Act.

Neither port security nor chemical security is a partisan issue. Just look at these two bills: they both have strong bipartisan support. So I say to the Senate: let us take up these important bills soon.

Mr. President, each of the issues I have discussed this morning has bipartisan support. Each is important to the security and safety of the American people.

Our most important obligation as Senators is to protect the security and safety of our constituents—and each of the issues I have discussed this morning would take an important step in that direction. I hope the Senate can debate and act on these issues soon.

Mr. KERRY. Mr. President, I support the fiscal year 2007 Department of Homeland Security Appropriations bill before us today. Our Nation faces a serious terrorist threat and we need to adequately fund our security agencies. I am concerned, however, that the bill falls short in some areas of what is needed to effectively protect the homeland.

For instance, the bill makes significant cuts to State grant programs from FY 2006 levels and does not ensure that funds are distributed using risk as the guiding principle. Although DHS Secretary Chertoff has assured us that the Department would follow the recommendation of the 9/11 Commission and distribute funds based purely on risk, when funding for the Urban Area Security Initiative was released in May the cities most at risk—New York, Washington, and Boston among them—received the deepest cuts. I supported amendments during consideration of this bill that sought to rectify this problem and I hope that the bill can be improved in conference to ensure that funding is distributed where it is needed.

I am also concerned that the bill calls for shutting down a large portion of the LORAN navigation system infrastructure, limiting it to Alaska and the northwest and northeast coasts. Although I realize that this is the result of a compromise, I strongly support maintaining the LORAN system nationwide and intend to work with Senator STEVENS, Senator MURRAY and others in conference to prevent the premature shutdown of this important asset.

Mr. President, we must take steps to secure the border, though I opposed Senator SESSIONS' amendment to appropriate additional funds to construct fencing along the southwest border because it would have raided discretionary funds used to hire more border patrol agents, buy more detention beds, train first responders, and fund other pressing needs. Although I support some limited fence construction, I do not believe we should be undermining critical homeland security programs to finance them. I remain committed to passing balanced immigration legislation that protects the border and allows immigrants to earn citizenship, and I hope that the Congress can reach an agreement to accomplish that in the upcoming weeks.

Finally, I am pleased my amendment to repeal the Transportation Security Administration's exemption from Federal contracting laws was accepted. TSA has a record of mismanaging contracts and wasting billions in taxpayer dollars and it should not continue to be exempt from the same level of accountability that we require of every other Federal agency. I thank the managers for working with me to pass this amendment, and I hope that it is included in the final conference report.

I hope that some of these important issues can be worked out in conference and that we can send the best bill possible to the President.

Mr. OBAMA. Mr. President, I want to thank the managers of the fiscal year 2007 Homeland Security appropriations bill, the distinguished Senator from New Hampshire, Mr. GREGG, and my friend from West Virginia, Senator BYRD, for accepting two amendments that will help remedy some of the Government's failures in disaster response.

The first amendment, cosponsored by my colleague from Connecticut, Senator LIEBERMAN, will require the Department of Homeland Security, DHS, to develop a robust system to help people locate family members after a disaster. Immediately after Hurricane Katrina, people searched the Astrodome and combed the Internet, hoping to locate their loved ones. Unfortunately, many of these people continue their search today.

My amendment requires DHS, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, to review the methods used by the Louisiana Family Assistance Call Center and the National Center for Missing and Exploited Children to assist in the location of friends and family displaced by Hurricane Katrina. DHS must then report on these models and provide Congress with a detailed plan for the swift implementation of a family locator program for future disasters that reflects the lessons learned from these two models. The Department's plan should lead to the creation of an efficient means of helping those displaced by future disasters locate their friends and family.

My second amendment is a commonsense attempt to stop the abuse of no-

bid contracting in the aftermath of a disaster. After Hurricane Katrina, the Federal Emergency Management Agency relied upon the ''unusual and compelling urgency'' exception to allow no-bid contracts for everything from collecting debris to hauling and installing housing trailers. Unfortunately, some of these no-bid contracts were not merely emergency stop-gap measures—they were open-ended agreements and resulted in significant waste and abuse.

My amendment, cosponsored by my colleague from Oklahoma, Senator COBURN, prohibits the use of no-bid contracts under the ''compelling urgency'' exception, unless these contracts are limited in time, scope and value, and notification is provided to the congressional oversight committees. This amendment will end the abuse of noncompetitive contracts by setting real and reasonable limits to the emergency exception. This amendment does nothing to inhibit a rapid response to emergencies; rather it closes a loophole that threatens the integrity of our Federal response, and it will save taxpayer money. I thank the Senators for accepting this amendment into the bill.

I am pleased that these amendments have been accepted into the bill, and I look forward to working with my colleagues to ensure that the failures of the Government's response to Hurricane Katrina are not repeated.

Mr. LEVIN. Mr. President, I will support final passage of the Homeland Security Appropriations bill today because its funding is vital to our first responders and all of those responsible for protecting us. Further, it includes important provisions that I worked to have included.

I am very pleased that the Senate passed both my amendment and Senator STABENOW's amendment on Canadian trash imports. My amendment would require the Secretary of Homeland Security to deny entry to the United States of any commercial trash truck until the Secretary certifies that the methodologies and technologies used to screen the trash for the presence of chemical, nuclear, biological and radiological weapons are as effective as those used to screen for such materials in other items of commerce entering the U.S. The Department would first be given 90 days to assess the situation, and then another 180 days to implement changes to address the security concerns. If however, such changes are not identified, which I expect will be the case, municipal solid waste will not be allowed to come into the State of Michigan or elsewhere in our country.

With thousands of trash trucks coming into Michigan from Canada each week, this provision is critical for addressing the risks this garbage poses to our country's security, public health, and the environment. Senator STABENOW's trash amendment also addresses the security risks from trash by requiring the Secretary of Homeland Security to levy a fee on the trash shipments, in an amount that would cover the cost of such insepctions. It would therefore make it more expensive for Ontario to send their trash to Michigan, protecting U.S. landfills from being filled with Canadian trash.

With the help of my friends from West Virginia and New Hampshire, Senators BYRD and GREGG, the Senate accepted my amendment related to the establishment of the fifth and final Northern Border Air Wing in Detroit, MI. The Northern Border Air Wing, NBAW, initiative was launched by the Department of Homeland Security in 2004 to provide air and marine interdiction and enforcement capabilities along the Northern Border. Original plans called for DHS to open five NBAW sites in New York, Washington, North Dakota, Montana, and Michigan.

The New York and Washington NBAW sites have been operational since 2004. Unfortunately, not all of the sites have yet been established, leaving large portions of our northern border unpatrolled from the air and, in the case of my home State, the water. In the conference report accompanying the fiscal year 2006 DHS Appropriations bill, the conferees noted that these remaining gaps in our air patrol coverage of the northern border should be closed as quickly as possible.

Given that the threat from terrorists, drug traffickers, and others who seek to enter our country illegally has not diminished, I believe approximately $12 million of the funds included in Senator BYRD's amendment for Air and Marine Interdiction, Operations, Maintenance, and Procurement which was adopted should be used by Customs and border protection to complete the remaining activities necessary to prepare, equip, and establish the Michigan NBAW site as Secretary Chertoff previously indicated he intends to do during fiscal year 2007.

In an April 11, 2006 letter to me, Secretary Chertoff indicated that it was his department's plan to open the Michigan site during the 2007 fiscal year and the Byrd amendment will enable the department to stick to its schedule. Mr. President Secretary Chertoff's letter and enclosures, my letter to the Secretary, and a colloquy are printed in the RECORD at page S7405.

Senator BAUCUS was also successful in his mission to press forward efforts to ensure that the northern Border is provided with proportionate resources as the southern border. His unmanned aerial vehicle pilot project will enabled the Customs and Border Patrol to perform a pilot project on the northern border between Canada and the United States. As the Senate knows, the northern border is nearly four times the length of the Southern border and it deserves an appropriate attention from the Department of Homeland Security.

I am also pleased that this bill includes a provision offered by Senator BYRD that would give the Department of Homeland Security the authority to issue interim regulations for chemical facilities that pose the greatest security risk. There are over 15,000 chemical facilities in this country, and there still are no Federal laws that explicitly address the threat of terrorism activities at chemical plants. The Chemical Facility Anti-Terrorism bill, S. 2145, which I cosponsored, and which was reported by the Homeland Security and Governmental Affairs Committee in June 2006, takes a much more comprehensive approach to this issue. However, because the Senate's Republican leadership is not allowing S. 2145 to come to the floor, I am pleased that Senator BYRD offered his amendment, which I supported, to address the very real risks posed by chemical facilities.

While I am pleased that funding was increased for port security and border protection, I am disappointed that the Senate rejected amendments to provide additional funding for first responders. We cannot expect our first responders to be well-trained, properly equipped and fully staffed to protect us, if we cut their funding sources. I am hopeful that funding levels will be restored in conference.

I am also disappointed that the Senate failed to move away from the current small State funding formula that is used to allocate funding for our first responder grant programs. I supported an amendment that would have allocated funding for the largest first responder funding programs based on an assessment of threat, vulnerability and consequences, and no State would have received less than .25 percent. This approach would have reduced the amount of funds allocated to States regardless of need and increased the funds available to be directed to states facing the greatest terrorist threats and greatest need. All Americans suffer when a major city is hurt by a terrorist attack; it is critical that Congress direct more funds to areas facing the most significant threats. I will continue to work with my colleagues to make the allocation of these scarce resources more equitable.

Mr. GREGG. Mr. President, at this time we can go to third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. GREGG. Mr. President, I ask for final passage and ask for the yeas and yeas.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—100

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Allen	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Frist	Obama
Bingaman	Graham	Pryor
Bond	Grassley	Reed
Boxer	Gregg	Reid
Brownback	Hagel	Roberts
Bunning	Harkin	Rockefeller
Burns	Hatch	Salazar
Burr	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Cantwell	Inouye	Schumer
Carper	Isakson	Sessions
Chafee	Jeffords	Shelby
Chambliss	Johnson	Smith
Clinton	Kennedy	Snowe
Coburn	Kerry	Specter
Cochran	Kohl	Stabenow
Coleman	Kyl	Stevens
Collins	Landrieu	Sununu
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Craig	Levin	Thune
Crapo	Lieberman	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden
Dodd	Martinez	
Dole	McCain	

The bill (H.R. 5441), as amended, was passed.

(The bill will be printed in a future edition of the RECORD)

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CORNYN). The majority leader is recognized.

Mr. FRIST. Mr. President, for the next few minutes, we will be getting unanimous consents on two issues that will outline what we will be doing during the early to mid part of next week.

Before doing that, I move that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The motion was agreed to, and the Presiding Officer appointed Mr. GREGG, Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. SHELBY, Mr. CRAIG, Mr. BENNETT, Mr. ALLARD, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. REID of Nevada, and Mrs. FEINSTEIN conferees on the part of the Senate.

UNANIMOUS CONSENT REQUEST—S. 728

Mr. FRIST. Mr. President, in a few moments, we will be doing a unanimous consent request on water resources development as well as stem cells. Before doing that, I turn to my colleague, the Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me tell you something about what is about to happen if the unanimous consent request goes through. It is a significant bill. We have been working on it now during the last three authorizations, since the year 2000. Now, for 3 years, we have been working on this bill. We have had incredible cooperation, as everybody in the Chamber knows. It is always difficult to get something like this through, but it is necessary to keep this country moving.

I will single out the members of the committee. I chair the Environment and Public Works Committee: Senators THUNE, DEMINT, VITTER, WARNER, ISAKSON, CHAFEE, MURKOWSKI. And Senator VOINOVICH of Ohio has been particularly helpful on this. He has a lot of interest in this bill. Of course, more than anybody else on the Republican side, Senator BOND, who is chairman of the subcommittee, has been very helpful.

The big four in this case, of course, would be Senators BOND, BAUCUS, JEFFORDS, and myself. We have worked closely together to overcome some of the obstacles. Early on, there were several holds on this bill because it is complicated. It is one that almost is of the magnitude of the Transportation reauthorization bill. But we had several people who had concerns and we worked with them, including Senator SNOWE, who was nice enough to help us with some of the facets she had objections to; Senator SESSIONS; Senator MCCAIN; and, of course, the Democratic members of the committee who worked so well, including Senator CARPER and Senator LIEBERMAN, and Senators CLINTON, LAUTENBERG, and OBAMA. Everybody was there working together. It was quite an undertaking to get us to the point where we are today.

I will single out several others. Senator GREGG had some concerns also. Probably one of the persons I was really gratified to work with is Senator FEINGOLD, the Senator from Wisconsin. I thank him for his cooperation. He had a number of amendments that I thought would be more than we could really handle. We had to get the number down to a certain number that is workable so we could have a time agreement to get this bill passed. I thank Senator FEINGOLD for his cooperation and for agreeing to offer limited amendments under short time agreements. If he wanted to be hard to get along with, he could have had long agreements and this would have gone into many nights. He didn't do that. He agreed to short time agreements, which will make this possible to pass. His willingness to work with us is very much appreciated by me.

Over the past few months, he consistently has been helpful and responsive in working on the WRDA bill. I thank the Senator from Wisconsin for his cooperation.

This is going to be the first time that we have a lot that we need to authorize the Corps of Engineers to do in navigation flight control and environmental restoration. This bill will allow us to do that. I thank everybody for his or her cooperation. Let's go forward.

Mr. FRIST. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the Democratic leader, on Tuesday, July 18, the Senate proceed to the immediate consideration of Calendar No. 93, S. 728.

I further ask that the committee-reported amendments be withdrawn and the managers' substitute amendment at the desk be agreed to as original text for the purposes of further amendment and that the only other amendments in order be the following, the text of which are at the desk, with specified time agreements equally divided in the usual form:

BOXER, Folsom Dam, 1 hour; FEINGOLD-MCCAIN, mitigation standards, 1 hour; FEINGOLD-MCCAIN, peer review, 4 hours; INHOFE-BOND, independent reviews, 1 hour; INHOFE, fiscal transparency, 1 hour; MCCAIN-FEINGOLD, prioritization report, 2 hours; MCCAIN-FEINGOLD, chief of engineers, 1 hour; NELSON of Florida, water projects, 1 hour; SPECTER, Federal hopper dredges, 1 hour.

I ask unanimous consent that there be 2 hours of general debate on the bill, and that following the disposition of amendments and the use or yielding back of time, the bill, as amended, be read the third time, and the Senate proceed to the consideration of Calendar No. 166, H.R. 2864, the House companion, and that all after the enacting clause be stricken and the text of S. 728, as amended, be inserted thereof; that the bill, as amended, be read the third time and the Senate proceed to a vote on passage, and S. 728 be returned to the Senate calendar.

I further ask that no points of order be waived by virtue of this agreement.

Mr. REID. Reserving the right to object, first, I want the RECORD spread with the fact that the Senate can work together. This is an example of that. Senator BOXER and Senator INHOFE are polar opposites politically. I don't know if we could find two stranger people to work together on a bill than the two of these Senators. But this is a bill that takes cooperation and building consensus. That is what they have done.

This is not a Republican bill, it is not a Democratic bill, it is a bill for the Senate. I also want the RECORD to reflect that Senator FEINGOLD, who has three amendments on here, is a person who is dedicated to looking at the substance of legislation. I express publicly my appreciation for his cooperation and for allowing us to get to this point. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. 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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. FRIST. Mr. President, we are currently talking to some other Senators about the water resources bill, so I will have more to say about that later. In the meantime, I will go on to other business.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. FRIST. Mr. President, today marks a significant milestone for Iraq—and for coalition forces. According to Ambassador Khalilzad, Muthanna will become the first province in which civilian Iraqis take charge of Iraqi security forces in that province. For the first time, the day-to-day security of the Iraqi people living in Muthanna will be in the hands of a civilian Iraqi.

For the half million people living in Muthanna, this means a tangible change in the security and governance of the province. Since 2003, American and coalition forces—the Australians, the British, and the Japanese—have worked together to ensure the security of Muthanna. But beginning today, the Governor of Muthanna will assume supervision of all provincial police. National police and Iraqi army troops within the province will remain under the national control of Prime Minister Jawad al-Maliki.

The provincial Iraqi police service will assume the lead for domestic security in Muthanna. Multinational forces will move out of all urban areas in Muthanna and assume a supporting role. They will provide transition assistance teams and remain postured to assist but only at the approval of Prime Minister al-Maliki.

But more importantly, the handover of Muthanna is a critical step in the chain of events leading to Iraq standing entirely on its own. It marks a new phase in the history of Iraq. It means the increasingly capable Iraqi security forces and Government are ready to operate independently—and to replace coalition forces. And it means the President's strategy for Iraq is working.

Before March 2003, Iraq was a sworn enemy of the United States. The people of Iraq suffered under the oppression of a tyrant. Today, that tyrant is behind bars, and the world is safer and more secure for it.

Iraq's Government has transitioned from a brutal dictatorship to a democracy in which all Iraqis have a voice. Last year, millions of Iraqis defied the threats of the terrorist Abu Musab al-Zarqawi, streaming to the poll in three national elections. Iraq's Sunni population participated in greater numbers each time. And just over a month ago, we eliminated the shadow cast by al-Zarqawi.

The Iraqi security forces are growing, as are their capabilities and responsibilities. In July of 2004, there were no operational Iraqi Army division or brigade headquarters. In just 2 years, 2 divisions, 14 brigades, and 57 battalions control their own area of responsibility; 28 authorized national police units are in the fight with 10 battalions in the lead. Over 264,000 trained and equipped Iraqi security forces are taking the battle to the enemy.

Iraq now has a free and independent media. Thousands of reconstruction projects are in the works, slowly but surely strengthening Iraq's infrastructure and economy. And a fully constitutional national Unity government representing all Iraqi people is finally in place.

Many challenges remain ahead. But today is an important step toward a free, democratic, and prosperous Iraq governed by the rule of law. We—the United States and our coalition allies—must continue to train and equip Iraqi security and police forces to ensure Iraq's 17 other provinces are fully prepared to follow in Muthanna's footsteps. As Iraqi forces stand in, coalition forces will step aside, and we will be one step closer to bringing our troops home.

In a region plagued by radicalism and instability, today's transfer is a critical milestone. It means we are one step closer to peace and stability, and it means Iraq is one step closer to assuming its rightful place in the global community of democratic nations.

CONDEMNING THE ACTS OF WAR PERPETRATED AGAINST ISRAEL BY HEZBOLLAH FORCES

Mr. KYL. Mr. President, I rise because of the recent attacks on Israel. The most recently breaking news: rocket attacks on the city of Haifa in Israel, which clearly represents an escalation of the attack from Lebanon. Therefore, I do rise to condemn the acts of war perpetrated against the nation of Israel by Hezbollah forces operating in southern Lebanon.

Dozens of Katyusha rockets were fired at northern Israel on Wednesday and Thursday, and additional salvos have continued to rain down. Israeli soldiers were attacked as they attempted to respond to this unprovoked assault across an internationally recognized border. As a result of this aggression, eight Israeli soldiers are dead, two more are prisoners of Hezbollah, and the citizens of northern Israel are living in fear.

I call on the international community to support Israel in its attempts to end terrorist operations in southern Lebanon, free the captive soldiers, and restore its territorial security.

In the name of peace, Israeli forces withdrew from all Lebanese territory in the year 2000. The United Nations recognized this withdrawal as fully compliant with all relative Security Council resolutions. Unfortunately, the government in Beirut has not done its part to ensure that this disengagement enhanced the security of both nations.

It is not surprising since 14 members of Lebanon's parliament and two cabinet ministers are members of Hezbollah. The Lebanese Government, which refuses to crack down on these terrorists, must be held accountable. In addition, Syria and Iran, whose governments sponsor Hezbollah's activities, must be condemned and, if they do not cease this support, sanctioned harshly.

I regret to say we will probably witness more violence in the days and weeks ahead. Many innocent people on both sides of the border will likely suffer. It is incumbent on the United States and the international community to stand by Israel as she fights foreign-sponsored aggression on her borders, aggression that no sovereign nation could possibly be expected to tolerate.

Mr. CRAPO. Mr. President, I was dismayed to hear of the recent reprehensible actions taken by the terrorist group Hezbollah, in kidnapping two Israeli soldiers. This is an act of cowardice and also grimly unsurprising. Supported by both Syria and Iran, Hezbollah has, for almost a quarter of a century, targeted freedom; whether that be U.S. marines in 1983 in Beirut, U.S. airmen in the Khobar Towers tragedy, or repeated deadly attacks against innocent Israelis and ongoing weapons' stockpiling. Besides regularly supplying weapons to Hezbollah, Iran and Syria are also responsible for donating an estimated $100 million per year to Hezbollah. The Lebanese government, of which Hezbollah is an active part, bears a full measure of responsibility for this act of war against Israel, and Israel has a right, under international law, to take actions necessary to rescue her sons. Israel fully withdrew from southern Lebanon in May 2000. This move by Israel was certified by the U.N. Security Council as having met the requirements of U.N. Security Council Resolution 425, which called for an Israeli withdrawal and for Lebanon to assert control over the area vacated by Israel.

The appropriate, reasonable and legal response to the brutality and dishonor of terrorism is proactive self-defense. We would do no different were these young men our own. Israel continues to be a force for freedom and democracy and as a friend and ally to the United States, deserves our full backing during this difficult time. Furthermore, as this body has reaffirmed time and again, we fully reject and denounce the terrorist activities fomented by both Iran and Syria. It is my fervent hope that those who dictate the activities of Hezbollah, both inside Lebanon and outside its borders, will quickly see the futility of this course of action, and make a move for peace and stability rather than chaos and war.

Ms. CANTWELL. Mr. President, I rise today to talk briefly about the

current events in Israel and the Middle East.

I strongly condemn the ongoing murderous attacks by Hezbollah on Israel and its soldiers. Several days ago, eight Israeli soldiers were killed and two were kidnapped following an unprovoked attack on northern Israel. Hezbollah must immediately and unconditionally release all Israeli soldiers. Hezbollah has refused United Nations demands to disarm and has been responsible for terrible acts of violence for many years. No country should provide support for Hezbollah, which is a U.S.-designated terrorist group. Hezbollah's actions are contrary to the interests of the Lebanese people and hurt the region.

The Hezbollah attack follows a June 25 attack by Hamas on a southern Israeli military post that resulted in the kidnapping of an Israeli solider and the killing of several others. Hamas must also immediately and unconditionally release the soldier it is holding and end attacks on Israel.

The United States will stand by our longtime ally and friend. The Israeli people have the right to live in peace and security. Israel has the right to protect its citizens. I strongly condemn the ongoing murderous attacks by Hezbollah and Hamas on Israel and its soldiers and believe that restraint is needed in the region to stop the escalation of violence and protect innocent lives.

I yield the floor.

Mr. NELSON of Florida. Mr. President, today I condemn Hamas's and Hezbollah's unprovoked acts of war against Israel and to express strong support for Israel's right to defend itself.

On July 12, Hezbollah attacked an Israeli military unit patrolling the Israeli border south of Lebanon, and two Israeli soldiers were taken hostage. Hezbollah's leader, Sheikh Hassan Nasrallah, has admitted that this was a calculated act, which Hezbollah had planned for 5 months. Analysts agree that this act is a sign of support for the Hamas kidnapping of another Israeli soldier on June 25. It is also a sign that two of the regions most recalcitrant terrorist organizations have no interest in the peace and security of the people they supposedly now represent in elected governments in Lebanon and the Palestinian Territories.

Both of these attacks were clear acts of war—attacks on Israeli soldiers guarding undisputed Israeli territory. The Hezbollah attack was also a blatant breach of Security Council resolutions 1559, 1655, and 1680, which certified Israel's full withdrawal from Lebanese territory, called for the disarmament of all militias in Lebanon, and called for an end to attacks across the Israel-Lebanon border.

Despite these resolutions, Hezbollah remains an armed militia group with unrestrained activity in Lebanon and has not been pressured by the Lebanese Government to disarm. In fact, Hezbollah is a part of the Lebanese Government now with 23 seats in the Lebanese parliament and two ministers in the Government. According to the Department of State, Hezbollah receives $30–40 million a month in cash, aid, and arms support from Iran. Additionally, Syria is still a strong partner with Iran in supporting, sheltering, and funding Hezbollah to the detriment of the people of Lebanon

Mr. President, I believe it is critical that the Senate recognize Israel's right to defend itself, and call on the Government of Lebanon to immediately and unconditionally release the abducted Israeli soldiers. The same holds true for the soldier held by Hamas in Gaza. At the same time, we must insist that Iran and Syria immediately cease interfering in the internal affairs of Lebanon and the Palestinian Territories by ending all support for Hezbollah and Hamas.

I will shortly be introducing legislation to increase pressure on the Government of Lebanon to do the right thing and disarm Hezbollah. The Lebanese people surely deserve better than to have their fate determined by this terrorist organization. But for now, Israel deserves our unwavering support as it aims to protect its people from these unprovoked attacks.

HAPPY BIRTHDAY, PIEDMONT, WEST VIRGINIA

Mr. BYRD. Mr. President, this year marks the 150th birthday of the town of Piedmont, WV. This little town, charted in 1856, is located on the North Branch of the Potomac River in the northeastern corner of West Virginia.

In the late 19th Century, the town of Piedmont bustled with economic activity. A period of prosperous growth began when the Baltimore Ohio Railroad established a locomotive shop complex and switching yard in the area, and the town became an important freight-generating point on the B&O line.

When local entrepreneurs persuaded surrounding railroads to turn from wood to coal for firing their locomotives, the coal industry in the region boomed.

In the 1880s, William Luke established the West Virginia Paper Company's paper mill—Westvaco—in Piedmont, which became a major source of jobs for Piedmont residents. This included native Appalachians, migrant African Americans, and European immigrants, especially Italians and Irish. Therefore, soon after the opening of the paper mill, Piedmont became a town saturated with ethnic neighborhoods. A resident of Piedmont has written that, ''Piedmont's character has always been completely bound up with the Westvaco paper mill.''

This Town of Piedmont features some unique characteristics. For example, ''Ripley's Believe It or Not'' once pointed out that Kenney House Hill in Piedmont is the only street in the world from which a person can enter all three stories of the same building!

Piedmont is also known for a number of famous residents it has produced. This includes Don Redman, a famous jazz musician and composer, who wrote a number of hit arrangements for American music greats like Jimmy Dorsey, Harry James, and Count Basie.

Henry Gassaway Davis was a giant in the coal mining and banking industries in the late 19th Century, and a two-term U.S. Senator from West Virginia. In 1904, Davis was the Democratic nominee for Vice President—he was 80 years of age at the time, making him the oldest person ever nominated for President or Vice President on a major party ticket.

Thousands of people throughout the United States know of the town of Piedmont becauce of the writings of another of the town's famous residents, the nationally renowned writer and eminent scholar, Henry Louis Gates. Dr. Gates is the W.E.B. DuBois Professor of Humanities at Harvard University and Chairman of Harvard's Department of African and African American Studies Program.

In his memoir, Colored People, Dr. Gates discusses life in Piedmont during the 1950s. The book, which reflects on his childhood in this small rural community, before and during the civil rights movement, is a vivid portrayal of the people of Piedmont, whom he describes as ''virulent nationalists—Piedmont nationalists.'' ''[N]estled against a wall of mountains, smack-dab on the banks of the mighty Potomac,'' writes Dr. Gates, ''we knew God gave America no more beautiful location. '' According to Gates, the town's credo is: ''all New York's got that Piedmont's got is more of what we got. Same but bigger.'' ''Otherwise,'' he writes, ''the advantage was all to Piedmont.''

Mr. President, I congratulate the town of Piedmont, the little town ''on the side of a hill in the Allegheny mountains,'' as Dr. Gates calls it, on its 150th birthday which the town will celebrate with its ''Homefest.'' I wish the town the best of success on this milestone event.

HONORING OUR ARMED FORCES

U.S. ARMY LIEUTENANT SHAW VAUGHAN

Mr. SALAZAR. Mr. President, I wish to take a moment of the Senate's time to remember a Coloradan who was lost to us last month in defense of this Nation.

Shaw Vaughan was a loving and supportive son and older brother, an avid hunter and fly fisherman. One of his most prized possessions was his 1969 Jeepster Commando, an off-roading vehicle he had personally rebuilt, affectionately named Hercules. Hercules sits quiet today, its red finish gleaming undimmed in the mountain sun.

U.S. Army LT John Shaw Vaughan, of Edwards, in Eagle County in my State of Colorado, was killed on June 7 in Mosul, Iraq. Lieutenant Vaughan

was a young man with his entire life before him: He was a mere 23 years old, and had been in Iraq only a month.

As a middle school student, Shaw Vaughan caught the eye of our military leaders for his regional science fair project: comparing the accuracy of store-bought ammunition with ammunition he had assembled. He graduated Battle Mountain High School in 2001 and attended Embry-Riddle Aeronautical University in Daytona Beach, FL. Upon graduation, Lieutenant Vaughan was one of only 70 cadets, out of 5,000, to receive a much-sought-after assignment in military intelligence in the infantry. It was a high honor, reflecting his intellect, work ethic, and commitment to our Nation.

Lieutenant Vaughan was stationed in Alaska, a part of our country he had visited with his family years earlier. I guess you could say that Alaska had ''hooked'' the fisherman in Lieutenant Vaughan, and he was looking forward to his service there after he completed his time in Iraq.

Lieutenant Vaughan was eager to get to Iraq, to serve with his unit. In his e-mails and phone calls back home, Lieutenant Vaughan spoke of how strongly he felt about America's mission in Iraq. He told stories of Iraqi families leading him into their homes, telling him horror stories of their families' sufferings under the brutal regime of Saddam Hussein.

As one newspaper in my home State observed, it seems that every story about Shaw Vaughan was different and yet the same: ''one of a great guy and a courageous man lost too soon.''

In Act III of William Shakespeare's classic ''Henry V,'' King Henry says with pride, ''As I am a soldier, A name that in my thoughts becomes me best . . .''

I will think of this today as I bow my head in prayer for the loss of Lieutenant Vaughan, a life of such great promise that was snuffed out too soon. He was living his life to its fullest, on the great adventure before him. But we can rest assured that Lieutenant Vaughan had the convictions of his beliefs, and that he fulfilled his beliefs to the end.

Lieutenant Shaw Vaughan took pride in his life as a soldier, and it is truly a name that, in all of our thoughts, becomes him best.

TWO YOUNG MEN OF HONOR

Mr. CRAIG. Mr. President, today I rise to remember the 3-year anniversary of the death of two, brave fallen firefighters.

July 22, 2003, will be a day that is always remembered in the hearts of the family and friends of Jeff Allen of Salmon, ID, and Shane Heath of Melba, ID. These brave men lost their lives while trying to save our public lands from a catastrophic wildfire in the Salmon-Challis National Forest. Both men were experienced firefighters of the Indianola Helitack Crew.

This weekend a memorial will be dedicated to Jeff and Shane. Family and friends will gather to remember their strong spirits and the sacrifice they made. This memorial symbolizes the courage of Jeff and Shane, the healing of the community, and helps us all to remember that wildfire spares no one.

Jeff Allen was 23 years old and had been a firefighter since 1999. He started working on the Salmon-Challis National Forest on a thinning crew on the Salmon-Cobalt District in 1998. He served successfully in fighting devastating fires on the Salmon-Challis National Forest during the 2000 fire season. Jeff was a marketing major at Boise State University.

Shane Heath was 22 years old and was in his fourth season with the Forest Service. He served on the Helitack crew as a certified sawyer and was also a student at Boise State University.

The tragic loss of these two men continues to be felt throughout their communities and their selfless acts of true bravery will not be forgotten. I commend the men and women who risk their lives every day by undertaking this terribly dangerous job with courage and professionalism.

Thousands of young men and women are on the fire fronts of the wildfires that are now sweeping across the West. As we enter the middle of fire season, with the devastating heat that we are having in the Great Basin, and the West, I hope that we do not lose another firefighter to wildfire.

GREAT LAKES FISH AND WILDLIFE RESTORATION ACT

Mr. DEWINE. Mr. President, I am very pleased that the Senate has passed the Great Lakes Fish and Wildlife Restoration Act, S. 2430. My colleague from Michigan, Senator LEVIN, and I believe that this legislation will provide the resources and authority for the U.S. Fish and Wildlife Service, the States, and the tribes to restore fish and wildlife in the Great Lakes.

The program has support from the States, tribes, and nongovernmental groups because it is a good management tool. Over 140 fish species and over 500 species of migratory birds can be found in the basin. The Great Lakes population has been growing, and like many coastal areas, there is a large concentration of people and industry on the coasts. Further, the Great Lakes are threatened by the continuing introduction of invasive species which impact the native food chain and habitat.

The fish and wildlife in the Great Lakes are under pressure, and the Great Lakes Fish & Wildlife Restoration Act of 2006 provides needed resources and authority. For instance, the bill would reauthorize the grant program, increasing the amount available for grants to $12 million and add wildlife projects to the types of projects that may receive grants. The U.S. Fish & Wildlife Service would award grants based on the recommendations from the existing grant proposal review committee, though wildlife experts would be added to this committee.

The bill also authorizes up to $6 million each year for the U.S. Fish & Wildlife Service to undertake projects that have a regional benefit to fish and wildlife. Under this new authority, the Service would undertake projects based on the recommendations of States and tribes.

This bill reflects the collaboration of nongovernmental groups, as well as tribal, State, and Federal agencies with jurisdiction over the management of fish and wildlife resources of the Great Lakes. All of those groups have the goal of protecting and restoring the Great Lakes fish and wildlife, and this bill will continue in the right direction. I thank all of these groups for their work in shaping this bill.

I also thank the staff at the Environment and Public Works Committee, particularly Nathan Richmond and Jo-Ellen Darcy. I understand that Nathan's work in preparing this bill for markup was interrupted by the early arrival of his first child, so I appreciate the staff work involved in moving this bill.

ADDITIONAL STATEMENTS

WATER TREATMENT PLANT OPENING

• Mr. ALLEN. Mr. President, today I honor and congratulate Fairfax Water, which serves nearly 1.5 million customers in the Commonwealth of Virginia on the opening of the Frederick P. Griffith, Jr. water treatment plant in Lorton, VA. They are dedicating the plant this Saturday, and while I am not able to attend the ceremony and festivities, I want to congratulate the leadership of Fairfax Water particularly Board Chairman Harry F. Day, and the other Fairfax Water board members Constance M. Houston, Philip W. Allin, Richard G. Terwilliger, Bill G. Evans, Burton J. Rubin, Paul J. Andino, Linda A. Singer, A. Dewey Bond, and Frank R. Begovich as well as Charles M. Murray, the general manager, for their efforts in undertaking this endeavor.

The Griffith plant is a state-of-the-art facility which combines sensitivity to the environment, technologically savvy security measures, and an appreciation for the history of its surrounding area. The plant sits on the site of a prison most famous for holding a group of suffragettes in 1917 who were arrested for demonstrating in front of the White House to secure their right to vote. The facility pays tribute to these brave ladies by incorporating design elements of the workhouse in the plant's architectural design. The opening of the facility shows the dedication Fairfax Water has for its customer's health and safety. Fairfax Water will continue to be a

vital and necessary partner in its community, and a leader in the Commonwealth and the country. Mr. President, I know my colleagues will join me in sending best wishes to the board members and employees at Fairfax Water.●

100TH ANNIVERSARY OF BOWBELLS, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 28–30, the residents of Bowbells will gather to celebrate their community's history and founding.

Bowbells is a vibrant community in northwestern North Dakota, just a short drive from the Canadian border. The town was founded in 1896 with the help of the Soo Line Railroad that passed through the town. The name ''Bowbells'' came from the bells at the Church of St. Mary-le-Bow located in London, England, that were in the shape of bows. By 1913, the town was served by two different railroad lines. Today, it is the county seat of Burke County, ND.

Many citizens of Bowbells support their families through agriculture, producing a wide array of products, including canola, flax, barley, sunflowers, hard red spring wheat, and durum. Located near Bowbells is the Des Lacs National Wildlife Refuge, which supports a large waterfowl population. Outdoor enthusiasts can also enjoy both fishing and hunting opportunities in and around Bowbells.

Citizens of Bowbells have organized numerous activities to celebrate their centennial. Some of these activities include a golf tournament, class reunions, street dances, a 5K/10K walk/run, a parade, softball and baseball games, and all-faith services.

Mr. President, I ask the Senate to join me in congratulating Bowbells, ND, and its residents on the first 100 years and in wishing them well through the next century. By honoring Bowbells and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Bowbells that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Bowbells has a proud past and a bright future.●

IN HONOR OF ISRAEL HOROVITZ

● Mr. KERRY. Mr. President, I would like to take a moment to celebrate the life and work of a special individual. At the end of this year, Mr. Israel Horovitz will retire as artistic director of the Gloucester Stage Company, and as he prepares to do so I am proud to join with his colleagues, family, and fans in celebrating more than 25 years of sustained artistic contributions to Massachusetts and the country.

Modern American theater has much to celebrate as a result of Israel's leadership at Gloucester Stage. Born in Wakefield, MA, he returned to his home State to found the Gloucester Stage Company after holding such prestigious posts as the Royal Shakespeare Company's Playwright-in-Residence. Since the inception of Gloucester Stage in 1979, the theatre has premiered the works of esteemed playwrights such as Terrence McNally, Wendy Wasserstein, and in the years since has brought real meaning to Horovitz's vision of a theatre that serves as a ''safe harbor for new writing.'' In the course of bringing the works of new, undiscovered playwrights to life, Gloucester Stage has hosted over 35 world premieres of plays, many of which went on to successful runs on Broadway and beyond.

In addition to celebrating Israel as the artistic director, we must also celebrate his writings. Horovitz is the author of more than 50 plays and he stands as one of the most internationally acclaimed American playwrights of our time. He was presented with the prestigious Elliot Norton Prize celebrating his work with the theatre. And his plays and screenplays have earned him many of the industry's most prestigious awards, such as the OBIE, which he earned twice, the Prix du Jury of the Cannes Film Festival, the Prix du Plaisir du Theatre, an Award in Literature of the American Academy of Arts and Letters, and the Lifetime Achievement Award from B'Nai Brith, among many others. On March 29, the Commonwealth of Massachusetts honored Horovitz with a Governor's Leadership Award and under his leadership Gloucester Stage has received numerous Best of Boston awards as well as the New England Theatre Conference Award.

I am proud to represent a State where Israel's artistry has blossomed, inspired young and old minds alike, entertained generations, and lifted lives. He is one of our true cultural treasures, and he has honored the best traditions of the theater by asking difficult questions and using them to illuminate and celebrate the human condition. I wish Israel and Gillian the very best as they look back on so many achievements and contributions to modern American culture, and I wish them the very best as they begin this new chapter in life.●

TRIBUTE TO MORGAN HARRIS

● Mr. SESSIONS. Mr. President, I often rise to speak about the issues being debated on the floor of the Senate, whether it be to share my thoughts on immigration, the war in Iraq, or the marriage amendment—as was the case this past week. I am honored to speak for the people of Alabama and to share their concerns with my colleagues in the Senate. Today I wish, not to debate, but for a moment reflect on the rich history of our Nation.

I have heard it stated, on more than one occasion, that the length of a person's stay in Washington should be measured by the feeling they get standing on Constitution Avenue at dusk. As a public servant, I find it impossible to look at the Capitol, illuminated against the night sky, without reflecting on the history and sacrifice of our forefathers.

I was reminded of this while reading a speech written by Morgan Harris, a sixth grader at Hampton Cove Middle School in Huntsville, AL. Morgan, tasked by his English and Social Studies teachers to write a speech about the flag, took the creative approach of writing from the flag's perspective. While there have been poems written from similar points of view, I found Morgan's speech to be a refreshing reminder of the history and importance of Old Glory. I share it with you today:

FLAG SPEECH

(By Morgan Harris)

I am the flag. I was originated on June 14, 1777. I was given 13 stripes alternating red and white with 13 white stars in a field of blue. I am the flag. My content was dictated, but my arrangement was not. Many made me appear in different ways. My stripes usually stayed the same, but my stars were often rearranged. For many years history has taught that Betsy Ross was my original maker. Though she made many flags, there is no proof that she made me first. In 1818 my design was set. The only change was to add a star for each new State. I was carried by soldiers into battle. I flew from the masts of great ships. For 47 years I had 48 stars. In 1959 and 1960 I was given two stars for the new States of Alaska and Hawaii. Today, I still have those same 50 stars and 13 stripes. I am the flag.

To show respect and dignity for what I represent, rules have been written for my use and care. When I am displayed during the playing of the national anthem, men and women in uniform stand at attention and salute me. All others stand at attention with their right hand over their heart and men remove their hats. During the Pledge of Allegiance, everyone is to stand at attention with their right hand over their heart. I am usually flown in the outdoors from sunrise to sunset. However, I may be flown for 24 hours a day if lighted during darkness. I should not be left out in the rain or bad weather. I am flown at half-staff upon the death of great people to show respect to their memory. I am draped over the caskets of those who serve our country. No other flag is to fly about me. I am the American flag.

I should never be allowed to touch the ground and should be stored and protected. I should never be displayed upside down, except as a sign of distress. I should always be carried aloft and free. I represent a living country and I am considered a living thing. Therefore, when I am worn as a pin I should be worn on the left near the heart. When I am no longer fitting for display, I am to be destroyed in a dignified manner, preferably by burning.

The writer Henry Ward Beecher once said, ''The American flag has been a symbol of Liberty and men rejoiced in it.'' Mr. Beecher was stating how the flag represents our freedom in America and this is what I love most about the flag.

When I see the flag flying high on a flag pole and hear ''The Star-Spangled Banner'' played, I think of the freedom we have as Americans. I think of the men and women who have died so that we may have this freedom. It makes me proud to be an American. The flag is our symbol of freedom.''

Mr. President, I am sure it will come as no surprise to you that Morgan's speech won first place out of 148 entries at his school. He has much to be proud of.●

IN HONOR OF DR. ROBERTO LANGER

● Mr. KERRY. Mr. President, today I wish to recognize and celebrate the work of a great man whose work has an impact on lives throughout this country and all over the globe. This month hundreds of scientists will gather at the Massachusetts Institute of Technology to celebrate one of their own, Doctor Robert Langer, and I am proud to join them in doing so.

Most Americans will never meet Dr. Langer, but chances are his research has already affected their life. One of America's most brilliant scientists, Dr. Langer has been on the front lines of the fight to cure cancer and continues to push the envelope of biomedical engineering. Dr. Langer studied chemical engineering in college after being inspired by the gift of a chemistry set as a child. He went on to receive his doctorate from MIT in 1974. Doctor Langer accepted a postdoctorate fellowship at Children's Hospital in Boston with Judah Folkman, a leading cancer researcher.

Dr. Langer's return to MIT as a professor of chemical engineering resulted in the creation of the Langer Lab, one of the most cutting-edge biotechnology laboratories in the world. Researchers at the Langer Lab study ways to utilize polymers to deliver life-saving drugs to patients with diseases such as diabetes and cancer, and the success of Doctor Langer's work earned him a place as one of CNN's ''100 Most Important People in America.'' In 2004, Parade magazine selected him as one of six ''Heroes whose research may save your life.''

Dr. Langer's genius has been recognized repeatedly by his scientific peers as well. He is the recipient of over 140 major awards, including in 2002 the premier award in science, the Charles Stark Draper prize. In 1998, he was awarded the Lemelson-MIT prize for invention, and in 2006 he was inducted into the Inventor's Hall of Fame. He holds nearly 550 patents, 180 of which are licensed to medical, chemical, or pharmaceutical companies. Dr. Langer is one of a select few elected to all three of America's National Academies—the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine at the National Academy of Sciences—and at age of 43, was the youngest man to be so honored.

Massachusetts has a long and rich history of technological innovation, global leadership in health care, and advancing insight into the human condition. Dr. Langer's genius and creativity have kept the faith with that history through 30 years of providing cutting-edge solutions to the medical problems of today and tomorrow. Along with his colleagues, family, and friends, I thank him for his contributions and look forward to many more years of his work on behalf of people all over the globe.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:13 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 250) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: Mr. MCKEON, Mr. CASTLE, Mr. SOUDER, Mr. OSBORNE, Mrs. MUSGRAVE, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mr. KIND.

The message also announced that the House passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2990. An act to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry.

H.R. 5646. An act to study and promote the use of energy efficient computer servers in the United States.

ENROLLED BILL SIGNED

At 11:58 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S.J. Res. 40. A resolution authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2990. An act to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4411. An act to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7493. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Report to Congress on the Feasibility of Federal Drug Courts''; to the Committee on the Judiciary.

EC–7494. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled ''Realignment of the Santa Lucia Highlands and Arroyo Seco Viticultural Areas'' ((RIN1513–AA72)(T.D. TTB–49)) received on June 28, 2006; to the Committee on the Judiciary.

EC–7495. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled ''Expansion of the San Francisco Bay and Central Coast Viticultural Areas'' ((RIN1513–AA55)(T.D. TTB–48)) received on June 28, 2006; to the Committee on the Judiciary.

EC–7496. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled ''Expansion of the Livermore Valley Viticultural Area'' ((RIN1513–AA54)(T.D. TTB–47)) received on June 28, 2006; to the Committee on the Judiciary.

EC–7497. A communication from the Acting General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Administrator, Office of Information and Regulatory Affairs, received on June 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7498. A communication from the Acting General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Agency, received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7499. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–392, ''Commission on Poverty Establishment Act of 2006'' received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7500. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–393, ''Office of Police Complaints Amendment Act of 2006'' received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7501. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–394, ''Triangle Community Garden Equitable Real Property Tax Exemption and Relief Act of 2006'' received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7502. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–395, ''AccessRx Act Clarification Temporary Amendment Act of 2006'' received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7503. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–396, ''Health Care Privatization Benefit and Reimbursement Exemption Temporary Act of 2006'' received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7504. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–397, ''Day Care Grant-Making and Rulemaking Temporary Amendment Act of 2006'' received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7505. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–398, ''Far Southeast Community Organization Tax Exemption and Forgiveness for Accrued Taxes Temporary Act of 2006'' received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7506. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–399, ''Washington Nationals on T.V. Temporary Act of 2006'' received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7507. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–400, ''Board of Real Property Assessments and Appeals Reform Act of 2006'' received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7508. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–401, ''Right of Tenants to Organize Amendment Act of 2006'' received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7509. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–402, ''Natural Gas and Home Heating Oil Taxation Relief and Ratepayer Clarification Act of 2006'' received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7510. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–403, ''NCRC and AWC Debt Acquisition Delegation Authority Amendment Act of 2006'' received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7511. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–409, ''New Convention Center Hotel Omnibus Financing and Development Act of 2006'' received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7512. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Veterans' Preference'' (RIN3206–AL00) received on July 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7513. 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 Implementation Plans and Operating Permits Program; State of Missouri'' (FRL No. 8192–4) received on July 6, 2006; to the Committee on Environment and Public Works.

EC–7514. 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 Implementation Plans and Operating Permits Program; State of Nebraska'' (FRL No. 8192–5) received on July 6, 2006; to the Committee on Environment and Public Works.

EC–7515. 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 Implementation Plans; Carbon Monoxide Maintenance Plan, Conformity Budgets, Emissions Inventories; State of New Jersey'' (FRL No. 8191–2) received on July 6, 2006; to the Committee on Environment and Public Works.

EC–7516. 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 Implementation Plans; Kentucky Prevention of Significant Deterioration and Nonattainment New Source Review'' (FRL No. 8191–5) received on July 6, 2006; to the Committee on Environment and Public Works.

EC–7517. 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 Implementation Plans; Mississippi Prevention of Significant Deterioration and New Source Review'' (FRL No. 8191–4) received on July 6, 2006; to the Committee on Environment and Public Works.

EC–7518. 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; West Virginia; Redesignation of the Charleston Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan'' (FRL No. 8191–9) received on July 6, 2006; to the Committee on Environment and Public Works.

EC–7519. 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 ''Colorado: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 8193–2) received on July 6, 2006; to the Committee on Environment and Public Works.

EC–7520. 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 ''Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Maricopa County Air Quality Department; State of California; San Joaquin Valley Unified Air Pollution Control District; State of Nevada; Nevada Division of Environmental Protection'' (FRL No. 8190–1) received on July 6, 2006; to the Committee on Environment and Public Works.

EC–7521. 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 ''National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing'' (FRL No. 8190–5) received on July 6, 2006; to the Committee on Environment and Public Works.

EC–7522. 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 ''Standards of Performance for Stationary Compression Ignition Internal Combustion Engines'' (FRL No. 8190–7) received on July 6, 2006; to the Committee on Environment and Public Works.

EC–7523. 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 ''Standards of Performance for Stationary Combustion Turbines'' (FRL No. 8033–4) received on July 6, 2006; to the Committee on Environment and Public Works.

EC–7524. 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 ''Utah: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 8193–5) received on July 6, 2006; to the Committee on Environment and Public Works.

EC–7525. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report that the Administration is soon to provide Congress with the six month Preliminary Technical Report on Louisiana Coastal Protection and Restoration (LACPR); to the Committee on Environment and Public Works.

EC–7526. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to recommending modification to the authorization of the East Baton Rouge Parish, Louisiana, flood damage reduction project; to the Committee on Environment and Public Works.

EC–7527. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Exchange or Sale of Government-Owned Information Technology'' (DFARS Case 2003–D094) received on July 6, 2006; to the Committee on Armed Services.

EC–7528. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Required Sources of Supply'' (DFARS Case 2003–D072) received on July 6, 2006; to the Committee on Armed Services.

EC–7529. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Relocation of Subpart 225.6 to 225.76'' (DFARS Case 2006–D003) received on July 6, 2006; to the Committee on Armed Services.

EC–7530. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Extension of Contract Goal for Small

Disadvantaged Businesses and Certain Institutions of Higher Learning'' (DFARS Case 2006–D010) received on July 6, 2006; to the Committee on Armed Services.

EC–7531. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Acquisition of Information Technology'' (DFARS Case 2003–D068) received on July 6, 2006; to the Committee on Armed Services.

EC–7532. A communication from the Publications Control Officer, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Law Enforcement Reporting'' (RIN0702–AA52–U) received on July 7, 2006; to the Committee on Armed Services.

EC–7533. A communication from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting, pursuant to law, the annual report for the Pentagon Renovation and Construction Program Office; to the Committee on Armed Services.

EC–7534. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (2) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7535. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Department of Defense Chemical and Biological Defense Program (CBDP) Annual Report to Congress; to the Committee on Armed Services.

EC–7536. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Republication of Appendix A to 31 CFR Chapter V'' received on July 12, 2006; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 5672. A bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–280).

By Mr. BROWNBACK, from the Committee on Appropriations, without amendment:

S. 3660. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–281).

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 418. A bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products (Rept. No. 109–282).

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment:

H.R. 1036. To amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. GREGG for the Committee on the Budget.

Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget.

By Mr. SPECTER for the Committee on the Judiciary.

Neil M. Gorsuch, of Colorado, to be United States Circuit Judge for the Tenth Circuit.

Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit.

Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

Daniel Porter Jordan III, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Gustavo Antonio Gelpi, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Martin J. Jackley, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

Brett L. Tolman, of Utah, to be United States Attorney for the District of Utah for the term of four years.

(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. DURBIN (for himself, Mr. HAGEL, and Mrs. CLINTON):

S. 3651. A bill to reduce child marriage, and for other purposes; to the Committee on Foreign Relations.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 3652. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Homeland Security and Governmental Affairs.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. WARNER, and Mr. ALLEN):

S. 3653. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JEFFORDS (for himself and Mr. CARPER):

S. 3654. A bill to amend the Internal Revenue Code to allow a credit against income tax, or, in the alternative, a special depreciation allowance, for reuse and recycling property, to provide for tax-exempt financing of recycling equipment, and for other purposes; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. COBURN):

S. 3655. A bill to amend the Internal Revenue Code of 1986 to allow individuals eligible for veterans health benefits to contribute to health savings accounts; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 3656. A bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes; to the Committee on Foreign Relations.

By Mr. SANTORUM:

S. 3657. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3658. A bill to reauthorize customs and trade functions and programs in order to facilitate legitimate international trade with the United States, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 3659. A bill to reauthorize and improve the women's small business ownership programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BROWNBACK:

S. 3660. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2007, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. INHOFE, and Mr. HARKIN):

S. 3661. A bill to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. BROWNBACK, Mr. KERRY, Ms. MIKULSKI, Mr. DEWINE, Mr. DEMINT, Mr. TALENT, Mr. ISAKSON, Mr. OBAMA, Mr. VOINOVICH, Ms. LANDRIEU, Mr. SANTORUM, Mr. DODD, Mr. LOTT, Mr. DURBIN, Mr. CHAMBLISS, Mr. BAYH, Mr. SPECTER, Mr. ALLEN, Mr. BURR, Mr. MCCAIN, Mr. COCHRAN, Mr. BIDEN, Mrs. HUTCHISON, Mrs. DOLE, Mr. FRIST, Mr. WARNER, Mr. ALEXANDER, Mr. VITTER, Mrs. BOXER, Mr. SARBANES, Mr. SALAZAR, and Mr. SCHUMER):

S. Res. 528. A resolution designating the week beginning on September 10, 2006, as ''National Historically Black College and Universities Week''; considered and agreed to.

By Mr. OBAMA (for himself, Mr. DEMINT, Ms. MIKULSKI, Mr. ISAKSON, and Mr. KENNEDY):

S. Res. 529. A resolution designating July 13, 2006, as ''National Summer Learning Day''; considered and agreed to.

By Mr. COLEMAN (for himself and Mr. LUGAR):

S. Con. Res. 109. A concurrent resolution commending the Government of Canada for its renewed commitment to Afghanistan; considered and agreed to.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 121

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 121, a bill to amend titles 10 and 38, United States Code, to improve the benefits provided for survivors of deceased members of the Armed Forces, and for other purposes.

S. 283

At the request of Mrs. DOLE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 283, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the transportation of food for charitable purposes.

S. 403

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 760

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 1353

At the request of Mr. REID, the name of the Senator from South Carolina (Mr. DEMINT) 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. 1376

At the request of Mr. COCHRAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1376, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1522

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1522, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 2065

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2065, a bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes.

S. 2066

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2066, a bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes.

S. 2067

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2067, a bill to assist chemical manufacturers and importers in preparing material safety data sheets pursuant to the requirements of the Hazard Communication standard and to establish a Commission to study and make recommendations regarding the implementation of the Globally Harmonized System of Classification and Labeling of Chemicals.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2590

At the request of Mr. COBURN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2599

At the request of Mr. VITTER, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2666

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2666, a bill to temporarily suspend the revised tax treatment of kerosene for use in aviation under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

S. 2703

At the request of Mr. LEAHY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2703, a bill to amend the Voting Rights Act of 1965.

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2703, supra.

S. 2754

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2754, a bill to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

S. 2917

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) 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 name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor 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. 3128

At the request of Mr. BURR, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3275

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 3275, a bill to amend title 18, United States code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 3503

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3503, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. 3504

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3504, a bill to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

S. 3521

At the request of Mr. GREGG, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 3521, a bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process.

S. 3525

At the request of Mr. BURNS, his name was added as a cosponsor of S.

3525, an original bill to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes.

S. 3582

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of 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.

S. 3609

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3609, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. RES. 407

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 407, a resolution recognizing the African American Spiritual as a national treasure.

S. RES. 499

At the request of Ms. MURKOWSKI, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Res. 499, a resolution designating September 9, 2006, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''.

S. RES. 500

At the request of Mr. BROWNBACK, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from North Carolina (Mrs. DOLE), the Senator from Florida (Mr. MARTINEZ) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 500, a resolution expressing the sense of Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered or unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 527

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. Res. 527, a resolution condemning in the strongest terms the July 11, 2006, terrorist attacks in India and expressing sympathy and support for the families of the deceased victims and wounded as well as steadfast support to the Government of India as it seeks to reassure and protect the people of India and to bring the perpetrators of this despicable act of terrorism to justice.

AMENDMENT NO. 4515

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 4515 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. 4573

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4573 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4597

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 4597 intended to be proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4600

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4600 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4610

At the request of Mr. THUNE, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 4610 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4615

At the request of Mr. VITTER, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kansas (Mr. ROBERTS), the Senator from Kentucky (Mr. BUNNING), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BAUCUS), the Senator from Wyoming (Mr. THOMAS), the Senator from Oregon (Mr. SMITH), the Senator from North Carolina (Mrs. DOLE), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of amendment No. 4615 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4618

At the request of Mr. DAYTON, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 4618 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4620

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 4620 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4626

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4626 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 4626 proposed to H.R. 5441, supra.

AMENDMENT NO. 4634

At the request of Mr. MENENDEZ, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 4634 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4641

At the request of Mr. DODD, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 4641 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 3652. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Homeland Security and Governmental Affairs.

Ms. MIKULSKI. Mr. President, today I am reintroducing the Law Enforcement Officers Retirement Equity Act. I am proud to be joined on this bill by my colleague and friend, Senator SARBANES. This legislation will ensure that all Federal law enforcement officers have the same retirement options and that their pay and benefits conform to the federal law enforcement retirement system.

Under current law, most Federal law enforcement officers and firefighters are eligible to retire at age 50 with 20 years of Federal service. But some Federal law enforcement personnel, such as customs and immigration inspectors at the Department of Homeland Security or police officers at Veterans Affairs, are not eligible for these same

benefits. This legislation will amend current law and grant the same pay and 20-year retirement to all law enforcement officers.

We must honor our Federal law enforcement personnel. The names of Federal law enforcement officials who have died in the line of duty are engraved on the Law Enforcement Memorial. We include the names of the officers from Homeland Security and Veterans Affairs. We honor them when they die, but we don't recognize them when they are living.

We need to make sure that all Federal law enforcement officers earn the pay and benefits that they deserve. These brave men and women are the country's first line of defense against terrorism and the smuggling of illegal drugs at our borders. They have the same law enforcement training as all other law enforcement personnel, and face the same risks and challenges.

For example, U.S. Customs inspectors are responsible for the most arrests performed by Customs Service employees. Yet they do not qualify for law enforcement officer status. Along with U.S. Customs agents, uniformed U.S. Customs inspectors are helping to provide additional security at the nation's airports and help enforce U.S. Customs laws. They were among the first to respond to the tragedy at the World Trade Center. After September 11, Customs inspectors are playing a critical role in ensuring that terrorists don't get their hands on weapons of mass destruction and smuggle them into the country.

Like customs inspectors, immigration inspectors at the Department of Homeland Security are also on the front lines of defense against terrorism. Immigration inspectors enforce the Nation's immigration laws at more than 300 ports of entry. In the normal course of their duties, they enforce criminal law, make arrests, interrogate applicants for entry, search persons and effects, and seize evidence. Inspectors' responsibilities have become increasing complex as political, economic and social unrest has increased globally. The threat of terrorism only increases these responsibilities.

This legislation is cost effective. Any cost that is created by this act is more than offset by savings in training costs and increased revenue collection. A 20-year retirement bill for these critical employees will reduce turnover, increase productivity, decrease employee recruitment and development costs, and enhance the retention of a well-trained and experienced work force. These vital Federal employees bear the same risks and work under similar conditions to other law enforcement officials and deserve to receive the same level of benefits.

This bill will improve the effectiveness of our Federal workforce to ensure the integrity of our borders and proper collection of the taxes and duties owed to the Federal Government. This bill is strongly supported by the National Treasury Employees Union. I urge my colleagues to join me again in this Congress in expressing support for this bill and finally getting it enacted.

By Mr. JEFFORDS (for himself and Mr. CARPER):

S. 3654. A bill to amend the Internal Revenue Code to allow a credit against income tax, or, in the alternative, a special depreciation allowance, for reuse and recycling property, to provide for tax-exempt financing of recycling equipment, and for other purposes; to the Committee on Finance.

Mr. JEFFORDS. Mr. President, today I am introducing the Recycling Investment Saves Energy—RISE—Act of 2006 with my colleague Senator CARPER. The RISE tax incentives will create jobs, increase productivity, conserve energy and expand America's recycling infrastructure.

I offer this bill to capture the significant energy savings available through greater recycling. For example, recycling aluminum cans saves 95 percent of the energy required to make the same amount of aluminum from its virgin source. The amount of lost energy from throwing away aluminum and steel cans, plastic PET and glass containers, newsprint and corrugated packaging was equivalent to the annual output of 15 medium sized coal powerplants. Increasing the recycling rate of these commodities by 10 percent would save enough energy annually to heat 74,350 million American homes, provide the required electricity for 2.5 million Americans, and save about $771 million in avoid costs for barrels of crude oil. As a result, recycling should be an integral component of our nation's energy efficiency strategy.

The RISE Act would also help create quality jobs. Due to the diminishing quantity and quality of available recyclable materials, many companies currently are not able to obtain the volume of quality recycled feedstock needed to meet demand. This new economic challenge makes it even harder for recycled products to compete in the marketplace. In some cases, recyclers have been forced to shut down their operations in the United States and relocate to other countries due in part to insufficient or poor quality recycled feedstocks. This is particularly unfortunate as, on a per-ton basis, sorting and processing recyclables are estimated to sustain 10 times more jobs than landfilling or incineration.

A national investment in our recycling infrastructure is necessary to reverse the stagnant or declining recycling rate of many consumer commodities, including aluminum, glass and plastic. For example, 55 billion aluminum cans were wasted by not being recycled in 2004, which represents approximately $1 billion of aluminum lost to industry. The recycling rate of paper is estimated to be roughly 51 percent, glass containers 35 percent, and PET plastic bottles less than 20 percent.

The RISE Act will save energy and improve the quantity and quality of recycled materials by allowing companies to claim either a 15-percent tax credit or a 50 percent accelerated depreciation deduction for the purchase of machinery and other equipment used exclusively to collect, distribute or recyclable material. Recyclable material is defined broadly to capture a wide variety of commodities, including plastic, scrap textiles, scrap rubber, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic waste generated by an individual or business. It does not include buildings, real estate or rolling stock used to transport reuse and recyclable materials.

The RISE Act aims to reverse the trend in recycling rates and resulting energy loss by incentivizing greater collection, distribution and recycling of quality recyclable materials. The bill will address quality concerns by reducing the barriers hindering investment in optical sorting and other state-of-the-art equipment needed at material recovery and manufacturing facilities. It will make innovative technology more affordable, such as reversible vending machines that collect and process empty containers. An earlier version of RISE was incorporated as section 1545 of the Senate Energy Policy Act of 2005, but did not survive the conference committee.

The Rise Act will amend section 142 of the Internal Revenue Code of 1986 by redefining ''solid waste facilities'' to ensure that recycling facilities are eligible for tax-exempt bond financing under this section. This latter provision was created to resolve an ongoing glitch in the law that prevents these facilities from being eligible for tax-exempt financing.

The following organizations support the RISE Act: American Beverage Association, American Forest & Paper Association, Association of Postconsumer Plastic Recyclers, Ball Corporation, Carolina Recycling Association, Glass Packaging Institute, Institute of Scrap Recycling Industries, Inc., ISRI, National Association for PET Container Resources, NAPCOR, National Recycling Coalition, National Solid Wastes Management Association, Solid Waste Association of North America, Steel Recycling Institute, US Conference of Mayors/Municipal Waste Management Association, Waste Technology Equipment Association, WASTEC, Envision Plastics, EvCo Research, LLC, Florikan ESA Corporation, L B. Schmidt and Associates, Mid America Recycling Companies, MSS, Inc., Novelis, Inc., formerly Alcan, NRT, Inc., O-I, formerly Owens-Illinois, Orwak Group, Reynolds Recycling, Saint-Gobain Containers, Inc., Strategic Materials, Inc., The Coca Cola Company, TiTech Visionsort, Tomra, UltrePET, United Resource Recovery Corporation, Van Dyke Bailer Corp/Lubo USA, wTe Corporation, Paper Recycling Coalition, and Yemm and Hart,

Ltd. Mr. President, most of these organizations have submitted a joint letter in support of the RISE Act, and I will ask to have the letter printed in the RECORD following the statement.

Reducing the barriers to recycling also serves a number of environmental goals, including lessening the need for new landfills, preventing emissions of many air and water pollutants, reducing greenhouse gas emissions, and stimulating the development of green technology. But most importantly, recycling helps preserve resources of our children's future.

For these reasons, I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent to have the letter I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3654

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 ''Recycling Investment Saves Energy'' or the ''RISE Act''.

SEC. 2. FINDINGS.

The Senate finds the following:

(1) Recycling means business in the United States, with more than 56,000 reuse and recycling establishments that employ over 1.1 million people, generating an annual payroll of nearly $37 billion, and grossing over $236 billion in annual revenues. On a per-ton basis, sorting and processing recyclables alone sustain 10 times more jobs than landfilling or incineration.

(2) By reducing the need to extract and process virgin raw materials into manufacturing feedstock, reuse and recycling helps achieve significant energy savings. For example:

(A) Taken together, the amount of energy wasted from not recycling aluminum and steel cans, paper, printed materials, glass, and plastic equals the annual output of 15 medium sized power plants.

(B) The reuse of 500 steel drums per week yields 6 trillion Btu's per year, which is enough energy savings to power a city the size of Colorado Springs, Colorado, for 1 year.

(3) Unfortunately, the United States recycling rate of many consumer commodities, including aluminum, glass, and plastic, are stagnant or declining, and businesses that rely on recycled feedstock are finding it difficult to obtain the quantity and quality of recycled materials needed. Increasingly, United States manufacturing facilities that rely on recycled feedstock are closing or forced to re-tool to use virgin materials.

(4) The environmental impacts from reuse and recycling are significant. Increased reuse and recycling would produce significant environmental benefits, such as cleaner air, safer water, and reduced production costs. For example:

(A) Between 2 and 5 percent of the waste stream is reusable. Reuse prevents waste creation and adverse impacts from disposal.

(B) On a per-ton basis, recycling of: office paper prevents 60 pounds of air pollutants from being released, saves 7,000 gallons of water, and 3.3 cubic yards of landfill space; aluminum saves 10 cubic yards of landfill space; plastic saves 30 cubic yards of landfill space; glass prevents 7.5 pounds of air pollutants from being released and saves 2 cubic yards of landfill space; and steel saves 4 cubic yards of landfill space.

(5) A national investment in the reuse and recycling industries is needed to preserve and expand America's reuse and recycling infrastructure.

SEC. 3. CREDIT FOR REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45N. CREDIT FOR QUALIFIED REUSE AND RECYCLING PROPERTY.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the qualified reuse and recycling property credit determined under this section for the taxable year is an amount equal to 15 percent of the amount paid or incurred during the taxable year for the cost of qualified reuse and recycling property placed in service or leased by the taxpayer.

''(b) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED REUSE AND RECYCLING PROPERTY.—

''(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to collect, distribute, or recycle qualified reuse and recyclable materials.

''(B) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

''(2) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

''(A) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap textiles, scrap rubber, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic waste generated by an individual or business.

''(B) ELECTRONIC WASTE.—For purposes of subparagraph (A), the term 'electronic waste' means—

''(i) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

''(ii) any central processing unit.

''(3) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.

''(c) AMOUNT PAID OR INCURRED.—For purposes of this section—

''(1) IN GENERAL.—The term 'amount paid or incurred' includes installation costs.

''(2) LEASE PAYMENTS.—In the case of the leasing of qualified reuse and recycling property by the taxpayer, the term 'amount paid or incurred' means the amount of the lease payments due to be paid during the term of the lease occurring during the taxable year other than such portion of such lease payments attributable to interest, insurance, and taxes.

''(3) GRANTS, ETC. EXCLUDED.—The term 'amount paid or incurred' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

''(d) ELECTION TO HAVE SECTION NOT APPLY.—A taxpayer may elect for any taxable year to have this section not apply with respect to any qualified recycling property specified by the taxpayer.

''(e) OTHER TAX DEDUCTIONS AND CREDITS AVAILABLE FOR PORTION OF COST NOT TAKEN INTO ACCOUNT FOR CREDIT UNDER THIS SECTION.—No deduction or other credit under this chapter shall be allowed with respect to the amount of the credit determined under this section.

''(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any amount paid or incurred with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.''.

(b) CONFORMING AMENDMENTS.—

(1) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting '', plus'', and by adding at the end the following new paragraph:

''(31) the qualified reuse and recycling property credit determined under section 45N(a).''.

(2) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ''; and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 45N(f), in the case of amounts with respect to which a credit has been allowed under section 45N.''.

(3) Section 6501(m) of such Code is amended by inserting ''45N(d),'' after ''45C(d)(4),''.

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45M the following new item:

''Sec. 45N. Credit for qualified reuse and recycling property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 4. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

''(l) SPECIAL ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified reuse and recycling property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and

''(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED REUSE AND RECYCLING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any qualified reuse and recycling property (as defined in section 45N(b)(1))—

''(i) to which this section applies,

''(ii) which has a useful life of at least 5 years,

''(iii) the original use of which commences with the taxpayer after December 31, 2005,

''(iv) which is—

''(I) acquired by purchase (as defined in section 179(d)(2)) by an eligible taxpayer

after December 31, 2005, but only if no written binding contract for the acquisition was in effect before December 31, 2005, or

''(II) acquired by the eligible taxpayer pursuant to a written binding contract which was entered into after December 31, 2005.

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULES.—

''(i) SELF-CONSTRUCTED PROPERTY.—In the case of an eligible taxpayer manufacturing, constructing, or producing property for the eligible taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the eligible taxpayer begins manufacturing, constructing, or producing the property after December 31, 2005.

''(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(iii), if property—

''(I) is originally placed in service after December 31, 2005, by a person, and

''(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

''(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

''(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term 'eligible taxpayer' means, with respect to any qualified reuse and recycling property, any taxpayer which elects not to have section 45N apply with respect to such property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2005.

SEC. 5. TAX-EXEMPT BOND FINANCING OF RECYCLING FACILITIES.

(a) IN GENERAL.—Section 142 of the Internal Revenue Code of 1986 (defining exempt facility bond) is amended by adding at the end the following new subsection:

''(n) SOLID WASTE DISPOSAL FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(6) only, the term 'solid waste disposal facilities' means any facility used to perform a solid waste disposal function.

''(2) SOLID WASTE DISPOSAL FUNCTION.—

''(A) IN GENERAL.—For purposes of this subsection only, the term 'solid waste disposal function' means the collection, separation, sorting, storage, treatment, disassembly, handling, or processing of solid waste in any manner designed to dispose of the solid waste, including processing the solid waste into a useful energy source or product.

''(B) EXTENT OF FUNCTION.—For purposes of this subsection only, the solid waste disposal function ends at the later of—

''(i) the point of final disposal of the solid waste,

''(ii) immediately after the solid waste is incinerated to produce energy, or

''(iii) the point at which the solid waste has been converted into a material or product that can be sold in the same manner as comparable material or product produced from virgin material.

''(C) FUNCTIONALLY RELATED AND SUBORDINATE FACILITIES.—For purposes of this subsection only, in the case of a facility used to perform both a solid waste disposal function and another function—

''(i) the costs of the facility allocable to the solid waste disposal function are determined using any reasonable method based upon facts and circumstances, and

''(ii) if during the period that bonds issued as part of an issue described in subsection (a)(6) are outstanding with respect to any facility at least 65 percent of the materials processed in such facility are solid waste materials as measured by weight or volume, then all of the costs of the property used to perform such process are allocable to a solid waste disposal function.

''(3) SOLID WASTE.—For purposes of this subsection only—

''(A) IN GENERAL.—The term 'solid waste' means garbage, refuse, or discarded solid materials, including waste materials resulting from industrial, commercial, agricultural, or community activities.

''(B) GARBAGE, REFUSE OR DISCARDED SOLID MATERIALS.—For purposes of subparagraph (A), the term 'garbage, refuse, or discarded solid materials' means materials that are useless, unused, unwanted, or discarded.

''(C) EXCLUSION.—The term 'solid waste' does not include materials in domestic sewage, pollutants in industrial or other water resources, or other liquid or gaseous waste materials.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued before, on, or after the date of the enactment of this Act.

Hon. JIM JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JEFFORDS: On behalf of the undersigned recycling industry organizations, companies and other groups that support recycling efforts, we write to support the ''Recycling Investment Saves Energy'' (RISE) bill. An earlier version of RISE was incorporated as Section 1545 of the Senate Energy Bill last year, but did not survive conference committee. RISE would save energy and improve the quantity and quality of recycled materials by allowing companies to claim either a tax credit or accelerated depreciation for the purchase of equipment used to collect, distribute or recycle a variety of commodities.

Your support will be greatly appreciated by businesses that are facing serious problems trying to secure a steady stream of quality recycled materials including glass, paper, plastic, steel and aluminum. This provision will create jobs, increase productivity and conserve energy by encouraging companies to invest in state-of-the-art recycling infrastructure. With recycling levels for individual materials either stalled or declining, we need to act now to improve usable recovered material and to enhance the quality of materials that are collected through curbside and other recycling programs.

Every industry that uses recycled materials as a feedstock realizes significant energy savings compared to production using virgin materials. By providing tax incentives to increase the quality and quantity of usable recycled materials available, the RISE provision will enable these industry segments to significantly reduce energy consumption.

Recycling associations and industries support this bill.

Sincerely,

American Beverage Association; American Forest & Paper Association; Association of Postconsumer Plastic Recyclers; Carolina Recycling Association; Glass Packaging Institute; National Association for PET Container Resources (NAPCOR); National Recycling Coalition; National Solid Wastes Management Association; Paper Recycling Coalition; Solid Waste Association of North America; Steel Recycling Institute; U.S. Conference of Mayors/Municipal Waste Management Association; Waste Technology Equipment Association (WASTEC); Ball Corporation; Envision Plastics; EvCo Research, LLC; Florikan ESA Corporation; L B. Schmidt and Associates; Mid America Recycling Companies; MSS, Inc; Novelis, Inc (formerly Alcan); NRT, Inc.; O–I (formerly Owens-Illinois); Orwak Group; Reynolds Recycling; Saint-Gobain Containers, Inc; Strategic Materials, Inc; The Coca Cola Company; TiTech Visionsort; Tomra; UltrePET; United Resource Recovery Corporation; Van Dyke Bailer Corp/Lubo USA; wTe Corporation; Yemm and Hart, Ltd.

By Mr. CRAIG (for himself and Mr. COBURN):

S. 3655. A bill to amend the Internal Revenue Code of 1986 to allow individuals eligible for veterans health benefits to contribute to health savings accounts; to the Committee on Finance.

Mr. CRAIG. Mr. President, I seek recognition today to introduce legislation to allow veterans who use the VA health care system to establish health savings accounts, HSAs. This legislation will increase health insurance options for veterans and their families, provide future options in the choice of health care providers for veterans, and could ultimately allow veterans who are forced to rely on the VA health care system today to choose to receive care from the private health care system in the future.

As my colleagues are aware, current law allows individuals who purchase a high deductible health insurance plan to contribute funds, on behalf of themselves and their family, to a health savings account. Funds are contributed to the HSA on a pretax basis and then can be withdrawn for qualified health care expenses without any tax consequence.

In order for a person's HSA to be in ''good standing'' with the IRS, the individual cannot carry health insurance that provides coverage for any health services prior to reaching the deductible amount of the high deductible plan. Of course, like many government programs, there are exceptions to the rules for certain circumstance. Most notably, a person does not jeopardize an HSA by purchasing long-term care or accident insurance nor is the receipt of workman's compensation coverage disqualified from contributing to an account. Yet the IRS has advised the health insurance industry that VA health care would count as a health insurance plan that provides coverage for health care services prior to reaching the high deductible limit. Therefore, veterans who use VA are not eligible to establish health savings accounts.

At the time this issue was brought to my attention, the argument was limited to the narrow issue of service-connected veterans being denied an opportunity to avail themselves of the tax advantages of an HSA simply because they suffered an injury related to their service in the military and the government was providing care for that injury. Of course, that seemed outrageous to me. Like any employer, the Government has an obligation to provide treatment for injuries sustained while military personal are serving our country. And if workman's comp is a current exemption, why not VA care?

So, I set out to draft a bill to allow service-connected veterans who use VA for service-connected treatment to establish HSAs. But, the more I considered the arguments for allowing those who use VA for service-connected conditions to have HSAs, the more I realized that the arguments applied just as strongly to all VA patients. I would like to take a moment to explain my arguments.

First, the current law unfairly affects families of veterans when the veteran is the sole provider of income for the family. As everyone knows, VA is not a family health care provider except in the extreme case of a permanently disabled service-connected veteran. Therefore if a veteran—even a service-connected veteran—uses the VA health care system, current law does not even allow that veteran to contribute money on behalf of his family to an HSA. What good does that do? Why would we prohibit a veteran from providing health coverage to his or her family? In my opinion, that does neither the veteran nor his or her family any good. It is simply a well-intention policy when applied to HSAs, with a harmful, unintended consequence as applied to veterans.

Second, under current law VA is permitted to bill insurance carriers for the treatment of nonservice connected conditions. Further, many veterans are required to pay copayments to VA in order to receive that same care. So, veterans have out-of-pocket medical expenses and VA can bill their insurance provider. Yet we have a policy that disallows the establishment of a tax free account to pay for those medical expenses and—even worse—provides a disincentive for the veterans to buy an insurance policy that VA could one day bill. Again, I understand the genesis of the policy. However, it is having unintended consequences when applied to our veterans.

Finally, while it is true that more and more veterans are choosing to use VA as their provider of choice as a result of the excellent care provided by the system, there are still hundreds of thousands of veterans who use VA because they are financially unable to afford the private health system. I am proud that this Nation stands by those veterans who cannot provide for their own care in the private system. However, I do not think we should statutorily preclude them from even trying to take control of their own health care finances.

What harm would come if a veteran, who uses VA today because he or she has no other option, was suddenly allowed to purchase a low premium, high deductible plan and then begin to contribute to a savings account that he or she would now own. I say no harm at all. The only thing that could come of this is that the veteran may one day say to his government: I was there for you when you needed me. You were there for me when I needed you. Now, I no longer need you.

Again, I am not saying that veterans should feel as though I am trying to get them to leave the VA system. I am not. But, I certainly do not want to stop a veteran from choosing to buy insurance, start saving in an HSA, and one day leaving the system. I think one of the things government can do for its citizens is provide the tools and assistance that will allow Americans to provide for themselves. That is what this legislation is about.

I am confident that many of you will agree with the premise that it is a basic issue of fairness to support allowing service-connected veterans to establish HSAs. But, I also hope that I have demonstrated here today that it is sound public policy to extend the HSA option to all veterans who use VA's health care system.

I urge my colleagues to be cosponsors of this legislation and I urge passage of the bill as soon as possible.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE:)

S. 3656. A bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator SNOWE to introduce legislation to strengthen our international HIV prevention efforts for youth and empower the people on the ground who are fighting this disease to design the most effective and appropriate HIV prevention program.

Our legislation does three things. First, it expresses the sense of the Senate that sexually active youth who live in a country where HIV infection is spreading through the general population should be considered at high risk of contracting HIV and provided with information on the complete range of tools to prevent the spread of HIV.

To date, the Office of the Global AIDS Coordinator has focused prevention programs for youth on abstinence only and ignored other prevention techniques such as the use of condoms.

Second, it defines ''abstinence-until-marriage'' programs as those programs that place the highest, rather than exclusive, priority on encouraging individuals who have not yet married to abstain from sexual activity.

And finally, it reserves at least one-third of funds for prevention of the sexual transmission of HIV—rather than one-third of all prevention programs—for abstinence-until marriage programs. This recognizes that HIV prevention includes many types of activities and those that target the sexual transmission of HIV/AIDS, such as abstinence-until-marriage programs, are only a subset.

In 2003, I was proud to join my colleagues in passing the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, a historic piece of legislation that expressed our resolve to see the United States take a leadership role in the fight against the global HIV/AIDS pandemic.

The bill recognized that prevention—along with care and treatment—is an essential component of that fight and demands a multipronged approach. It endorsed the ''ABC'' model for prevention of the sexual transmission of HIV: Abstain, Be Faithful, use Condoms.

That bill also contained a provision that mandated that at least one-third of global HIV/AIDS prevention funds be set aside for ''abstinence-until-marriage programs.''

Three years later, we still face an uphill battle against the HIV/AIDS pandemic. Worldwide, 40 million people are infected with HIV. Each day, approximately 13,400 people are newly infected with HIV. In 2005, there were 5 million new HIV infections around the world, 3.2 million in Sub-Saharan Africa alone. Sub-Saharan Africa is home to almost two-thirds of the estimated 40 million people currently living with HIV.

Across sub-Saharan Africa, the prevalence rate for the general population is 8 percent; 2.4 million adults and children died of AIDS in 2005.

Despite these devastating numbers, according to UNAIDS, less than one in five people at risk for infection of HIV have access to basic prevention services. Studies have shown that two-thirds of new HIV infections could be averted with effective prevention programs.

Clearly, we still have a long ways to go to rein in this disease.

During the debate on the global HIV/AIDS bill, I expressed concern that we were placing politics over science by requiring that at least one-third of prevention funds go to ''abstinence only'' programs.

I argued that such an artificial earmark—which, by the way, was not based on any scientific study or conclusive evidence—would tie the hands of HIV/AIDS workers and doctors on the ground and severely inhibit the ability of the administration to fund the most effective HIV prevention programs.

It would mean less money for funds to prevent mother-to-child transmission; less money to promote a comprehensive prevention message to high risk groups such as sexually active youth; and fewer funds to protect the blood supply.

Unfortunately, the evidence clearly shows that the one-third earmark has

had a negative impact on our prevention efforts and inhibited the ability of local communities to design a multipronged HIV prevention program that works best for them.

Last month, the Government Accountability Office, GAO, issued a report that found ''significant challenges'' associated with meeting the abstinence-until-marriage programs. The report concluded that:

The 33 percent abstinence spending requirement is squeezing out available funding for other key HIV prevention programs such as mother-to-child transmission and maintaining a healthy blood supply. Country teams that are not exempted from the one-third earmark have to spend more than 33 percent of prevention funds on abstinence-until-marriage activities, sometimes at the expense of other programs. The spending requirement limited or reduced funding for programs directed to high-risk groups, such as sexually active youth and; the majority of country teams on the ground reported that meeting the spending requirement ''challenges their ability to develop interventions that are responsive to local epidemiology and social norms.''

Clearly, we are placing constraints on our ability to protect high-risk populations around the world from HIV transmission and fund the wide range of prevention programs, such as mother-to-child transmission.

Our bill seeks to address the problems highlighted in the GAO report and provide local communities the necessary flexibility to achieve the goal we all share: stopping the spread of HIV, especially among young people.

Let me be clear: our bill does not strike the 33 percent earmark for ''abstinence-until-marriage'' programs.

In fact, our legislation is pro-abstinence. It maintains abstinence as a critical part our prevention efforts and places no limits on programs that lead to this result. It even allows the administration to spend more than one third of funds for the prevention of HIV on ''abstinence-until-marriage'' programs if the administration decides that is the best use of those funds.

Simply put, our bill balances congressional priorities with public health needs. Under our legislation, country teams can take into account country needs including cultural differences, epidemiology, population age groups and the stage of the epidemic in designing the most effective prevention program.

One size does not fit all. A prevention program in one country may look a lot different than a prevention program in another country.

A May 2003 report from the Bill and Melinda Gates Foundation and Henry J. Kaiser Foundation highlights that proven prevention programs include: behavior change programs, including delay in the initiation of sexual activity, faithfulness and correct and consistent condom use; testing and treatment for sexually transmitted diseases; promoting voluntary counseling and testing; harm reduction programs for IV drug users; preventing the transmission of HIV from mother to child; increasing blood safety; empowering women and girls; controlling infection in health care settings, and; devising programs geared towards people living with HIV.

For example, studies have shown that combining drugs with counseling and instruction on use of such drugs reduces mother-to-child transmission by 50 percent.

Such cost effective programs are not related to abstinence and should not be constrained by the 33 percent earmark on funds for prevention.

I understand the importance of teaching abstinence. It is and will remain a key part of our strategy in preventing the spread of HIV.

But let us listen to the words of someone with first hand experience about the challenges sub-Saharan African countries face in combating HIV/AIDS and the constraints the ''abstinence-until-marriage'' earmark places on those efforts.

In an August 19, 2005 op-ed in the New York Times, Babatunde Osotimehin, chairman of the National Action Committee on AIDS in Nigeria, wrote:

> Abstinence is one critical prevention strategy, but it cannot be the only one. Focusing on abstinence assumes young people can choose whether to have sex. For adolescent girls in Nigeria and in many other countries, this is an inaccurate assumption. Many girls fall prey to sexual violence and coercion ..When dealing with AIDS, we must address the realities and use a multipronged approach to improving education and health systems, one that can reach all of our people.

He concludes:

> National governments must have the freedom to employ the very best strategies at our disposal to help our people.

I could not agree more.

If we want to help the girls of Nigeria and the youth of sub-Saharan Africa, we cannot limit the information they receive about keeping them safe from acquiring HIV.

Mr. President, I have been heartened to witness Republicans and Democrats coming together to support a robust U.S. assistance package to fight the HIV/AIDS pandemic. We all share the same goal of the President's Emergency Plan for AIDS Relief to prevent 7 million new HIV infections by 2010.

This bill is about helping us achieve that goal. When we put our faith in the people on the front lines of this fight and allow them to use all the tools and strategies at their disposal, we are one step closer to making that goal a reality.

We do not have time to lose. I urge my colleagues to support our legislation and support a pro-abstinence, multi-pronged approach to preventing the spread of HIV.

I ask unanimous consent that the full 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. 3656

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 ''HIV Prevention for Youth Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The President's Emergency Plan for AIDS Relief (in this Act referred to as ''PEPFAR'') is an unprecedented effort to combat the global AIDS epidemic, with $9,000,000,000 targeted for initiatives in 15 focus countries.

(2) The PEPFAR prevention goal is to avert 7,000,000 HIV infections in the 15 focus countries—most in sub-Saharan Africa where heterosexual intercourse is by far the predominant mode of HIV transmission.

(3) The PEPFAR strategy for prevention of sexual transmission of HIV is shaped by 3 elements: the ABC model, defined as ''Abstain, Be faithful, use Condoms'', the promotion of ''abstinence-until-marriage'', and deference to local prevention needs.

(4) The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 requires that at least one-third of all prevention funds be reserved for abstinence-until-marriage programs. In implementing this requirement, the U.S. Global AIDS Coordinator has required that 50 percent of prevention funding be dedicated to sexual transmission prevention activities. This requirement severely limits countries from employing strategies for the prevention of sexual transmission other than abstinence, because the other sexual transmission prevention programs under PEPFAR (such as the purchase of condoms and management of sexually transmitted infections) cannot exceed one-sixth of the total prevention funds.

(5) The Government Accountability Office (GAO) issued a report in April, 2006, ''Spending Requirement Presents Challenges For Allocating Funding under the President's Emergency Plan for AIDS Relief'', that found ''significant challenges'' associated with meeting the earmark for abstinence-until-marriage programs.

(6) GAO found that a majority of country teams report that fulfilling the requirement presents challenges to their ability to respond to local epidemiology and cultural and social norms.

(7) GAO found that, although some country teams may be exempted from the abstinence-until-marriage spending requirement, country teams that are not exempted have to spend more than the 33 percent of prevention funds on abstinence-until-marriage activities—sometimes at the expense of other programs.

(8) Indeed, according to GAO, the proportion of HIV prevention funds dedicated to ''other prevention'' activities (i.e. the purchase and promotion of condoms, management of sexually transmitted infections other than HIV, and messages or programs to reduce injection drug use) declined from 23 percent in fiscal year 2005 to 18 percent in fiscal year 2006 for country teams that did not receive exemptions.

(9) GAO found that, as a result of the abstinence-until-marriage spending requirement, some countries have had to reduce planned funding for Prevention of Mother-to-Child Transmission programs, thereby limiting services for pregnant women and their children.

(10) GAO found that the abstinence-until-marriage spending requirement limited or reduced funding for programs directed to high-risk groups, such as services for married discordant couples, sexually active youth, and commercial sex workers.

(11) GAO found that the abstinence-until-marriage spending requirement made it difficult for countries to fund medical and blood safety activities.

(12) GAO found that, because of the abstinence-until-marriage spending requirement, some countries would likely have to reduce funding for condom procurement and condom social marketing.

(13) In addition, GAO found that two-thirds of focus country teams reported that the policy for implementing the ABC model is unclear and open to varying interpretations, causing confusion about which groups may be targeted and whether youth may receive the ABC message.

(14) GAO found that the ABC guidance does not clearly delineate permissible C activities under the ABC model. Program staff reported that they feel ''constrained'' by restrictions on promoting or marketing condoms to youth. Other country teams reported confusion about whether PEPFAR funds may be used for broad condom social marketing, even to adults in a generalized epidemic.

(15) Each day, an estimated 13,400 people worldwide are newly infected with HIV.

(16) Sub-Saharan Africa is home to almost two-thirds of the estimated 40,000,000 people currently living with HIV.

(17) In many African countries, the epidemic has spread among the general population. The HIV prevalence rate for the general population is 8 percent across sub-Saharan Africa. Among the United States focus countries in sub-Saharan Africa, the HIV prevalence rate ranges from 4 percent in Uganda to 37 percent in Botswana.

(18) According to the Joint United Nations Programme on HIV/AIDS, young people between the ages of 15 and 24 are ''the most threatened by AIDS'' and ''are at the centre of HIV vulnerability''. Globally, this age group accounts for half of all new HIV cases each year. More than 7,000 young people contract the virus every day.

(19) Most young people in sub-Saharan Africa have sex before marriage during their adolescent years. In many countries, at least half of all women have sex before age 20 and before marriage. Among young men, more than 70 percent have premarital sex before age 20.

(20) Many adolescents, who are sexually active and not yet married, have inadequate information on how to protect themselves against HIV. Fewer than half of young people in sub-Saharan Africa mention abstinence, monogamy, or condom use as a way of avoiding HIV.

(21) Young people who have sex are at greater risk of acquiring HIV than adults, partly because of their lack of knowledge. They are apt to change partners frequently, have more than 1 partner in the same time period, or engage in unprotected sex.

(22) Coercion and sexual violence undercut the ability of young people—women in particular—to prevent HIV and contribute to the vulnerability to infection. In addition, gender inequality makes it much more difficult for young women to negotiate abstinence from sex or to insist that their partners remain faithful or use condoms.

(23) Marriage does not protect young women from HIV, even when they are faithful to their husbands. In some settings, it appears marriage actually increases a woman's HIV risk. In some African countries, married women aged 15–19 have higher HIV infection levels than nonmarried sexually active women of the same age.

(24) A recent USAID-funded review found that sex and HIV education programs that encourage abstinence but also discuss the use of condoms do not increase sexual activity as critics of sex education have long alleged. Sex education can help delay the initiation of intercourse, reduce the frequency of sex and the number of sexual partners, and also increase condom use.

(25) Young people are our greatest hope for changing the course of the AIDS epidemic. According to the World Health Organization, ''Focusing on young people is likely to be the most effective approach to confronting the epidemic, particularly in high prevalence countries.''.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that sexually active young people, both unmarried and married, who live in a country where HIV infection is spreading through the general population, rather than being confined to specific populations, such as sex workers and their clients, injecting drug users, and men who have sex with men, and the rate of HIV infection among people between the ages of 15 and 49 exceeds 1 percent should be—

(1) considered at high risk of contracting HIV infection; and

(2) provided with the knowledge, skill-building programs, and tools to protect themselves from HIV infection, including—

(A) medically accurate information on public health benefits and failure rates of multiple strategies for eliminating or reducing the risks of contracting HIV and other sexually transmitted infections; and

(B) information about correct and consistent use of condoms as well as abstinence and the importance of reducing casual sexual partnering.

SEC. 4. ALLOCATION OF FUNDS.

Section 403 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673) is amended—

(1) in subsection (a), in the second sentence, by striking ''HIV/AIDS prevention'' and inserting ''prevention of the sexual transmission of HIV''; and

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

''(c) ABSTINENCE-UNTIL-MARRIAGE PROGRAMS.—The term 'abstinence-until-marriage programs' means programs that place the highest priority on encouraging individuals who have not yet married to abstain from sexual activity, which if practiced 100 percent correctly and consistently is the only certain way to protect against exposure to HIV and other sexually transmitted infections. The programs include information on the health benefits of delayed sexual debut in reducing the transmission of HIV and may be used to support the wide range of approaches that promote skill-building strategies for practicing abstinence.''.

SEC. 5. ASSISTANCE TO YOUNG PEOPLE.

Section 104A(d)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(d)(3)) is amended—

(1) in subparagraph (A), by inserting ''sexually active young people, both unmarried and married, who live in a country experiencing a generalized HIV epidemic,'' after ''infected with HIV/AIDS,''; and

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

''(C) In subparagraph (A), the term 'generalized epidemic' means, with respect to a country, that—

''(i) HIV infection is spreading through the general population of such country, rather than being confined to specific populations, such as sex workers and their clients, injecting drug users, and men who have sex with men; and

''(ii) the rate of HIV infection among people between the ages of 15 and 49 exceeds 1 percent.''.

Ms. SNOWE. Mr. President, today I join with my dear colleague, Senator FEINSTEIN, to address a critical problem—the prevention of HIV infection. HIV/AIDS affects people of all walks of life and all corners of the globe. Today over 40 million are infected with HIV. In the United States today, we have seen HIV infection become a much more manageable disease as modern medications have enabled so many to lead productive lives. That was certainly not so ten years ago.

Today the President's Emergency Plan for AIDS Relief, PEPFAR, is intended to extend the progress we have made to countries where resources are so limited that HIV infection has inevitably led to AIDS and death. PEPFAR is intended to prevent 7 million new infections, to bring 2 million into treatment, and to provide care for approximately 10 million with HIV/AIDS.

Prevention is clearly key to stopping this global epidemic. In Uganda we have seen remarkable progress made in preventing infection when a combined strategy was employed which promoted abstinence, faithfulness in marriage, and condom use—the ''ABC'' approach.

The Congress saw this strategy could be effective, and many sought to ensure that abstinence would be supported in PEPFAR. In fact, a statutory requirement mandates that one-third of all PEPFAR prevention monies are dedicated to the exclusive use of abstinence and faithfulness in marriage to prevent HIV infection.

It is critical to recognize that abstinence, and even marital faithfulness, is not enough to stem the tide of this epidemic. Abstinence is not a relevant means of protection if you are, for example, a married woman who has an HIV-positive husband. That woman needs protection, whether that be a condom, a microbicide, or other means to protect herself.

We also recognize that sexual transmission is certainly not the only means of transmitting HIV. We have seen newborns and infants infected during delivery and nursing. We have seen failures of hygiene in hospital settings cause HIV/AIDS. We have seen HIV spread by drug abuse. Each of these must be addressed to reduce the spread the HIV virus.

So we can see that while devoting funds for abstinence programs to prevent sexual transmission of HIV may be justified, one certainly could harm other efforts with a mandate that one-third of all funds be so dedicated.

That is indeed what has transpired. In April the GAO reported that countries are encountering difficulty in meeting their prevention needs because they must spend one-third of all their prevention funds on abstinence and faithfulness programs. They know they should not ignore other prevention strategies. Sometimes they end up spending more than needed on prevention as a result, while in other cases essential prevention programs are sacrificed.

Consider the actual impact of such a rigid funding requirement today. The

Elizabeth Glaser Pediatric AIDS Foundation has reported that in Swaziland, nearly half of the women visiting their health clinics are HIV-infected. Abstinence education is not germane to these women—nor is faithfulness. They wish to avoid infecting their children. So the needs of a given country, and even of a local community, must take precedence. A one-size-fits-all approach certainly does not work.

That is why I have joined Senator FEINSTEIN today in introducing legislation to address the problems which the GAO described. It does this quite simply. First, it acknowledges that abstinence can play a role in preventing HIV infection. As such, the bill maintains a requirement for abstinence—so that at least one-third of funds used for preventing sexual transmission will be dedicated to such programs. Yet with two-thirds available for other means, we know countries can respond with all appropriate prevention strategies.

By setting the abstinence funding requirement so it applies only to sexual transmission, we will avoid impacting those programs which prevent nonsexual transmission of HIV. We cannot forget that these other strategies—such as reducing mother-to-child transmission—are major needs in some localities.

Our legislation does a second critical thing. The current statute requires exclusivity in funded abstinence programs. If, for example, your program desired to dispense condoms, you could not do so, even if this was a very minor part of your program's prevention efforts. Now consider again the ''discordant'' couple—where only one spouse is infected. Would anyone propose that in that marriage, one should not help the uninfected partner remain so? Our legislation provides a bit of flexibility and allows funded abstinence programs to utilize other strategies such as condoms as a minor part of their prevention program. That is simply commonsense. It follows what we have seen to work—the ''ABC'' approach.

Finally, this legislation does a third thing, and that is to simply recognize that sexually active youth who live in a country where HIV infection is spreading through the general population should be considered at high risk of contracting HIV and provided with information on the complete range of tools to prevent the spread of HIV. We simply must not lose a generation to AIDS prevention can be so effective.

I thank the President for his leadership in bringing the PEPFAR effort forward to help millions realize the promise of a future in which HIV will no longer threaten their future. Today, I ask my colleagues to join with Senator FEINSTEIN and me in seeing this legislation is enacted to ensure that we address the funding problems identified by the GAO and effectively employ HIV/AIDS prevention to stem this global epidemic.

By Mr. SANTORUM:

S. 3657. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal Home Loan Banks to be treated as tax-exempt bonds; to the Committee on Finance.

Mr. SANTORUM. Mr. President, as a member of the Senate, I have devoted much of my time at looking for innovative ways to develop local communities in which our families can prosper. It is in that spirit that I am introducing legislation today that will help local governments across the country meet economic development needs in a manner that partners with the private sector and saves local taxpayers money. Specifically, I rise today to introduce legislation that would allow community bank members of Federal Home Loan Banks to provide credit support to tax-exempt municipal development bonds, including letters of credit, LOCs.

Under current law, State and local governments are able to issue tax-exempt bonds to help fund community and economic projects. To ensure that bond investors will be paid in full, Federal Home Loan Banks provide a LOC. Unfortunately, the Internal Revenue Service, IRS, has classified Federal Home Loan Bank LOCs as a Federal guarantee, a decision that triggers the loss of a bond's tax-exempt status. By allowing community banks to partner with the Federal Home Loan Banks to offer credit support on municipal tax-exempt bonds, local communities will be able to reduce the cost to local taxpayers for bonds issued for such projects as wastewater treatment facilities, fire stations, medical clinics, school buses, long-term care facilities, and infrastructure improvements.

Through their community bank owners, Federal Home Loan Banks have offered letters of credit for over 10 years. They can provide letters of credit for taxable municipal bonds and tax-exempt housing bonds; however, due to a quirk in the law, they cannot do so for tax-exempt economic development bonds. My legislation would fix this inconsistency in the Tax Code.

Congress has already determined that credit support issued by other government-sponsored enterprises, GSEs, can support nonhousing municipal bond issues without losing tax-exempt treatment. The other GSEs mentioned in the code—Fannie Mae, Freddie Mac, Ginnie Mae, the Farm Credit System, and the Tennessee Valley Administration—are privately owned corporations—Federal Home Loan Banks—whose obligations are also not guaranteed by the U.S. Government. Therefore, granting the Federal Home Loan Bank letters of credit the same recognition is simply an equitable proposition.

This legislation will have a positive economic impact for local communities. Allowing Federal Home Loan Banks to provide credit support for tax-exempt municipal bonds will increase access to capital for municipalities which will spur economic growth and stimulate job creation. Municipal bonds raise money for public purposes to build and strengthen their communities. This is why groups like the Pennsylvania School Board Association supports this provision. They agree that this bill can ''potentially help school districts lower the costs for expensive school projects, such as bus purchasing and building construction.'' Hospitals can gain the resources necessary to utilize the most up-to-date technology to provide our children with the best health care possible. Municipal bonds help local officials finance renovations of sewer systems, roads and highways to improve the quality of life for families.

This legislation is important because it gives local officials an additional option as they strive to do more for their communities with tighter budget constraints. This bill is supported by the National League of Cities, the U.S. Conference of Mayors, the Independent Community Bankers of America, the Council of Federal Home Loan Banks, the National Association of Homebuilders, and the American Bankers Association, the National Association of Higher Educational Facilities Authorities, and the National Council of Health Facilities Finance Authorities. In my state of Pennsylvania, this effort is supported by the Pennsylvania Housing Finance Agency, the Pennsylvania Association of Community Bankers, the Pennsylvania Bankers Association, the Pennsylvania School Boards Association, and the Pennsylvania League of Municipalities. These groups have a strong reputation of supporting economic development on the state and local level.

This bill will simply provide consistency in the Tax Code, but more importantly, the benefits to our families and communities will be substantial.

Congress must continue to look for ways to spur economic development for America's communities. This bill will help do just that, and I urge my colleagues to support this legislation.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 3659. A bill to reauthorize and improve the women's small business ownership programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as the ranking member on the Committee on Small Business and Entrepreneurship, I rise today to join my colleague and chair, Senator SNOWE, in introducing the Women's Small Business Ownership Programs Act of 2006. This legislation reauthorizes and strengthens vital small business programs for women entrepreneurs nationwide.

Small businesses are the driving force behind innovation and national economic prosperity in the United States. Employing over 19 million workers, while pumping some $2 trillion into the economy, America's 10.6

million women-owned businesses play an integral role in this endeavor. However, despite their critical contributions to our Nation, women entrepreneurs still face many obstacles in the business world. Without the support and guidance of Women's Business Centers and other women small business ownership programs, which provide necessary tools to ensure the long term success of women-owned firms, many female entrepreneurs would not be able to open their doors and stay in business. Given women-owned businesses' contributions to our society, it is imperative that we continue to advocate on their behalf, and this legislation does just that.

In recent years, the Small Business Administration, SBA, has seen its annual budget repeatedly slashed by the Bush administration—the most out of any other Federal agency. The fiscal year 2007 proposal was no different. Among the various programmatic cuts within the President's fiscal year 2007 budget, technical assistance funding was set at just $104 million—down from his proposals of $108 million in fiscal year 2006 and $111 million in fiscal year 2005. This funding plays a crucial role in the development and sustainability of Women's Business Centers in states across the country. The SBA provides grants from technical assistance funding to help support over 80 Women's Business Centers Nationwide. One such example is the Center for Women and Enterprise, which has served the greater Boston, Worcester, and Providence areas since 1995. In that time, the center has certified over 150 women-owned businesses and served as a catalyst in helping entrepreneurs create over 15,000 new jobs.

More centers such as this ought to be in place in areas spanning the Nation. That is why I made it a priority to author and pass the Women's Business Center Sustainability Act of 1999, to help successful centers remain open and viable in the areas they serve. This bill was signed into law as a means of safeguarding successful centers with proven results by authorizing continued funding for a set time period under sustainability grants. The theory behind this bipartisan legislation was to continue to allow for new centers, but to also ensure that those with a proven track record would continue to be helped. And yet, since its enactment, Senator SNOWE and I have had to fight each year to ensure that there is sustainability funding through the passage of numerous temporary extensions and a series of exchanges with the SBA. These centers are vital in equipping women entrepreneurs with the tools they need to succeed in business, and it is unfortunate that this administration has attempted to eliminate sustainability funding since President Bush took office. It is high time that all centers demonstrating proven results year in and year out receive this sustainability funding.

The legislation I am introducing today, guarantees the future of the Women's Business Center Program and bridges it with other SBA-related women's initiatives to ensure there exists a unified and cohesive mission driving the programs forward for women entrepreneurs across the country. In this, the bill not only makes permanent the Women's Business Center Sustainability Pilot Program—through the creation of 3-year ''renewal'' grants for centers with sustainability grants, and 4-year ''initial'' grants for new centers across the country—but it also increases the program's authorization levels. Furthermore, our legislation calls for the Office of Women's Business Ownership to make all Women's Business Center grants at $150,000 and to work in consultation with Women's Business Centers whenever making improvements to the program.

Additionally, this legislation calls for a more streamlined approach for the Women's Business Center Program's data collection, grant application, and selection criteria, in an effort to ensure a smooth transition from sustainability to the newly established program. The Women's Small Business Ownership Programs Act of 2006 also contains privacy protections for the Women's Business Council, Women's Business Centers, and their small business clients.

The bill's provisions make several minor, yet significant, changes to both the Interagency Committee on Women's Business Enterprise, as well as the National Women's Business Council—enabling both entities to serve as a better resource for not only the administration and Congress, but the larger small business community as well. In order to increase and strengthen women business owners' representation in the Federal Government, the bill reestablishes the Interagency Committee on Women's Business Enterprise, and creates a Policy Advisory Group to aide the committee's chairperson in the development of policies and programs under this act. It also creates three subcommittees similar to those created under the National Women's Business Council. Additionally, in order to afford the National Women's Business Council more flexibility in its use of funds, the bill gives it cosponsorship authority, and directs it to act as a clearinghouse for historical data.

I would like to remind my colleagues that similar legislation drew wide bipartisan support in the 108th Congress. Despite arriving at a bipartisan Women's Business Center compromise on the Senate Small Business and Entrepreneurship Committee, the Republican majority failed to include this compromise in the last SBA reauthorization package. I would like to thank Chair SNOWE for her work in addressing the needs of America's female entrepreneurs, and for her steadfast support for this legislation. She is a true advocate for women-owned small businesses.

Mr. President, I urge my colleagues on both sides of the aisle to support the Women's Small Business Ownership Programs Act of 2006.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3659

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Women's Small Business Ownership Programs Act of 2006''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Office of Women's Business Ownership.
Sec. 3. Women's Business Center Program.
Sec. 4. National Women's Business Council.
Sec. 5. Interagency Committee on Women's Business Enterprise.
Sec. 6. Preserving the independence of the National Women's Business Council.

SEC. 2. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)(i), by striking ''in the areas'' and all that follows through the end of subclause (I), and inserting the following: ''to address issues concerning management, operations, manufacturing, technology, finance, retail and product sales, international trade, and other disciplines required for—

''(I) starting, operating, and growing a small business concern;''; and

(B) in subparagraph (C), by inserting before the period at the end the following: '', the National Women's Business Council, and any association of women's business centers''; and

(2) by adding at the end the following:

''(3) PROGRAMS AND SERVICES FOR WOMEN-OWNED SMALL BUSINESSES.—The Assistant Administrator, in consultation with the National Women's Business Council, the Interagency Committee on Women's Business Enterprise, and 1 or more associations of women's business centers, shall develop programs and services for women-owned businesses (as defined in section 408 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note)) in business areas, which may include—

''(A) manufacturing;

''(B) technology;

''(C) professional services;

''(D) retail and product sales;

''(E) travel and tourism;

''(F) international trade; and

''(G) Federal Government contract business development.

''(4) TRAINING.—The Administrator shall provide annual programmatic and financial oversight training for women's business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities under this section.

''(5) GRANT PROGRAM IMPROVEMENT.—The Administrator shall improve the women's business center grant proposal process and the programmatic and financial oversight process by—

''(A) providing notice to the public of each women's business center grant announcement for an initial and renewal grant, not later than 6 months before awarding such grant;

''(B) providing notice to grant applicants and recipients of program evaluation criteria, not later than 12 months before any such evaluation;

''(C) reducing paperwork and reporting requirements for grant applicants and recipients;

''(D) standardizing the oversight and review process of the Administration; and

''(E) providing to each women's business center, not later than 30 days after the completion of a site visit at that center, a copy of site visit reports and evaluation reports prepared by district office technical representatives or Administration officials.''.

SEC. 3. WOMEN'S BUSINESS CENTER PROGRAM.

(a) WOMEN'S BUSINESS CENTER GRANTS PROGRAM.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) the term 'association of women's business centers' means an organization that represents not fewer than 30 percent of the women's business centers that are participating in a program under this section, and whose primary purpose is to represent women's business centers;''; and

(2) by striking subsections (b) through (f) and inserting the following:

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—

''(A) ISSUANCE.—The Administrator may award initial and renewal grants of not more than $150,000 per year, which shall be known as 'women's business center grants', to private nonprofit organizations to conduct projects for the benefit of small business concerns owned and controlled by women.

''(B) RENEWALS.—At the end of the initial 4-year grant period, and every 3 years thereafter, the grant recipient may apply to renew the grant in accordance with this subsection and subsection (e)(2).

''(C) EQUAL ALLOCATIONS.—In the event that the Administration has insufficient funds to provide grants of $150,000 for each eligible women's business center, available funds shall be allocated equally to eligible centers, unless any center requests a lower amount than the allocable amount.

''(2) COOPERATIVE AGREEMENT AUTHORITY.—

''(A) IN GENERAL.—The Administrator may enter into Federal cooperative agreements with grant recipients under this subsection to perform the services described under paragraph (3), only to the extent and in the amount provided by appropriated funds.

''(B) TERMINATION.—

''(i) IN GENERAL.—If any grant recipient under this subsection does not fulfill its grant obligations, after advanced notification, during the period of the grant, the Administrator may terminate the grant.

''(ii) EXCEPTION.—Notwithstanding a violation by a grant recipient of a grant obligation under this subsection, the Administrator may continue to fund the grant, if the grant recipient is making a good faith effort to comply with such obligation.

''(3) USE OF FUNDS.—Grants awarded under this subsection may be used to provide training and counseling in the areas of—

''(A) pre-business, business startup, and business operations;

''(B) financial planning assistance;

''(C) procurement assistance;

''(D) management assistance;

''(E) marketing assistance; and

''(F) international trade.

''(4) MATCHING REQUIREMENT.—

''(A) WOMEN'S BUSINESS CENTER GRANTS.—As a condition of receiving financial assistance under this subsection, the grant recipient shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

''(i) In the first and second years, 1 non-Federal dollar for each 2 Federal dollars provided under the 4-year grant.

''(ii) In the third and fourth years, 1 non-Federal dollar for each Federal dollar provided under the 4-year grant.

''(iii) In each renewal period, 1 non-Federal dollar for each Federal dollar provided under the 3-year grant.

''(B) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than ½ of the non-Federal sector matching assistance may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

''(C) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—

''(i) ADVANCE DISBURSEMENTS.—If any grant recipient fails to obtain the required non-Federal contribution during any project year, it shall not be eligible for advance disbursements under subparagraph (D) during the remainder of that project year.

''(ii) ABILITY TO OBTAIN NON-FEDERAL FUNDING.—Before approving assistance to a grant recipient that has failed to obtain the required non-Federal contribution for any other projects under this Act, the Administrator shall require the grant recipient to certify that it will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

''(D) FORM OF FEDERAL CONTRIBUTIONS.—The financial assistance authorized under this subsection may be made by grant or cooperative agreement and may contain such provisions, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administrator may disburse not more than 25 percent of the Federal share awarded to a grant recipient for each year after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

''(5) APPLICATION FOR AN INITIAL GRANT.—Each organization desiring an initial grant under this subsection, shall submit to the Administrator an application that contains—

''(A) a certification that the applicant—

''(i) is a private nonprofit organization;

''(ii) has designated an executive director or program manager, who may be compensated from grant funds or other sources, to manage the center; and

''(iii) as a condition of receiving a grant under this subsection, agrees—

''(I) to receive a site visit as part of the final selection process;

''(II) to undergo an annual programmatic and financial examination; and

''(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or examination under subclauses (I) and (II);

''(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which an initial grant is sought, including the ability to comply with the matching requirement under paragraph (4);

''(C) information relating to assistance to be provided by the women's business center site for which an initial grant is sought in the area in which the site is located;

''(D) information demonstrating the effective experience of the applicant in—

''(i) conducting financial, management, and marketing assistance programs, as described under paragraph (3), which are designed to teach or upgrade the business skills of women who are business owners or potential business owners;

''(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged; and

''(iii) using resource partners of the Administration and other entities, such as universities;

''(E) a 4-year plan that projects the ability of the women's business center site for which an initial grant is sought—

''(i) to serve women who are business owners or potential owners in the future by improving training and counseling activities; and

''(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

''(F) any additional information that the Administrator may reasonably require.

''(6) REVIEW AND APPROVAL OF APPLICATIONS FOR AN INITIAL GRANT.—

''(A) IN GENERAL.—The Administrator shall—

''(i) review each application submitted under paragraph (5), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

''(ii) as part of the final selection process, conduct a site visit at each women's business center for which an initial grant is sought.

''(B) SELECTION CRITERIA.—

''(i) IN GENERAL.—The Administrator shall evaluate applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administrator.

''(ii) REQUIRED CRITERIA.—The selection criteria for an initial grant under clause (i) shall include—

''(I) the experience of the applicant in conducting programs or ongoing efforts designed to teach or upgrade the business skills of women who are business owners or potential owners;

''(II) the ability of the applicant to commence a project within a minimum amount of time;

''(III) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

''(IV) the location for the women's business center site proposed by the applicant.

''(C) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.

''(7) APPLICATION FOR A RENEWAL GRANT.—Each organization desiring a renewal grant under this subsection, shall submit to the Administrator, not later than 3 months before the expiration of an existing grant under this subsection, an application that contains—

''(A) a certification that the applicant—

''(i) is a private nonprofit organization;

''(ii) has designated an executive director or program manager to manage the center; and

''(iii) as a condition of receiving a grant under this subsection, agrees—

''(I) to receive a site visit as part of the final selection process;

''(II) to submit, for the preceding 2 years, annual programmatic and financial examination reports or certified copies of the applicant's compliance supplemental audits under OMB Circular A–133; and

''(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or examination under subclauses (I) and (II);

''(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by

the women's business center site for which a renewal grant is sought, including the ability to comply with the matching requirement under paragraph (4);

''(C) information relating to assistance to be provided by the women's business center site for which a renewal grant is sought in the area in which the site is located;

''(D) information demonstrating the utilization of resource partners of the Administration and other entities;

''(E) a 3-year plan that projects the ability of the women's business center site for which a renewal grant is sought—

''(i) to serve women who are business owners or potential owners in the future by improving training and counseling activities; and

''(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

''(F) any additional information that the Administrator may reasonably require.

''(8) REVIEW AND APPROVAL OF APPLICATIONS FOR A RENEWAL GRANT.—

''(A) IN GENERAL.—The Administrator shall—

''(i) review each application submitted under paragraph (7), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

''(ii) as part of the final selection process, conduct a site visit at each women's business center for which a renewal grant is sought.

''(B) SELECTION CRITERIA.—The Administrator shall evaluate applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administrator.

''(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant or cooperative agreement with a women's business center, the Administrator—

''(i) shall consider the results of the most recent evaluation of the center, and, to a lesser extent, previous evaluations; and

''(ii) may withhold such renewal, if the Administrator determines that the center has failed to provide the information required to be provided under this subsection, or the information provided by the center is inadequate.

''(D) CONTINUING GRANT AND COOPERATIVE AGREEMENT AUTHORITY.—

''(i) IN GENERAL.—The authority of the Administrator to enter into grants or cooperative agreements under this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

''(ii) RENEWAL.—After the Administrator has entered into a grant or cooperative agreement with any women's business center under this subsection, the Administrator shall not suspend, terminate, or fail to renew or extend any such grant or cooperative agreement, unless the Administrator provides the center with written notification setting forth the reasons therefore and affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

''(E) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.

''(9) DATA COLLECTION.—Consistent with the annual report to Congress under subsection (g), each women's business center site that is awarded an initial or renewal grant under this subsection shall collect information relating to—

''(A) the number of individuals counseled or trained;

''(B) the number of hours of counseling provided;

''(C) the number of workshops conducted;

''(D) the number of startup small business concerns formed; and

''(E) the number of jobs created or maintained at assisted small business concerns.

''(10) PRIVACY REQUIREMENTS.—

''(A) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this subsection without the consent of such individual or small business concern, unless—

''(i) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

''(ii) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this clause shall be limited to the information necessary for such audit.

''(B) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

''(i) restrict Administration access to program activity data; or

''(ii) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

''(C) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under subparagraph (A)(ii).

''(11) TRANSITION RULES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded as an eligible sustainability grant, from amounts appropriated for fiscal year 2006, to operate a women's business center, shall remain in full force and effect under the terms, and for the duration, of such agreement, subject to the grant limitation in paragraph (1).

''(B) EXTENSION.—If the sustainability grant under subparagraph (A) is scheduled to expire not later than June 30, 2007, a 1-year extension shall be granted without any interruption of funding, subject to the grant limitation in paragraph (1).

''(C) EFFECT ON CERTAIN EXISTING PROJECTS AND RENEWAL AUTHORITY.—A project being conducted by a women's business center under this subsection on the day before the date of enactment of the Women's Small Business Ownership Programs Act of 2006—

''(i) as a 5-year project, shall remain in full force and effect under the terms and for the duration of that agreement; and

''(ii) shall be eligible to apply for a 3-year renewal grant funded at a level equal to not more than $150,000 per year.

''(12) COORDINATION OF SERVICES.—Small business development centers and women's business centers shall, to the extent possible, coordinate services to avoid duplication of programmatic efforts.

''(c) ASSOCIATIONS OF WOMEN'S BUSINESS CENTERS.—

''(1) RECOGNITION.—The Administrator shall recognize the existence and activities of any association of women's business centers established to address matters of common concern.

''(2) CONSULTATION.—The Administrator shall consult with each association of women's business centers to develop—

''(A) a training program for the staff of the women's business centers and the Administration; and

''(B) recommendations to improve the policies and procedures for governing the general operations and administration of the Women's Business Center Program, including grant program improvements under subsection (e)(5).''.

(b) CONFORMING AMENDMENTS.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) by redesignating subsections (g), (h), (i), (j), and (k) as subsections (d), (e), (f), (g), and (h), respectively;

(2) in subsection (e)(2), as redesignated by paragraph (1) of this subsection, by striking ''to award a contract (as a sustainability grant) under subsection (l) or'';

(3) in subsection (g)(1), as redesignated by paragraph (1) of this subsection, by striking ''The Administration'' and inserting ''Not later than November 1st of each year, the Administrator'';

(4) in subsection (h), as redesignated by paragraph (1) of this subsection—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended—

''(A) $16,500,000 for fiscal year 2007, of which $500,000 may be used to provide supplemental sustainability grants to women's business centers, except that no such center may receive more than a total of $125,000 in grant funding for the grant period beginning on July 1, 2006 and ending on June 30, 2007;

''(B) $17,000,000 for fiscal year 2008; and

''(C) $17,500,000 for fiscal year 2009.

''(2) USE OF AMOUNTS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.''; and

(B) by striking paragraph (4); and

(5) by striking subsection (l).

SEC. 4. NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) COSPONSORSHIP AUTHORITY.—Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7106) is amended by adding at the end the following:

''(f) COSPONSORSHIP AUTHORITY.—The Council is authorized to enter into agreements as a cosponsor with public and private entities, in the same manner as is provided in section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)), to carry out its duties under this section.''.

(b) MEMBERSHIP.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is amended by adding at the end the following:

''(3) REPRESENTATION OF MEMBER ORGANIZATIONS.—Notwithstanding subsection (b), a national women's business organization or small business concern that is represented on the Council may, in consultation with the chairperson of the Council, replace its representative member on the Council at any time during the service term to which that member was appointed.''.

(c) ESTABLISHMENT OF COMMITTEES.—Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended by inserting after section 410, the following new section:

''SEC. 411. COMMITTEES.

''(a) ESTABLISHMENT.—There are established within the Council—

''(1) the Committee on Manufacturing, Technology, and Training and Professional Services;

''(2) the Committee on Travel, Tourism, Product and Retail Sales, and International Trade; and

''(3) the Committee on Federal Procurement and Contracting.

''(b) DUTIES.—The Committees established under subsection (a) shall perform such duties as the chairperson shall direct.''.

(d) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7109) is amended by adding at the end the following:

''(c) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—The Council shall serve as a clearinghouse for information on small businesses owned and controlled by women, including research conducted by other organizations and individuals relating to ownership by women of small business concerns in the United States.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 410(a) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7110(a)) is amended by striking ''2001 through 2003, of which $550,000'' and inserting ''2007 through 2009, of which not less than 30 percent''.

SEC. 5. INTERAGENCY COMMITTEE ON WOMEN'S BUSINESS ENTERPRISE.

(a) CHAIRPERSON.—Section 403(b) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7103(b)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(1) IN GENERAL.—Not later''; and

(2) by adding at the end the following:

''(2) VACANCY.—In the event that a chairperson is not appointed under paragraph (1), the Deputy Administrator of the Small Business Administration shall serve as acting chairperson of the Interagency Committee until a chairperson is appointed under paragraph (1).''.

(b) POLICY ADVISORY GROUP.—Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101) is amended—

(1) by striking ''There'' and inserting the following:

''(a) IN GENERAL.—There''; and

(2) by adding at the end the following:

''(b) POLICY ADVISORY GROUP.—

''(1) ESTABLISHMENT.—There is established a Policy Advisory Group to assist the chairperson in developing policies and programs under this Act.

''(2) MEMBERSHIP.—The Policy Advisory Group shall be composed of 7 policy making officials, of whom—

''(A) 1 shall be a representative of the Small Business Administration;

''(B) 1 shall be a representative of the Department of Commerce;

''(C) 1 shall be a representative of the Department of Labor;

''(D) 1 shall be a representative of the Department of Defense;

''(E) 1 shall be a representative of the Department of the Treasury; and

''(F) 2 shall be representatives of the Council.''.

(c) ESTABLISHMENT OF SUBCOMMITTEES.—Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101), as amended by subsection (b), is amended by adding at the end the following:

''(c) SUBCOMMITTEES.—

''(1) ESTABLISHMENT.—There are established—

''(A) the Subcommittee on Manufacturing, Technology, and Training and Professional Services;

''(B) the Subcommittee on Travel, Tourism, Product and Retail Sales, and International Trade; and

''(C) the Subcommittee on Federal Procurement and Contracting.

''(2) DUTIES.—The Subcommittees established under paragraph (1) shall perform such duties as the chairperson shall direct.

''(3) MEETINGS.—The Subcommittees established under paragraph (1) shall meet not less frequently than 3 times each year to—

''(A) plan activities for the new fiscal year;

''(B) track year-to-date agency contracting goals; and

''(C) evaluate the progress during the fiscal year and prepare an annual report.''.

SEC. 6. PRESERVING THE INDEPENDENCE OF THE NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) FINDINGS.—Congress finds the following:

(1) The National Women's Business Council provides an independent source of advice and policy recommendations regarding women's business development and the needs of women entrepreneurs in the United States to—

(A) the President;

(B) Congress;

(C) the Interagency Committee on Women's Business Enterprise; and

(D) the Administrator.

(2) The members of the National Women's Business Council are small business owners, representatives of business organizations, and representatives of women's business centers.

(3) The chair and ranking member of the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives make recommendations to the Administrator to fill 8 of the positions on the National Women's Business Council. Four of the positions are reserved for small business owners who are affiliated with the political party of the President and 4 of the positions are reserved for small business owners who are not affiliated with the political party of the President. This method of appointment ensures that the National Women's Business Council will provide Congress with nonpartisan, balanced, and independent advice.

(4) In order to maintain the independence of the National Women's Business Council and to ensure that the Council continues to provide Congress with advice on a nonpartisan basis, it is essential that the Council maintain the bipartisan balance established under section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107).

(b) MAINTENANCE OF PARTISAN BALANCE.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)), as amended by this Act, is amended by adding at the end the following:

''(4) PARTISAN BALANCE.—When filling vacancies under paragraph (1), the Administrator shall, to the extent practicable, ensure that there are an equal number of members on the Council from each of the 2 major political parties.

''(5) ACCOUNTABILITY.—If a vacancy is not filled within the 30-day period required under paragraph (1), or if there exists an imbalance of party-affiliated members on the Council for a period exceeding 30 days, the Administrator shall submit a report, not later than 10 days after the expiration of either such 30-day deadline, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, that explains why the respective deadline was not met and provides an estimated date on which any vacancies will be filled, as applicable.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 528—DESIGNATING THE WEEK BEGINNING ON SEPTEMBER 10, 2006, AS ''NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK''

Mr. GRAHAM (for himself, Mr. BROWNBACK, Mr. KERRY, Ms. MIKULSKI, Mr. DEWINE, Mr. DEMINT, Mr. TALENT, Mr. ISAKSON, Mr. OBAMA, Mr. VOINOVICH, Ms. LANDRIEU, Mr. SANTORUM, Mr. DODD, Mr. LOTT, Mr. DURBIN, Mr. CHAMBLISS, Mr. BAYH, Mr. SPECTER, Mr. ALLEN, Mr. BURR, Mr. MCCAIN, Mr. COCHRAN, Mr. BIDEN, Mrs. HUTCHISON, Mrs. DOLE, Mr. FRIST, Mr. WARNER, Mr. ALEXANDER, Mr. VITTER, Mrs. BOXER, Mr. SARBANES, Mr. SALAZAR, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 528

Whereas there are 103 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate,

(1) Designates the week beginning September 10, 2006, as 'National Historically Black Colleges and Universities Week'; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

SENATE RESOLUTION 529—DESIGNATING JULY 13, 2006, AS ''NATIONAL SUMMER LEARNING DAY''

Mr. OBAMA (for himself, Mr. DEMINT, Ms. MIKULSKI, Mr. ISAKSON, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 529

Whereas all students experience measurable loss of mathematics and reading skills when they do not engage in educational activities during the summer months;

Whereas summer learning loss is greatest for low-income children, who often lack the academic enrichment opportunities available to their more affluent peers;

Whereas summer learning loss contributes significantly to the gaps in achievement between low-income children, including minority children and children with limited English proficiency, and their more affluent peers;

Whereas structured enrichment and education programs are proven to accelerate learning for students who participate in such programs for several weeks during the summer;

Whereas in the BELL summer programs, students gain several months worth of reading and mathematics skills through summer enrichment, and in the Teach Baltimore Summer Academy, students enrolled for 2 summers gain 70 to 80 percent of a full grade level in reading, and thousands of students in similar programs experience measurable gains in academic achievement;

Whereas Summer Learning Day is designed to highlight the need for more young people to be engaged in summer learning activities and to support local summer programs that

benefit children, families, and communities; and

Whereas a wide array of schools, public agencies, non-profit organizations, institutions of higher education, museums, libraries, and summer camps in many States across the United States will celebrate the annual Summer Learning Day on July 13, 2006: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 13, 2006, as ''National Summer Learning Day'' to raise public awareness about the positive impact of summer learning opportunities on the development and educational success of our Nation's children;

(2) urges the people of the United States—

(A) to promote summer learning activities to send young people back to school ready to learn;

(B) to support working parents and their children; and

(C) to keep our Nation's children safe and healthy during the summer months; and

(3) urges communities to celebrate, with appropriate ceremonies and activities, the importance of high-quality summer learning opportunities in the lives of young students and their families.

SENATE CONCURRENT RESOLUTION 109—COMMENDING THE GOVERNMENT OF CANADA FOR ITS RENEWED COMMITMENT TO AFGHANISTAN

Mr. COLEMAN (for himself and Mr. LUGAR) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 109

Whereas twenty-four Canadian citizens were killed as a result of the September 11, 2001, terrorist attacks on the United States;

Whereas the people of Gander, Newfoundland, provided food, clothing, and shelter to thousands of stranded passengers and temporary aircraft parking to thirty-nine planes diverted from United States airspace as a result of the September 11, 2001, terrorist attacks on the United States;

Whereas the Government of Canada, as led by former Prime Ministers Jean Jacques Chretien and Paul Martin and continued by Prime Minister Stephen Harper, has provided humanitarian, diplomatic, and security personnel on the invitation of the Government of Afghanistan since 2001;

Whereas Canada has pledged $650,000,000 in development aid to Afghanistan;

Whereas Afghanistan is Canada's largest recipient of bilateral development aid;

Whereas Canada has stationed approximately 2,300 defense personnel who comprise Task Force Afghanistan, in order to improve security in southern Afghanistan, particularly in the province of Kandahar;

Whereas Canada has over 70 diplomatic officers worldwide who are dedicated to growing democracy and equality in Afghanistan;

Whereas at least seventeen Canadians have made the ultimate sacrifice in operations in Afghanistan since September 11, 2001;

Whereas Canada's commitment to the Government of Afghanistan, under the leadership of Prime Minister Hamid Karzai, was due to expire in February 2007;

Whereas on May 17, 2006, the Government of Canada led by Prime Minister Stephen Harper requested that the Canadian House of Commons extend Canada's commitment to peace and security operations in Afghanistan;

Whereas on May 17, 2006, the Canadian Parliament voted to extend peace and security operations in Afghanistan until 2009, to increase its development assistance by $310 million, and to build a permanent and secure embassy in Afghanistan to replace its current facility; and

Whereas this was an important sign of the renewed commitment of numerous United States allies to Afghanistan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the Government of Canada for its renewed and long-term commitment to Afghanistan;

(2) commends the leadership of former Canadian Prime Ministers Jean Jacques Chretien and Paul Martin and current Prime Minister Stephen Harper for their steadfast commitment to democracy, human rights, and freedom throughout the world;

(3) commends the Government of Canada for working to secure a democratic Afghanistan;

(4) commends the Government of Canada's commitment to reducing poverty, aiding the counternarcotics efforts through counterterrorism and counterinsurgency campaigns, and ensuring a peaceful and terror-free Afghanistan;

(5) commends the Government of Canada for its three-pronged commitment to Afghanistan: diplomacy, development, and defense; and

(6) expresses the gratitude and appreciation of the United States for Canada's enduring friendship and leadership in Afghanistan.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4643. Mr. KYL (for himself and Mr. SANTORUM) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

SA 4644. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4645. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4646. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4647. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4648. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra.

SA 4649. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4650. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4651. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4652. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4653. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. SCHUMER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4654. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. DEWINE, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4655. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4656. Mr. DAYTON (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4657. Ms. STABENOW (for herself, Mr. LEVIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra.

SA 4658. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4659. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4660. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4661. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4662. Mr. LAUTENBERG (for himself, Mr. OBAMA, Mr. MENENDEZ, Mrs. BOXER, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4663. Mr. DAYTON (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 5441, supra.

SA 4664. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4665. Mr. GRASSLEY (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4666. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4667. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4668. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4669. Mr. GREGG (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5441, supra.

SA 4670. Mr. GREGG (for Mr. KYL) proposed an amendment to the bill H.R. 5441, supra.

SA 4671. Mr. GREGG (for Mr. SCHUMER) proposed an amendment to the bill H.R. 5441, supra.

SA 4672. Mr. GREGG (for Mr. GRASSLEY (for himself and Mr. NELSON, of Florida)) proposed an amendment to the bill H.R. 5441, supra.

SA 4673. Mr. GREGG (for Mr. LEVIN (for himself and Ms. STABENOW)) proposed an amendment to the bill H.R. 5441, supra.

SA 4674. Mrs. BOXER proposed an amendment to the bill H.R. 5441, supra.

SA 4675. Mr. FRIST (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill S. 3525, to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes.

TEXT OF AMENDMENTS

SA 4643. Mr. KYL (for himself and Mr. SANTORUM) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 75, line 8 strike ''$3,740,357,000; of which'' and insert ''$3,780,357,000; of which $40 million shall be authorized for 1,700 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds; of which''.

SEC. ____. At the appropriate place in the bill, insert:

Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended by adding at the end the following new subsection:

''(n) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

''(1) IN GENERAL—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1 to 4 family dwelling in which the mortgagor will occupy or occupies one of the units.

''(2) LIMITATION ON PRINCIPAL OBLIGATION—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size.

SA 4644. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall report to Congress—

(1) on whether local governments and first responders within 50 miles of a nuclear power plant have adequate resources to meet the emergency response requirements imposed on them by the Department of Homeland Security; and

(2) if such additional resources are needed, the amount of funding required to supply those resources.

SA 4645. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, line 2, insert '': *Provided*, That Sacramento, California and San Diego, California shall be eligible for grants under this subparagraph'' before the semicolon.

SA 4646. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, line 2, before the semicolon insert the following: '': *Provided*, That the Secretary of Homeland Security shall designate any high-density urban area that, on the date on which an application for a grant under this subparagraph is submitted, includes a military installation at which more than 20,000 military and civilian personnel are located as a high-threat, high-density urban area for purposes of grants under this subparagraph''.

SA 4647. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, line 17, insert '', in order to protect against wasteful spending, the Secretary of Homeland Security shall require that such technology systems be operationally tested in representative sectors along the international borders of the United States, including in remote areas located between ports of entry that are operated 24 hours a day and patrolled by relatively few border patrol agents, to ensure that such systems work effectively before such systems are fully deployed along the international borders of the United States: *Provided further*, That'' after ''That''.

SA 4648. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland SEcurity for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the feasability and advisability of locating existing Louisiana facilities and assets of the Coast Guard in the Federal City Project of New Orleans, Louisiana, as described in the report of the Defense Base Closure and Realignment Commission submitted to the President in 2005 during the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SA 4649. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Notwithstanding any other provisions of law, the Secretary of Homeland Security shall consult with National Council on Radiation Protection and Measurements (in this section referred to as the ''NCRP'') in preparing guidance and recommendations for emergency responders, to assist recovery operations, and to protect the general public with respect to radiological terrorism, threats, and events. In addition, the Secretary of Homeland Security shall partner with NCRP to develop and publish information needed by Federal, State, and local authorities to ensure comprehensive command and control in the aftermath of a nuclear or radiological terrorism event.

SA 4650. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

THREAT ASSESSMENT SCREENING OF PORT TRUCK DRIVERS

Notwithstanding any other provision of this Act, $10,000,000 of the amounts otherwise appropriated to or for the use of the Secretary of Homeland Security by this Act may not be obligated or expended until the Secretary of Homeland Security certifies that a threat assessment screening, including name-based checks against terrorist watch lists and immigration status check, has been implemented for all port truck drivers that is the same as the threat assessment screening required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (Federal Register, Vol. 71, No. 82, Friday, April 28, 2006).

SA 4651. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) IMPLEMENTATION OF SECTION 607 OF COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—

(1) ADDITIONAL AMOUNT FOR OPERATING EXPENSES FOR THE COAST GUARD.—The amount appropriated or otherwise made available by title II of this Act under the heading ''UNITED STATES COAST GUARD'' under the heading ''OPERATING EXPENSES'' is hereby increased by $1,000,000.

(2) AVAILABILITY.—Of the amount appropriated or otherwise made available by title II of this Act under the heading ''UNITED STATES COAST GUARD'' under the heading ''OPERATING EXPENSES'', as increased by paragraph (1), $1,000,000 may be available for the purpose of implementing section 607 of the Coast Guard and Maritime Transportation Act of 2006.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts appropriated or otherwise made available by this Act for that purpose.

(b) OFFSET.—The amount appropriated by title I of this Act under the heading ''OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT'' is hereby reduced by $1,000,000.

SA 4652. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) NATIONAL CAPITAL REGION AIR DEFENSE MISSION OF THE COAST GUARD.—

(1) ADDITIONAL AMOUNT FOR ACQUISITION CONSTRUCTION, AND IMPROVEMENTS FOR THE COAST GUARD.—The amount appropriated or otherwise made available by title II of this Act under the heading ''UNITED STATES COAST GUARD'' under the heading ''ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS'' is hereby increased by $5,000,000.

(2) AVAILABILITY.—Of the amount appropriated or otherwise made available by title II of this Act under the heading ''UNITED STATES COAST GUARD'' under the heading ''ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS'', as increased by paragraph (1), $5,000,000 may be available for the purpose of the National Capital Region Air Defense mission of the Coast Guard.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts appropriated or otherwise made available by this Act for that purpose.

(b) OFFSET.—The amount appropriated by title I of this Act under the heading ''OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT'' is hereby reduced by $5,000,000.

SA 4653. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. SCHUMER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 96, line 23, insert '': *Provided further*, That not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a classified report describing the security vulnerabilities of all rail, transit, and highway bridges and tunnels connecting Northern New Jersey and New York City to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives'' before the period at the end.

SA 4654. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. DEWINE, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike ''$2,393,500,000,'' and insert the following: ''$2,606,500,000, of which $213,000,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234, and''.

On page 91, line 8, strike ''$500,000,000'' and insert ''$633,000,000''.

On page 91, line 9, strike ''$350,000,000'' and insert ''$400,000,000''.

On page 91, line 11, after ''(42 U.S.C. 3714)'' insert the following: '', of which $25,000,000 shall be used to increase funding for National Priority Programs to establish model terrorism prevention programs to assist State and local law enforcement agencies''.

On page 91, line 22, strike ''$1,172,000,000'' and insert ''$1,192,000,000''.

On page 92, line 1, strike ''$745,000,000'' and insert ''$765,000,000''.

On page 93, line 5, strike ''$40,000,000'' and insert ''$50,000,000''.

On page 96, line 6, strike ''$45,887,000'' and insert the following: ''$46,849,000, of which $962,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234''.

SA 4655. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 21, strike ''$5,285,874,000;'' and insert ''$5,329,874,000, of which $44,000,000 shall be used to hire an additional 236 border patrol agents.

At the appropriate place, insert the following:

SEC. ____. (a) All amounts made available under this Act for travel and transportation shall be reduced on a pro rata basis by $43,000,000.

(b) All amounts made available under this Act for printing and reproduction shall be reduced on a pro rata basis by $1,000,000.

SA 4656. Mr. DAYTON (for himiself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amounts appropriated in this Act for border security between ports of entry, including appropriations for an additional 1,000 additional border patrol agents, in addition to the border patrol agents assigned along international border between Canada and the United States during fiscal year 2006, sufficient amounts shall used by the Secretary of Homeland Security to assign to such border not less than 20 percent of the net increase in border patrol agents during fiscal year 2007, as authorized by Public Law 108–13.

SA 4657. Ms. STABENOW (for herself, Mr. LEVIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. _____. CUSTOMS USER FEES.

Notwithstanding any other provision of law, the Secretary of Homeland Security shall provide personnel and equipment to improve national security by inspecting international shipments of municipal solid waste, and shall levy a fee limited to the approximate cost of such inspections.

SA 4658. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, line 24, before the period, insert the following: '': *Provided further*, That none of the funds made available in this title may be used for travel by an officer or employee of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled 'Progress in Developing the National Asset Database', dated June 2006''.

SA 4659. Mr. SESSIONS (for himself, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) The amount appropriated by title II under the heading ''CUSTOMS AND BORDER PROTECTION'' and under the subheading ''CONSTRUCTION'' is hereby increased by $1,829,400,000, which shall remain available until expended.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a)—

(1) not less than $1,184,000,000 shall be used for the construction of 370 miles of double-layered fencing along the international border between the United States and Mexico; and

(2) not less than $645,400,000 shall be for the construction of not less than 461 miles of vehicle barriers along the international border between the United States and Mexico.

(c) All discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced on a pro rata basis by $1,829,400,000.

SA 4660. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) The amount appropriated by title II under the heading ''IMMIGRATION AND CUSTOMS ENFORCEMENT'' and under the subheading ''SALARIES AND EXPENSES'' is hereby increased by $85,670,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a) not less than $104,000,000 shall be available to increase the number of full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) by not less than 800 more than the number of such positions for which funds were made available during the fiscal year ending September 30, 2006, pursuant to section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734).

(c) All discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced on a pro rata basis by $85,670,000.

SA 4661. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) NATIONAL CAPITAL REGION AIR DEFENSE MISSION OF THE COAST GUARD.—

(1) ADDITIONAL AMOUNT FOR OPERATING EXPENSES FOR THE COAST GUARD.—The amount appropriated or otherwise made available by title II of this Act under the heading ''UNITED STATES COAST GUARD'' under the heading ''OPERATING EXPENSES'' is hereby increased by $5,000,000.

(2) AVAILABILITY.—Of the amount appropriated or otherwise made available by title II of this Act under the heading ''UNITED STATES COAST GUARD'' under the heading ''OPERATING EXPENSES'', as increased by paragraph (1), $5,000,000 may be available for the purpose of the National Capital Region Air Defense mission of the Coast Guard.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts appropriated or otherwise made available by this Act for that purpose.

(b) OFFSET.—The amount appropriated by title I of this Act under the heading ''OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT'' is hereby reduced by $5,000,000.

SA 4662. Mr. LAUTENBERG (for himself and Mr. OBAMA, Mr. MENENDEZ, Mrs. BOXER, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. RESEARCH AND DEVELOPMENT ON CHEMICAL SECURITY AND INHERENTLY SAFER TECHNOLOGIES.

In addition to any other amounts appropriated for Science and Technology Research, Development, Acquisition, and Operations in this Act, there are appropriated $10,000,000 to support research and development to foster cost-effective, inherently safer chemistries and chemical processes, as recommended in the National Research Council's May 2006 report: ''Terrorism and the Chemical Infrastructure: Protecting People and Reducing Vulnerabilities'': *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

SA 4663. Mr. DAYTON proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 70, line 3, strike ''$5,285,874,000;'' and insert ''$5,329,874,000, of which $44,000,000 shall be used to hire an additional 236 border patrol agents.

At the appropriate place, insert the following:

SEC. ____. (a) All amounts made available under this Act for travel and transportation shall be reduced by $43,000,000.

(b) All amounts made available under this Act for printing and reproduction shall be reduced by $1,000,000.

SA 4664. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 12, insert ''and each Member of Congress from the State or district, as the case may be, which is affected by such allocation, grant award, contract award, or letter of intent,'' after ''Representatives''.

SA 4664. Mr. GRASSLEY (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 60 days after the initiation of any contract relating to the Secure Border Initiative that is valued at more than $20,000,000, and upon the conclusion of the performance of such contract, the Inspector General of the Department of Homeland Security shall review each action relating to such contract to determine whether such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority-owned, and women-owned businesses, and time lines.

(b) If a contract review under subsection (a) uncovers information regarding improper conduct or wrongdoing, the Inspector General shall, as expeditiously as practicable, submit such information to the Secretary of Homeland Security, or to another appropriate official of the Department of Homeland Security, who shall determine if the contractor should be suspended from further participation in the Secure Border Initiative.

(c) Upon the completion of each review under subsection (a), the Inspector General shall submit a report to the Secretary that contains the findings of the review, including findings regarding—

(1) cost overruns;

(2) significant delays in contract execution;

(3) lack of rigorous departmental contract management;

(4) insufficient departmental financial oversight;

(5) contract bundling that limits the ability of small businesses to compete; or

(6) other high risk business practices.

(d)(1) Not later than 30 days after the receipt of each report submitted under subsection (c), the Secretary shall submit a report to the congressional committees listed in paragraph (3) that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in the report.

(2) Not later than 60 days after the initiation of each contract action with a company whose headquarters is outside of the United States, the Secretary shall submit a report regarding the Secure Border Initiative to the congressional committees listed in paragraph (3).

(3) The congressional committees listed in this paragraph are—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Appropriations of the House of Representatives;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(F) the Committee on Homeland Security of the House of Representatives.

SA 4664. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title VI for Customs and Border Protection for Air and Marine Interdiction, Operations, Maintenance, and Procurement, such funds as are necessary may be available for the establishment of the final Northern border air wing site in Michigan.

SA 4664. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, line 24, before the period, insert the following: '': *Provided further*, That none of the funds made available in this title under the heading ''Management and Administration'' may be used for travel by an officer or employee of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled 'Progress in Developing the National Asset Database', dated June 2006; or until the Under Secretary for Preparedness submits a report to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives explaining why such recommendations have not been fully implemented.

SA 4664. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON COMPLIANCE WITH INSPECTOR GENERAL RECOMMENDATIONS.

Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Committees on Appropriations a report addressing the compliance by the Department of Homeland Security with the recommendations set forth in the July 6, 2006, Inspector General of Homeland Security report entitled ''Progress in Developing the National Asset Database''. The report shall include the status of the prioritization of assets by the Department of Homeland Security into high-value, medium-value, and low-value asset tiers, and how such tiers will be used by the Secretary of Homeland Security in the issuance of grant funds.

SA 4669. Mr. GREGG (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 540. (a) The Congress makes the following findings:

(1) Domestic methamphetamine production in both small-and large-scale laboratories is decreasing as a result of law enforcement pressure and public awareness campaigns.

(2) It is now estimated that 80 percent of methamphetamine consumed in the United States originates in Mexico and is smuggled into the United States.

(3) The movement of methamphetamine into the United States poses new law enforcement challenges at the border, in the financial system, and in communities affected by methamphetamine.

(4) Customs and Border Protection is working to stop the spread of methamphetamine by examining the movement of the drug and its precursors at the borders and points of entry.

(5) Customs and Border Protection is a vital source of information for the Drug Enforcement Administration and other law enforcement agencies.

(b) It is the sense of the Senate that Customs and Border Protection should continue to focus on methamphetamine in its reporting and analysis of trade flows to prevent the spread of methamphetamine throughout the United States.

SA 4670. Mr. GREGG (for Mr. KYL) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 76, line 15, before the period insert ''*: Provided further*, That an additional $58,000,000 shall be available under this heading and authorized for 1,700 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds and the amount made available under the heading '**DISASTER RELIEF**' in this Act is reduced by $58,000,000''.

SA 4671. Mr. GREGG (for Mr. SCHUMER) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON COMPLIANCE WITH INSPECTOR GENERAL RECOMMENDATIONS.

Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations a report addressing the compliance by the Department of Homeland Security with the recommendations set forth in the July 6, 2006, Inspector General of Homeland Security report entitled ''Progress in Developing the National Asset Database''. The report shall include the status of the prioritization of assets by the Department of Homeland Security into high-value, medium-value, and low-value asset tiers, and how such tiers will be used by the Secretary of Homeland Security in the issuance of grant funds.

SA 4672. Mr. GREGG (for Mr. GRASSLEY (for himself and Mr. NELSON of Florida)) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 60 days after the initiation of any contract relating to the Secure Border Initiative that is valued at more than $20,000,000, and upon the conclusion of the performance of such contract, the Inspector General of the Department of Homeland Security shall review each action relating to such contract to determine whether such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority-owned, and women-owned businesses, and time lines.

(b) If a contract review under subsection (a) uncovers information regarding improper conduct or wrongdoing, the Inspector General shall, as expeditiously as practicable, submit such information to the Secretary of Homeland Security, or to another appropriate official of the Department of Homeland Security, who shall determine if the contractor should be suspended from further participation in the Secure Border Initiative.

(c) Upon the completion of each review under subsection (a), the Inspector General shall submit a report to the Secretary that contains the findings of the review, including findings regarding—

(1) cost overruns;

(2) significant delays in contract execution;

(3) lack of rigorous departmental contract management;

(4) insufficient departmental financial oversight;

(5) contract bundling that limits the ability of small businesses to compete; or

(6) other high risk business practices.

(d)(1) Not later than 30 days after the receipt of each report submitted under subsection (c), the Secretary shall submit a report to the congressional committees listed in paragraph (3) that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in the report.

(2) Not later than 60 days after the initiation of each contract action with a company whose headquarters is outside of the United States, the Secretary shall submit a report regarding the Secure Border Initiative to the congressional committees listed in paragraph (3).

(3) The congressional committees listed in this paragraph are—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Appropriations of the House of Representatives;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(F) the Committee on Homeland Security of the House of Representatives.

SA 4673. Mr. GREGG (for Mr. LEVIN (for himself and Ms. STABENOW)) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title VI for Customs and Border Protection for Air and Marine Interdiction, Operations, Maintenance, and Procurement, such funds as are necessary may be available for the establishment of the final Northern border air wing site in Michigan.

SA 4674. Mrs. BOXER proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 90, line 24, before the period, insert the following: ''*: Provided further*, That none of the funds made available in this title under the heading ''Management and Administration'' may be used for travel by an officer or employee of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled 'Progress in Developing the National Asset Database', dated June 2006; or until the Under Secretary for Preparedness submits a report to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives explaining why such recommendations have not been fully implemented.

SA 4675. Mr. FRIST (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill S. 3525, to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes; as follows:

On page 3, line 13, strike ''and improve permanency outcomes for'' and insert ''improve permanency outcomes for, and enhance the safety of''.

On page 3, line 20, strike ''one'' and insert ''2''.

On page 8, line 21, strike ''access to'' and insert '', or access to,''.

On page 24, line 8, insert ''the first place it appears'' before the semicolon.

On page 24, line 9, strike the beginning parenthetical.

On page 24, line 11, insert '', or entity established by,'' after ''of''.

On page 24, line 13, strike the closing parenthetical.

On page 25, line 6, insert '', and identification of additional supports and services needed by,'' after ''evaluation of''.

On page 25, line 14, insert ''and support'' after ''monitoring''.

On page 25, line 19, insert '', and identification of additional supports and services needed by,'' after ''evaluation of''.

On page 26, line 2, insert '', and to identify any pre-adoption supports and services needed by'' after ''of''.

On page 28, after line 25, add the following:

SEC. 7. REQUIREMENT FOR FOSTER CARE PROCEEDING TO INCLUDE, IN AN AGE-APPROPRIATE MANNER, CONSULTATION WITH THE CHILD THAT IS THE SUBJECT OF THE PROCEEDING.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting ''(i)'' after ''with respect to each such child,'';

(2) by striking ''and procedural safeguards shall also'' and inserting ''(ii) procedural safeguards shall''; and

(3) by inserting ''and (iii) procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child and, in the case of a child who has attained age 16, any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child;'' after ''parents;''.

On page 29, line 1, strike ''7'' and insert ''8''.

On page 29, line 5, insert ''and part E'' after ''part B''.

On page 29, line 13, insert ''or part E'' after ''part B''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 20, 2006, 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of:

John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, vice Jeffrey D. Jarrett.

Mark Myers, of Alaska, to be Director of the United States Geological Survey, Department of the Interior, vice Charles G. Groat, resigned.

Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects for the term prescribed by law. (New Position)

For further information, please contact Judy Pensabene of the Committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 13, 2006, at 10 a.m. in open session to receive testimony on military commissions in light of the Supreme Court decision in Hamdan v. Rumsfeld.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to hold a Full Committee Hearing on Unmanned Aircraft Systems in Alaska and the Pacific Region: A Framework for the Nation, on Thursday, July 13, 2006, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 13, 2006, at 10 a.m. the purpose of this hearing is to receive testimony on H.R. 5254, the Refinery Permit Process Schedule Act.

ThE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, July 13, 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 FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 13, 2006, at 9:30 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, July 13, 2006, at 2:30 p.m. to consider the nomination of Stephen S. McMillin to be Deputy Director, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 13, 2006, at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

I. Nominations

Neil M. Gorsuch, to be U.S. Circuit Judge for the Tenth Circuit; Jerome A. Holmes, to be U.S. Circuit Judge for the Tenth Circuit; Kimberly Ann Moore, to be U.S. Circuit Judge for the Federal Circuit; Bobby E. Shepherd, to be U.S. Circuit Judge for the Eighth Circuit; Gustavo Antonio Gelpi, to be U.S. District Judge for the District of Puerto Rico; Daniel Porter Jordan, III, to be U.S. District Judge for the Southern District of Mississippi; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; R. Alexander Acosta, to be U.S. Attorney for the Southern District of Florida; Martin J. Jackley, to be U.S. Attorney for the District of South Dakota; Brett L. Tolman, to be U.S. Attorney for the District of Utah.

II. Bills

S. 2453, National Security Surveillance Act of 2006, Specter;

S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham;

S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer;

S. 3001, Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006, Specter, Feinstein;

S. 2831, Free Flow of Information Act of 2006, Lugar, Specter, Graham, Schumer, Biden, Grassley;

H.R. 1036, Copyright Royalty Judges Program Technical Corrections Act, Smith—TX;

S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter;

S. 2703, Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, Specter, Leahy, Grassley, Kennedy, DeWine, Feinstein, Brownback, Durbin, Schumer, Kohl, Biden, Feingold;

S. 1845, Circuit Court of Appeals Restructuring and Modernization Act of 2005, Ensign, Kyl;

S. 2679, Unsolved Civil Rights Crime Act, Talent, De Wine, Cornyn.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, July 13, 2006, to hold a hearing titled ''Battling the Backlog Part II: Challenges Facing the U.S. Court of Appeals for Veterans' Claims''. The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on July 13, 2006, at 2:30 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. GREGG. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, July 13, 2006, from 10 a.m. to noon in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. GREGG. Mr. President: I would like to ask unanimous consent that on Thursday, July 13, 2006, at 9:30 a.m. the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to hold a hearing on the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet on Thursday, July 13, 2006, at 2:30 p.m. to conduct a hearing on ''Renewing the Temporary Provisions of the Voting Rights Act: Legislative Options after LULAC v. Perry'' in Room 226 of the Dirksen Senate Office Building.

Panel I: Michael Carfin, Partner, Jones Day, Washington, DC;

Abigail Thernstrom, Vice Chairman, U.S. Commission on Civil Rights, Lexington, MA;

Roger Clegg, President and General Counsel, Center for Equal Opportunity, Sterling, VA;

Joaquin G. Avila, Assistant Professor of Law, Seattle University School of Law, Seattle, WA;

Nina Perales, Regional Counsel, MALDEF, San Antonio, TX;

Sherrilyn Ifill, Associate Professor of Law, University of Maryland Law School, Baltimore, MD.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Beth Kolbe, an intern in Senator KERRY's office, be granted the privileges of the floor during consideration of the stem cell legislation and any votes that may occur in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 3504, S. 2754, AND H.R. 810

Mr. FRIST. Mr. President, this is one of the two issues that I mentioned a little bit ago on stem cells. I ask unanimous consent that at 12:30 p.m. on Monday, July 17, the Senate proceed to the consideration of S. 3504, S. 2754, and H.R. 810, as under the previous order. I further ask that the time be divided as follows:

Monday: 12:30 to 1:00, majority; 1:00 to 1:30, minority; 1:30 to 2:00, majority; and 2:00 to 2:30, minority, continuing to rotate every half-hour until 8:30.

Tuesday: 10:00 to 10:30, majority; 10:30 to 11:00, minority; 11:00 to 11:30, majority; 11:30 to 12:00, minority; 12:00 to 12:15, majority; 12:15 to 12:30, minority; 2:15 to 2:45, majority; 2:45 to 3:15 minority; 3:15 to 3:30, minority leader; and 3:30 to 3:45, majority leader.

Further, I ask that at 3:45 the Senate proceed to three consecutive votes as the order provides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, all that to say that we will be on stem cells on Monday and Tuesday with the 3:45 time period beginning three consecutive votes. The times that we just locked in are to have some order to the debate back and forth so people will know approximately when their debate time is.

MEASURE PLACED ON THE CALENDAR—H.R. 4411

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 4411) to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. Without objection, the bill will be placed on the calendar.

TO AMEND THE PUBLIC HEALTH SERVICE ACT WITH RESPECT TO THE NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 655) to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 655

Resolved, That the bill from the Senate (S. 655) entitled ''An Act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention'', do pass with the following amendment:

On page 2, line 19, after ''period'' insert: at the end of the second sentence

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 250) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 250

Resolved, That the bill from the Senate (S. 250) entitled ''An Act to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act'', do pass with the following Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Vocational and Technical Education for the Future Act''.

SEC. 2. REFERENCES.

Wherever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

SEC. 3. PURPOSES AND DEFINITIONS.

(a) PURPOSES.—Section 2(2) (20 U.S.C. 2301(2)) is amended by inserting ''rigorous and challenging'' after ''integrate''.

(b) DEFINITIONS.—Section 3 (20 U.S.C. 2302) is amended—

(1) by striking paragraph (26) and redesignating paragraphs (21) through (25) as paragraphs (23) through (27), and paragraphs (27) through (30) as paragraphs (29) through (32), respectively;

(2) by redesignating paragraphs (4) through (20) as paragraphs (5) through (21), respectively, and inserting after paragraph (3) the following:

''(4) ARTICULATION AGREEMENT.—The term 'articulation agreement' means a written commitment, agreed upon at the State level or approved annually and facilitated by the lead administrators of the secondary and postsecondary consortia members as described in section 135(b)(3)(A), to provide a program designed to provide students with a nonduplicative sequence of progressive achievements leading to degrees, certificates, or credentials in a tech-prep education program linked through credit transfer agreements.'';

(3) in paragraph (5) (as so redesignated), by inserting ''to students (and parents, as appropriate)'' after ''providing access'';

(4) in paragraph (6) (as so redesignated), by striking ''section 5206'' and inserting ''section 5210'';

(5) in paragraph (7) (as so redesignated)—

(A) by striking ''method of instruction'' and inserting ''method''; and

(B) by inserting ''rigorous and challenging'' after ''required'';

(6) in paragraph (11)(A) (as so redesignated), by striking ''an'' and inserting ''a public or nonprofit private'';

(7) in paragraph (18) (as so redesignated)—

(A) in the paragraph heading, by striking ''TRAINING AND EMPLOYMENT'' and inserting ''FIELDS'';

(B) by striking ''training and employment'' and inserting ''fields''; and

(C) by inserting ''current and'' after ''technology, and other'';

(8) in paragraph (19) (as so redesignated), by striking ''the Republic of the Marshall Islands, the Federated States of Micronesia,'';

(9) by inserting after paragraph (21) (as so redesignated) the following:

''(22) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given that term in section 9101(37) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(37)).'';

(10) in paragraph (25) (as so redesignated)—

(A) in subparagraph (C), by striking ''training and employment'' and inserting ''fields'';

(B) in subparagraph (E), by striking ''and'';

(C) in subparagraph (F)—

(i) by striking ''individuals with other barriers to educational achievement, including''; and

(ii) by striking the period and inserting ''; and''; and

(D) by inserting after subparagraph (F) the following:

''(G) individuals with other barriers to educational achievement, as determined by the State.'';

(11) by inserting after paragraph (27) (as so redesignated) the following:

''(28) SUPPORTIVE SERVICES.—The term 'supportive services' means services such as transportation, child care, dependent care, and needs-based payments, that are necessary to enable an individual to participate in activities authorized under this Act.'';

(12) in paragraph (29) (as so redesignated), by striking ''section 2'' and inserting ''section 2(a)(4)'';

(13) in paragraph (30) (as so redesignated)—

(A) by inserting ''of subsection (a)'' after ''paragraph (2)''; and

(B) by striking ''paragraph (5)(A) of such section'' and inserting ''paragraph (5)(A) of such subsection''; and

(14) by amending paragraph (31)(A) (as so redesignated) to read as follows:

''(A) offer a sequence of courses that—

''(i) provides individuals with the rigorous and challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a master's or doctoral degree) in current or emerging employment sectors;

''(ii) may include the provision of skills or courses necessary to enroll in a sequence of courses that meet the requirements of this subparagraph; and

''(iii) provides, at the postsecondary level, for a 1-year certificate, an associate degree, or industry-recognized credential; and''.

SEC. 4. TRANSITION PROVISIONS.

Section 4 (20 U.S.C. 2303) is amended—

(1) by striking ''the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''the 'Carl D. Perkins Vocational and Technical Education Act of 1998' ''; and

(2) by striking ''the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998'' and inserting ''the Vocational and Technical Education for the Future Act. Each eligible agency shall be assured 1 full fiscal year for transition, to plan for and implement the requirements of this Act''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 8 (20 U.S.C. 2307) is amended to read as follows:

''SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act (other than subsection (a), (b), and (c) of section 114, and sections 117 and 118) $1,307,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2011.''.

SEC. 6. PROHIBITIONS.

(a) IN GENERAL.—The Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.) is amended by adding after section 8 the following new section:

''SEC. 9. PROHIBITIONS.

''(a) LOCAL CONTROL.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

''(b) NO PRECLUSION OF OTHER ASSISTANCE.—Any State that declines to submit an application to the Secretary for assistance under this Act shall not be precluded from applying for assistance under any other program administered by the Secretary.

''(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—Notwithstanding any other provision of Federal law, no State shall be required to have academic and vocational and technical content or student academic and vocational and technical achievement standards approved or certified by the Federal government, in order to receive assistance under this Act.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the requirements under section 113.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) is amended by inserting after the item relating to section 8 the following:

''Sec. 9. Prohibitions.''.

SEC. 7. ALLOTMENT AND ALLOCATION TO STATES.

(a) ALLOTMENT FOR NATIONAL ACTIVITIES FOR 2006.—Section 111(a)(1) (20 U.S.C. 2321(a)(1)) is amended to read as follows:

''(1) RESERVATIONS.—From the sum appropriated under section 8 for each fiscal year, the Secretary shall reserve—

''(A) 0.12 percent to carry out section 115;

''(B) 1.50 percent to carry out section 116, of which—

''(i) 1.25 percent of the sum shall be available to carry out section 116(b); and

''(ii) 0.25 percent of the sum shall be available to carry out section 116(h); and

''(C) 0.54 percent to carry out section 114(d).''.

(b) MINIMUM ALLOTMENTS.—Section 111(a) (20 U.S.C. 2321(a)) is further amended—

(1) in paragraph (3), by striking ''(or in the case of fiscal year 1999'' and all that follows through ''Amendments of 1998)'' each place it appears and inserting ''(or in the case of fiscal year 2006 only, under this section and under title II of this Act, as such section and title were in effect on the day before the date of enactment of the Vocational and Technical Education for the Future Act)''; and

(2) by amending paragraph (4)(A) to read as follows:

''(A) IN GENERAL.—No State shall receive an allotment under this section for a fiscal year that is less than the allotment the State received for fiscal year 2005 under this section and under title II of this Act (as such section and title were in effect on the day before the date of enactment of the Vocational and Technical Education for the Future Act).''.

(c) WITHIN STATE ALLOCATION.—Section 112 (20 U.S.C. 2322) is amended—

(1) by amending subsection (a) to read as follows:

''(a) ALLOCATION FORMULA.—From the amount allotted to each State under section 111 for a fiscal year, the State board (hereinafter referred to as the 'eligible agency') shall allocate such amount as follows:

''(1) Subject to paragraph (4), not less than 88 percent shall be made available for distribution under section 131 or 132, of which the eligible agency shall first make available for the activities described in section 135(b)(3) an amount equal to the amount allotted in fiscal year 2005 to such eligible agency under title II of this Act (as such title was in effect on the day before the date of enactment of the Vocational and Technical Education for the Future Act), reduced by the percentage by which the amount allotted to the State under section 111 for the fiscal year is less than the amount allotted under such section to such State for fiscal year 2005. Of the remainder of the 88 percent, not more than 10 percent may be used in accordance with subsection (c).

''(2) Subject to paragraph (4), not more than 10 percent shall be made available to carry out State leadership activities described in section 124, of which—

''(A) an amount equal to not more than 1 percent of the amount allotted to the State under section 111 for the fiscal year shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

''(B) not less than $60,000 and not more than $150,000 shall be available for services that prepare individuals for nontraditional fields.

''(3) An amount equal to not more than 2 percent, or $250,000, whichever is greater, shall be made available for administration of the State plan, which may be used for the costs of—

''(A) developing the State plan;

''(B) reviewing the local plan;

''(C) monitoring and evaluating program effectiveness;

''(D) assuring compliance with all applicable Federal laws; and

''(E) providing technical assistance.

''(4) If the amount allocated for any fiscal year under paragraph (2) shall be less than the amount allocated under such paragraph for fiscal year 2005, additional amounts may be made available from the amount allocated under paragraph (1) for the purposes described in paragraph (2). If such additional amounts are made available under this paragraph, the percentage of the total amount allotted under section 111 that is allocated for the purposes described in paragraph (2) shall not exceed the percentage of the total amount allotted under section 111 for fiscal year 2005 that was allocated under paragraph (2) for fiscal year 2005.''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking the semicolon and inserting ''; and'';

(ii) in subparagraph (C), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (D); and

(B) in paragraph (2), by striking ''through (D)'' and inserting ''through (C)''.

SEC. 8. ACCOUNTABILITY.

(a) PURPOSE.—Section 113(a) (20 U.S.C. 2323(a)) is amended—

(1) by striking ''establish a State'' and inserting ''support a State and local''; and

(2) by inserting ''and its eligible recipients'' after ''effectiveness of the State''.

(b) STATE PERFORMANCE MEASURES.—Section 113(b) (20 U.S.C. 2323(b)) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) in subparagraph (A)—

(i) in the subparagraph heading, by inserting ''FOR SECONDARY STUDENTS'' after ''PERFORMANCE'';

(ii) by inserting ''of secondary students that are, to the extent practicable, valid and reliable and'' after ''indicators of performance'';

(iii) in clause (i), by striking ''State established academic,'' and inserting ''academic content and achievement standards, as established by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)),'';

(iv) in clause (ii)—

(I) by striking ''or its recognized equivalent,'' and inserting '', General Education Development credential (GED), or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities), or''; and

(II) by striking '', or a postsecondary degree or credential'';

(v) by amending clause (iii) to read as follows:

''(iii) Student graduation rates (as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi))).'';

(vi) by redesignating clause (iv) as clause (v) and inserting after clause (iii) the following:

''(iv) Placement in postsecondary education or advanced training, placement in military service, or placement in employment.''; and

(vii) in clause (v) (as so redesignated), by striking ''training and employment'' and inserting ''fields'';

(C) by inserting after subparagraph (A) the following:

''(B) CORE INDICATORS OF PERFORMANCE FOR POSTSECONDARY STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance of postsecondary students that are, to the extent practicable, valid and reliable, and that include, at a minimum, measures of each of the following:

''(i) Student attainment of challenging academic and vocational and technical skill proficiencies.

''(ii) Student retention in postsecondary education, attainment of an associate degree or postsecondary credential, or transfer to a baccalaureate degree program.

''(iii) Placement in military service or placement or retention in employment.

''(iv) Student participation in and completion of vocational and technical education programs in nontraditional fields.'';

(D) in subparagraph (C) (as so redesignated), by striking ''under the title'' and inserting ''under this title''; and

(E) in subparagraph (D) (as so redesignated), by inserting ''vocational and technical education'' after ''has developed State''; and

(2) in paragraph (3)—

(A) by amending the paragraph heading to read as follows:

''(3) STATE LEVELS OF PERFORMANCE.—''; and

(B) in subparagraph (A)—

(i) in clause (i)—

(I) by striking ''paragraph (2)(A)'' and inserting ''subparagraphs (A) and (B) of paragraph (2)''; and

(II) in subclause (II), by striking ''to continually'' and all that follows through ''performance'', and inserting ''to make continuous and substantial improvement in the academic and vocational and technical achievement'';

(ii) by amending clause (v) to read as follows:

''(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—

''(I) 3RD AND 4TH PROGRAM YEARS.—Prior to the third program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the third and fourth programs years covered by the State plan, taking into account the factors described in clause (vi).

''(II) 5TH AND 6TH PROGRAM YEARS.—Prior to the fifth program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the fifth and sixth programs years covered by the State plan, taking into account the factors described in clause (vi).

''(III) AGREEMENTS INCORPORATED INTO STATE PLAN.—The State adjusted levels of performance agreed to under this clause shall be considered the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.'';

(iii) in clause (vi)(II), by inserting ''and substantial'' after ''continuous''; and

(iv) in clause (vii)—

(I) by striking ''clause (vi)(II)'' and inserting ''clause (vi)''; and

(II) by striking ''under clause (iii) or (vi)'' and inserting ''under clause (iii) or (v)''.

(c) LOCAL LEVELS OF PERFORMANCE.—Section 113(b) is further amended by adding at the end the following:

''(4) LOCAL LEVELS OF PERFORMANCE.—

''(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

''(i) IN GENERAL.—Each eligible recipient shall establish in the local plan submitted under section 134, levels of performance for each of the core indicators of performance described in paragraph (2)(A) and (B), as appropriate for the eligible recipient, for vocational and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

''(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

''(II) require the eligible recipient to make continuous and substantial improvement in the academic and vocational and technical achievement of vocational and technical education students.

''(ii) IDENTIFICATION IN THE LOCAL PLAN.—Each eligible recipient shall identify, in the local plan submitted under section 134, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.

''(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The eligible agency and each eligible recipient shall reach agreement on the levels of performance for each of the core indicators of performance, for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted level of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.

''(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—

''(I) 3RD AND 4TH PROGRAM YEARS.—Prior to the third program year covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the third and fourth program years covered by the local plan, taking into account the factors described in clause (v).

''(II) 5TH AND 6TH PROGRAM YEARS.—Prior to the fifth program year covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the fifth and sixth program years covered by the local plan, taking into account the factors described in clause (v).

''(III) AGREEMENTS INCORPORATED INTO LOCAL PLAN.—The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

''(v) FACTORS.—The agreement described in clause (iii) or (iv) shall take into account—

''(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

''(II) the extent to which such levels of performance promote continuous and substantial improvement on the indicators of performance by such eligible recipient.

''(vi) REVISIONS.—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factors described in clause (v), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.

''(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible recipient may identify in the local plan, local levels of performance for any additional indicators of performance. Such levels shall be considered to be the local levels of performance for purposes of this title.

''(C) LOCAL REPORT.—

''(i) CONTENT OF REPORT.—Each eligible recipient that receives an allotment under section 111 shall annually prepare and submit to the eligible agency a report regarding—

''(I) the progress of such recipient in achieving the local adjusted levels of performance on the core indicators of performance; and

''(II) in the case of an eligible recipient that receives funds described in section 112(a) for activities described in section 135(b)(3), the progress in achieving the local adjusted levels of performance on the core indicators of performance with respect to tech-prep program participants.

''(ii) DATA.—Each eligible recipient shall—

''(I) disaggregate data for each of the indicators of performance under section 113(b)(2) for the categories of students enumerated under section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 that are served under this Act; and

''(II) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible recipient under the Act.

''(iii) RULES FOR REPORTING OF DATA.—The disaggregation of data under clause (ii) shall be required except in a case in which the number of students in a category is insufficient to yield statistically reliable information or in which the results would reveal personally identifiable information about an individual student.

''(iv) AVAILABILITY.—The report described in clause (i) shall be made available to the public through a variety of formats, including electronically through the Internet.''.

(d) STATE REPORT.—Section 113(c) (20 U.S.C. 2323(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively, and inserting after paragraph (1) the following:

''(2) DATA.—Each eligible agency under this subsection shall—

''(A) disaggregate data for each of the indicators of performance under section 113(b)(2) for the categories of students enumerated under section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 that are served under this Act; and

''(B) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible agency under the Act.

''(3) RULES FOR REPORTING OF DATA.—The disaggregation of data under paragraph (2) shall be required except in a case in which the number of students in a category is insufficient to yield statistically reliable information or in which the results would reveal personally identifiable information about an individual student.''; and

(2) in paragraph (4) (as so redesignated)—

(A) by striking ''special populations'' and inserting ''each of the populations described in section 3(25) and the populations described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i))''; and

(B) by striking ''have made'' and inserting ''has made''.

SEC. 9. NATIONAL ACTIVITIES.

(a) PROGRAM PERFORMANCE INFORMATION.—Section 114(a)(3) (20 U.S.C. 2324(a)(3)) is amended by inserting ''in the aggregate'' after ''international comparisons''.

(b) EVALUATION AND ASSESSMENT.—Section 114(c) (20 U.S.C. 2324(c)) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) INDEPENDENT ADVISORY PANEL.—The Secretary shall appoint an independent advisory panel, consisting of academic and vocational and technical education educators, administrators, experts in evaluation, research, and assessment, representatives of labor organizations, businesses, parents, guidance and counseling professionals, and other individuals with relevant expertise, to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed and the methodology of the studies involved to ensure the assessment adheres to the highest standards of quality. The advisory panel shall transmit to the Secretary and to Congress an independent analysis of the findings and recommendations resulting from such assessment. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this subsection.'';

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting ''the implementation of the'' after ''and assessment of'';

(B) in subparagraph (B)—

(i) by inserting ''but shall not be limited to'' after ''paragraph (1) shall include'';

(ii) by striking clauses (i), (ii), (iv), and (vii) and redesignating clauses (iii), (v), (vi), and (viii) as clauses (i) through (iv), respectively;

(iii) in clause (i) (as so redesignated), by striking '', and academic, curricula in vocational and technical education programs,'' and inserting ''education (such as meeting State established teacher certification or licensing requirements)''; and

(iv) in clause (ii) (as so redesignated)—

(I) by striking ''and employment outcomes'' and all that follows through ''including analyses of'' and inserting ''and vocational and technical education achievement and employment outcomes of vocational and technical education students, including analyses of'';

(II) in subclause (I), by striking ''and tech-prep students'' and inserting ''and students participating in the activities described in section 135(b)(3)'';

(III) in subclause (II), by striking ''academic, and vocational and technical, education'' and inserting ''rigorous and challenging academic and vocational and technical education, including a review of the effect of integrated rigorous and challenging academic and vocational and technical education on the achievement of students''; and

(IV) in subclause (III), by inserting '', particularly those in which math and science skills are critical,'' after ''high-skill careers''; and

(C) in subparagraph (C)—

(i) in clause (i)—

(I) by striking ''the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''Congress''; and

(II) by striking ''2002'' and inserting ''2009'' both places it appears; and

(ii) in clause (ii), by striking ''the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate,'' and inserting ''Congress'';

(3) in paragraph (5)(A)—

(A) by striking ''to carry out research'' each place it appears, and inserting ''to carry out scientifically based research'';

(B) in clause (i), by inserting ''scientifically based'' after ''programs, including'';

(C) in clause (ii), by inserting ''that are integrated with rigorous and challenging academic education'' after ''implementation of vocational and technical education programs''; and

(D) in clause (iii)(I), by inserting ''and the integration of those systems with the academic education system'' after ''technical education systems'';

(4) in paragraph (6)—

(A) by striking:

''(6) DEMONSTRATIONS AND DISSEMINATION.—

''(A) DEMONSTRATION PROGRAM.—The'', and inserting:

''(6) DEMONSTRATIONS AND DISSEMINATION.—The''; and

(B) by striking subparagraph (B); and

(5) in paragraph (8), by striking ''this section'' and all that follows and inserting ''subsections (a), (b), and (c) of this section, such sums as may be necessary for each of fiscal years 2006 through 2011.''.

(c) INCENTIVE GRANTS FOR ELIGIBLE AGENCIES.—Section 114 is further amended by adding at the end the following new subsection:

''(d) INCENTIVE GRANTS FOR ELIGIBLE AGENCIES.—

''(1) IN GENERAL.—From funds reserved under section 111(a)(1)(C), the Secretary may award grants to eligible agencies for exemplary performance in carrying out programs under this Act. Such awards shall be based on an eligible agency exceeding State adjusted levels of performance established under section 113(b) and showing sustained or significant improvement.

''(2) SPECIAL CONSIDERATION.—In awarding these grants, the Secretary may consider—

''(A) an eligible agency's success in effectively developing connections between secondary education and postsecondary education and training;

''(B) an eligible agency's integration of rigorous and challenging academic and technical coursework; and

''(C) an eligible agency's progress in having special populations participating in vocational and technical education meet State adjusted levels of performance.

''(3) USE OF FUNDS.—The funds awarded to an eligible agency under this subsection may be used to carry out any activities authorized under section 124, including demonstrations of innovative programs.''.

SEC. 10. OUTLYING AREAS, NATIVE AMERICAN PROGRAMS, AND TRIBALLY CONTROLLED INSTITUTIONS.

(a) ASSISTANCE FOR THE OUTLYING AREAS.—Section 115 (20 U.S.C. 2325) is amended to read as follows:

''SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS.

''(a) OUTLYING AREAS.—From funds reserved pursuant to section 111(a)(1)(A), the Secretary shall—

''(1) make a grant in the amount of $660,000 to Guam;

''(2) make a grant in the amount of $350,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands; and

''(3) make a grant in the amount of $160,000 to the Republic of Palau.

''(b) REMAINDER.—Subject to the provisions of subsection (a), the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A), in equal proportion, to each of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of providing direct vocational and technical educational services, including—

''(1) teacher and counselor training and retraining;

''(2) curriculum development; and

''(3) the improvement of vocational and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving both secondary schools and institutions of higher education.

''(c) RESTRICTION.—The Republic of Palau shall cease to be eligible to receive funding under this section upon entering into an agreement for extension of United States educational assistance under the Compact of Free Association after the date of enactment of the Vocational and Technical Education for the Future Act.''.

(b) NATIVE AMERICAN PROGRAM.—Section 116 (20 U.S.C. 2326) is amended—

(1) in subsection (a), by inserting a period at the end of paragraph (5); and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''subsection (d)'' and inserting ''subsection (c)''; and

(B) in paragraph (2), by striking ''(other than in subsection (i))''.

(c) TRIBALLY CONTROLLED INSTITUTIONS.—Section 117 (20 U.S.C. 2327) is amended—

(1) by amending subsection (b) to read as follows:

''(b) USES OF GRANTS.—Amounts made available under this section shall be used for vocational and technical education programs for Indian students and for institutional support costs of the grant, including the expenses described in subsection (e).'';

(2) in subsection (c), by inserting after paragraph (2) the following:

''(3) INDIRECT COSTS.—Notwithstanding any other provision of law or regulation, the Secretary shall not require the use of a restricted indirect cost rate for grants issued under this section.'';

(3) by striking subsection (g) and redesignating subsections (h) and (i) as subsections (g) and (h), respectively; and

(4) in subsection (h) (as so redesignated)—

(A) by striking ''$4,000,000 for fiscal year 1999 and''; and

(B) by striking ''the 4 succeeding fiscal years'' and inserting ''fiscal years 2006 through 2011''.

(d) OCCUPATIONAL AND EMPLOYMENT INFORMATION.—Section 118 (20 U.S.C. 2328) is amended—

(1) by amending subsection (b) to read as follows:

''(b) STATE LEVEL ACTIVITIES.—

''(1) DESIGNATED ENTITY.—In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State responsible for conducting the activities in this subsection.

''(2) APPLICATION.—The jointly designated agency shall submit an application to the Secretary at the same time the State submits its state plan under section 122. The application shall be in such a manner and be accompanied by such information as the Secretary may reasonably require. At a minimum, the application shall describe how the jointly designated agency will assist the eligible agency in meeting its adjusted levels of performance under section 113(b).

''(3) ACTIVITIES.—The jointly designated agency shall conduct activities—

''(A) to provide support for career guidance and academic counseling programs designed to promote improved career and education decision making by students (and parents, as appropriate) regarding education and training options and preparations for high skill, high wage occupations;

''(B) to make available to students, parents, teachers, administrators, and counselors, and improve accessibility to, information and planning resources that relate academic and vocational and technical educational preparation to career goals and expectations;

''(C) to equip teachers, administrators, and counselors with the knowledge, skills, and occupational information needed to assist students and parents with educational and other postsecondary opportunities and education financing;

''(D) to assist appropriate State entities in tailoring resources and training for use by such entities;

''(E) to improve coordination and communication among administrators and planners of programs authorized by this Act and by section 15

of the Wagner-Peyser Act (29 U.S.C. 49l–2) at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data; and

''(F) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements.'';

(2) in subsection (e)(1), by striking ''an identification'' and inserting ''a description''; and

(3) in subsection (f), by striking ''1999 through 2003'' and inserting ''2006 through 2011''.

SEC. 11. STATE ADMINISTRATION.

Section 121 (20 U.S.C. 2341) is amended to read as follows:

''SEC. 121. STATE ADMINISTRATION.

''(a) ELIGIBLE AGENCY RESPONSIBILITIES.—The responsibilities of an eligible agency under this title shall include—

''(1) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this title, including preparation for nontraditional fields;

''(2) consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, representatives of businesses, labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this title;

''(3) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this title, but not less than four times annually; and

''(4) the adoption of such procedures as the eligible agency considers necessary to—

''(A) implement State level coordination with the activities undertaken by the State boards under section 111 of Public Law 105–220; and

''(B) make available to the service delivery system under section 121 of Public Law 105–220 within the State a listing of all school dropout, postsecondary, and adult programs assisted under this title.

''(b) EXCEPTION.—Except with respect to the responsibilities set forth in subsection (a), the eligible agency may delegate any of the other responsibilities of the eligible agency that involve the administration, operation, supervision of activities assisted under this title, in whole or in part, to one or more appropriate State agencies.''.

SEC. 12. STATE PLAN.

Section 122 (20 U.S.C. 2342) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''5-year period'' and inserting ''6-year period'';

(B) in paragraph (2)(B), by striking ''5 year State plan'' and inserting ''6-year period''; and

(C) in paragraph (3), by striking ''(including employers, labor organizations, and parents)'' and inserting ''(including charter school authorizers and organizers, employers, labor organizations, parents, students, and community organizations)'';

(2) in subsection (b)(1), by striking ''teachers, eligible recipients, parents, students, interested community members'' and inserting ''academic and vocational and technical education teachers, eligible recipients, charter school authorizers and organizers, parents, students, interested community members (including parent and community organizations), institutions of higher education'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively, and inserting before such subparagraphs (as so redesignated) the following:

''(A) the development of model sequences of courses for vocational and technical content areas that—

''(i) incorporate both secondary and postsecondary education elements;

''(ii) include rigorous and challenging academic content and vocational and technical content in a coordinated, nonduplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education;

''(iii) lead to a postsecondary 1-year certificate, associate or baccalaureate degree, or a proficiency credential in conjunction with a secondary school diploma; and

''(iv) may be adopted by local educational agencies and postsecondary institutions to be offered as an option to students (and their parents as appropriate), when choosing future coursework;'';

(ii) in subparagraph (B) (as so redesignated), by inserting ''and how the eligible agency will distribute information identifying eligible recipients that offer elements of the model sequences of courses'' before the semicolon;

(iii) by amending subparagraph (C) (as so redesignated) to read as follows:

''(C) the criteria that will be used by the eligible agency to evaluate and approve eligible recipients for funds under this title, including criteria to assess the extent to which the local plan will promote continuous and substantial improvement in academic achievement and technical skill attainment;'';

(iv) in subparagraph (D) (as so redesignated)—

(I) by inserting '', both academically and technically,'' after ''students''; and

(II) by striking ''; and'' and inserting '', and how participating students will be made aware of such opportunities;'';

(v) in subparagraph (E) (as so redesignated), by inserting ''aligned with rigorous and challenging academic content'' before the semicolon; and

(vi) by inserting after subparagraph (E) (as so redesignated) the following:

''(F) the process through which the eligible agency will develop the secondary or postsecondary elements of the model sequences of courses described in subparagraph (A);

''(G) the role that any eligible recipients successfully implementing the activities described in section 135(b)(3) will play in assisting other eligible recipients in establishing agreements and plans for coordinating the offering of model sequences of courses to students at both the secondary and postsecondary levels;

''(H) how funds will be used effectively to link secondary and postsecondary academic and vocational and technical education in a manner that increases student academic and vocational and technical achievement; and

''(I) how the eligible agency will report the integration of rigorous and challenging academics in vocational and technical education programs in order to adequately evaluate the quality of such integration;'';

(B) by amending paragraph (2) to read as follows:

''(2) describes how comprehensive professional development (including initial teacher preparation and activities that support recruitment) for vocational and technical, academic, guidance, and administrative personnel will be provided, especially professional development that—

''(A) promotes the integration of rigorous and challenging academic and vocational and technical education curriculum development;

''(B) increases the percentage of teachers that meet teacher certification or licensing requirements;

''(C) increases the academic and industry knowledge of vocational and technical education teachers; and

''(D) encourages applied learning that contributes to the academic and vocational and technical knowledge of the student;'';

(C) in paragraph (3), by inserting ''academic and vocational and technical'' after ''parents,'';

(D) in paragraph (5)(A)—

(i) by inserting ''(especially as pertaining to math, science, and technology)'' after ''academic and technical skills''; and

(ii) by striking ''core academic, and vocational and technical, subjects'' and inserting ''core academic subjects (as defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11))), and vocational and technical subjects'';

(E) in paragraph (11), by inserting ''and technology'' after ''equipment'';

(F) by striking paragraph (19) and redesignating paragraphs (12) through (18) as paragraphs (13) through (19), respectively;

(G) by inserting after paragraph (11) the following:

''(12) describes how the eligible agency will ensure that any entity in the State that purchases equipment with funds under this Act will dispose of that equipment in such a manner as to ensure that any personally identifiable information contained in that equipment will be totally destroyed prior to, or as part of, the disposition;'';

(H) in paragraph (18) (as so redesignated), by striking ''training and employment'' and inserting ''fields''; and

(I) by redesignating paragraphs (20) and (21) as paragraphs (22) and (23), respectively, and inserting after paragraph (19) (as so redesignated) the following:

''(20) describes how the eligible agency will award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, using funds described in section 112 (a)(1) for activities described in section 135(b)(3);

''(21) describes how the eligible agency will carry out measurable, sustainable, and coordinated tech-prep activities in the State (as described in section 135(b)(3)), with funds allocated under section 112(a), that are developed in consultation with the entities described in subsection (b)(1) and that effectively prepare students for post-secondary education or employment in high-demand occupations through a seamless program of study consisting of appropriate advanced academic and technical courses that include a minimum of 2 years of secondary school preceding graduation and a minimum of 2 years of higher education or an apprenticeship program of at least 2 years following secondary instruction;''; and

(4) by striking subsections (d) and (f) and redesignating subsection (e) as subsection (d).

SEC. 13. IMPROVEMENT PLANS.

Section 123 (20 U.S.C. 2343) is amended to read as follows:

''SEC. 123. IMPROVEMENT PLANS.

''(a) STATE PROGRAM IMPROVEMENT.—

''(1) PLAN.—If a State fails to meet the agreed upon State adjusted levels of performance required under section 113(b)(3), the eligible agency shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(c)(2)) in consultation with the appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under paragraph (3).

''(2) TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purposes of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

''(3) SUBSEQUENT ACTION.—

''(A) IN GENERAL.—If an eligible agency fails to meet the State adjusted levels of performance and the purposes of this Act, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement

plan as described in paragraph (1), or has failed to meet the State adjusted levels of performance and the purposes of this Act for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency's allotment under this title.

''(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

''(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—

''(A) IN GENERAL.—The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purposes of this Act.

''(B) REDISTRIBUTION.—If the Secretary cannot satisfactorily use funds withheld under paragraph (3), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (3) shall be redistributed to other eligible agencies in accordance with section 111.

''(b) LOCAL PROGRAM IMPROVEMENT.—

''(1) LOCAL EVALUATION.—Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the vocational and technical education activities of each eligible recipient receiving funds under this title.

''(2) PLAN.—

''(A) IN GENERAL.—If, after reviewing the evaluation, the eligible agency determines that an eligible recipient is not making substantial progress in achieving the local adjusted levels of performance, or that an eligible recipient demonstrates under section 113(b)(4)(C) persistent or a widening of performance gaps between multiple categories of students served by the eligible recipient in comparison to all students in the State served under the Act, the eligible agency shall—

''(i) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies;

''(ii) enter into an improvement plan agreement with an eligible recipient based on the results of the assessment, for the first program year succeeding the program year in which the eligible recipient failed to meet the local adjusted levels of performance, which plan shall demonstrate how the local performance deficiencies will be corrected and include strategies for professional development and instructional and other programmatic innovations of demonstrated effectiveness, giving special consideration to performance gaps identified under section 113(b)(4)(C); and

''(iii) conduct regular evaluations of the progress being made toward reaching the local adjusted levels of performance as described in section 113(b)(4) and progress on implementing the improvement plan.

''(B) CONSULTATION.—The eligible agency shall conduct the activities described in paragraph (2) in consultation with teachers, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

''(3) TECHNICAL ASSISTANCE.—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purpose of this Act, based on the local adjusted levels of performance, the eligible agency shall provide technical assistance to the eligible recipient to assist such recipient in carrying out the improvement activities consistent with the requirements of this Act.

''(4) SUBSEQUENT ACTION.—

''(A) IN GENERAL.—If an eligible recipient fails to meet the local adjusted levels of performance as described in section 113(b)(4) and the purposes of this Act, has not implemented an improvement plan as described in paragraph (2), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (2), or has failed to meet the local adjusted levels of performance and the purposes of this Act for 2 or more consecutive years, the eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion of, the eligible recipient's allotment under this title.

''(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The eligible agency may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

''(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The eligible agency shall use funds withheld under paragraph (4) to continue to provide (through alternative arrangements) services and activities in the area served by such recipient to meet the purpose of this Act.''.

SEC. 14. STATE LEADERSHIP ACTIVITIES.

Section 124 (20 U.S.C. 2344) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''learning'' and inserting ''education'';

(B) in paragraph (2)—

(i) by inserting '', and the required math and science education,'' after ''use of technology in vocational and technical education''; and

(ii) in subparagraph (B)—

(I) by inserting ''(including the math and science knowledge that provides a strong basis for such skills)'' after ''technical skills''; and

(II) by striking ''and telecommunications field'' and inserting ''fields, including nontraditional fields'';

(C) in paragraph (3)—

(i) by inserting ''at the secondary and postsecondary levels'' after ''academic, guidance, and administrative personnel'';

(ii) by redesignating subparagraphs (A) through (D) as subparagraphs (C) through (F), respectively, and inserting before such subparagraphs (as so redesignated) the following:

''(A) will provide inservice and preservice training for vocational and technical education teachers in the integration and use of rigorous and challenging academics with vocational and technical subjects;

''(B) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not 1-day or short-term workshops or conferences;'';

(iii) in subparagraph (C) (as so redesignated)—

(I) by inserting ''scientifically based'' after ''based on''; and

(II) by striking ''; and'' and inserting a semicolon;

(iv) in subparagraph (D) (as so redesignated), by striking ''assist students in meeting'' and inserting ''improve student achievement in order to meet''; and

(v) by amending subparagraph (E) (as so redesignated) to read as follows:

''(E) will support education programs for teachers of vocational and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational and technical education students to ensure that teachers and personnel—

''(i) stay current with the needs, expectations, and methods of industry;

''(ii) meet teacher certification or licensing requirements, especially in core academic subjects as defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11));

''(iii) effectively develop integrated rigorous and challenging academic and vocational and technical education curriculum;

''(iv) develop a high level of academic and industry knowledge and skills necessary to provide effective instruction in vocational and technical education; and

''(v) effectively use applied learning that contributes to the academic and vocational and technical knowledge of the student; and'';

(D) in paragraph (4), by striking ''integration of academics'' and all that follows through ''core academic,'' and inserting ''provision of rigorous and challenging academics that are integrated with vocational and technical education to ensure achievement in the core academic subjects (as defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11))),'';

(E) in paragraph (5), by striking ''training and employment'' and inserting ''fields'';

(F) in paragraph (6), by inserting ''and complete a model sequence of courses, as described in section 122(c)(1)(A)'' after ''technical skills'';

(G) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(H) in paragraph (8), by striking the period and inserting ''; and''; and

(I) by inserting after paragraph (8) the following:

''(9) technical assistance for eligible recipients.''; and

(2) in subsection (c)—

(A) by striking paragraph (1), and redesignating paragraphs (2) through (10) as paragraphs (1) through (9), respectively, and paragraphs (11) and paragraphs (13) and (14), respectively;

(B) in paragraph (9) (as so redesignated), by inserting ''that prepare individuals academically and technically for current and emerging occupations in demand'' after ''education courses''; and

(C) by inserting after paragraph (9) (as so redesignated) the following:

''(10) awarding incentive grants to eligible recipients for exemplary performance in carrying out programs under this Act, which awards shall be based on—

''(A) eligible recipients exceeding challenging performance measures established under section 113(b) in a manner that reflects sustained or significant improvement;

''(B) eligible recipients effectively developing connections between secondary education and postsecondary education and training;

''(C) the adoption and integration of rigorous and challenging academic and technical coursework;

''(D) an eligible recipient's progress in having special populations participating in vocational and technical education programs meet local adjusted levels of performance; or

''(E) other factors relating to the performance of the eligible recipient under this Act as the eligible agency determines are appropriate;

''(11) providing for activities to support entrepreneurship education and training;

''(12) support for initiatives to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

''(A) statewide articulation agreements between sub-baccalaureate degree granting career and technical postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

''(B) postsecondary dual and concurrent enrollment program;

''(C) academic and financial aid counseling; and

''(D) other initiatives to—

''(i) encourage the pursuit of a baccalaureate degree; and

''(ii) overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;''.

SEC. 15. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

Section 131 (20 U.S.C. 2351) is amended—

(1) by striking subsection (a) and redesignating subsections (b) through (i) as subsections (a) through (h), respectively;

(2) in subsection (a) (as so redesignated)—

(A) in the subsection heading, by striking ''Special'' and ''for Succeeding Fiscal Years''; and

(B) by striking ''for fiscal year 2000 and succeeding fiscal years''; and

(3) in subsection (b) (as so redesignated)—

(A) by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(B) by striking ''(42 U.S.C. 9902(2))'' and inserting ''(42 U.S.C. 9902(2))''.

SEC. 16. ELIMINATION OF REDISTRIBUTION RULE.

Section 133 (20 U.S.C. 2353) is amended by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 17. LOCAL PLAN FOR VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS.

Section 134(b) (20 U.S.C. 2354(b)) is amended—

(1) in paragraph (2), by inserting ''and local'' after ''State'';

(2) in paragraph (3)—

(A) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively, and inserting before such subparagraphs the following:

''(A) offer the appropriate courses of at least one of the model sequences of courses described in section 124(c)(1), as appropriate to the eligible recipient responsible for that element of the sequence;'';

(B) in subparagraph (B) (as so redesignated)—

(i) by inserting ''rigorous and challenging'' after ''integration of''; and

(ii) by inserting ''subjects (as defined by section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11)))'' after ''core academic''; and

(C) in subparagraph (D) (as so redesignated), by inserting ''rigorous and'' after ''taught to the same'';

(3) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and inserting after paragraph (3) the following:

''(4) describe how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided that promotes the integration of rigorous and challenging academic and technical education (including curriculum development);'';

(4) in paragraph (5) (as so redesignated)—

(A) by inserting ''academic and vocational and technical'' after ''students,''; and

(B) by inserting ''(including the eligible recipients that offer elements of the model sequence of courses)'' after ''such individuals and entities''; and

(5) in paragraph (8) (as so redesignated)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by inserting ''and'' after the semicolon; and

(C) by inserting after subparagraph (B) the following:

''(C) will provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage occupations that will lead to self-sufficiency;''.

SEC. 18. LOCAL USE OF FUNDS.

Section 135 (20 U.S.C. 2355) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''to ensure learning in the core academic'' and inserting ''as established in the State-developed model sequences of courses described in section 122(c)(1)(A) to ensure learning in the core academic subjects (as defined by section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11)))'';

(B) by striking paragraph (8);

(C) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively, and inserting after paragraph (1) the following:

''(2) link secondary vocational and technical education and postsecondary vocational and technical education, including offering model sequences of courses and implementing tech-prep programs consistent with the activities described in paragraph (3);

''(3) support tech-prep programs (if the eligible recipient receives the funds from the eligible agency under section 112(a)(1)) that—

''(A) are carried out under an articulation agreement between the participants in a consortium, which shall include—

''(i) a local educational agency, an intermediate educational agency or area vocational and technical education school serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

''(ii)(I) a nonprofit institution of higher education that offers—

''(aa) a 2- or 4-year degree program, or a 2-year certificate program, and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) (except those institutions described in section 102(a)(1)(C) of such Act), including an institution receiving assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) and a tribally controlled postsecondary vocational and technical institution; or

''(bb) a 2-year apprenticeship program that follows secondary instruction, if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) pursuant to the provisions of section 435(a)(3) of such Act (20 U.S.C. 1083(a)); or

''(II) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), if such proprietary institution of higher education is not subject to a default management plan required by the Secretary,

and may include nonprofit organizations that provide eligible recipients with technology and programs to enhance math and science skills, employers, and labor organizations;

''(B) consist of a minimum of 2 years of secondary school preceding graduation and a minimum of 2 years of higher education, or an apprenticeship program of at least 2 years, following secondary instruction;

''(C) meet academic standards developed by the State, including standards developed under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) for secondary students, and support proficiency in mathematics, science, reading, writing, communications, and technologies;

''(D) are comprised of model sequences of courses that integrate rigorous and challenging academics and vocational and technical education;

''(E) provide technical preparation in a career field such as engineering technology; applied science; a mechanical, industrial, or practical art or trade; agriculture; health occupations; business; applied economics; advanced manufacturing; or other high-skill, high-wage, high-demand occupations as determined by the State;

''(F) use, if appropriate and available, work-based or worksite learning in conjunction with academic and vocational and technical education;

''(G) use educational technology and distance learning, as appropriate, to involve all the consortium partners more fully in the development and operation of programs;

''(H) facilitate and promote close working relationships among eligible recipients to ensure that programs within a geographic area are closely integrated with tech-prep program activities;

''(I) are sustainable and use performance indicator data, described in section 113, to inform program quality;

''(J) include academic and career counseling for participants that provides information to students (and parents, as appropriate) regarding tech-prep programs and supports student progress in completing tech-prep programs;

''(K) include in-service training for teachers that—

''(i) provides for joint training for teachers in tech-prep programs; and

''(ii) is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and all aspects of an industry; and

''(L) provide students with transferable credit between the consortium members, as described in subparagraph (A), and may include programs that allow secondary programs to be co-located on postsecondary campuses;'';

(D) in paragraph (5) (as so redesignated)—

(i) by inserting '', and the related math and science education'' after ''use of technology in vocational and technical education'';

(ii) in subparagraph (B)—

(I) by inserting ''(including the math and science knowledge that provides a strong basis for such skills)'' after ''technical skills''; and

(II) by striking ''and telecommunications field'' and inserting ''fields''; and

(iii) in subparagraph (C)—

(I) by striking ''work'' and inserting ''collaborate''; and

(II) by inserting ''that improve the math and science knowledge of students'' after ''mentoring programs'';

(E) in paragraph (6) (as so redesignated)—

(i) by striking ''teachers,'' and inserting ''secondary and postsecondary teachers, instructors,''; and

(ii) in subparagraph (A), by striking ''in effective teaching skills based on research'' and inserting ''in effective integration of rigorous and challenging academic and vocational and technical education, in effective teaching skills based on scientifically based research''; and

(F) by inserting after paragraph (9) (as so redesignated) the following:

''(10) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage occupations that will lead to self sufficiency.''; and

(2) in subsection (c)—

(A) in paragraph (2), by inserting '', regarding the range of postsecondary options available, including for adult students who are changing careers or updating skills'' before the semicolon;

(B) in paragraph (5), by inserting '', including the establishment and operation of special arrangements with industry partners that allow qualified industry professionals to serve as faculty in postsecondary programs'' before the semicolon;

(C) in paragraph (8), by striking ''aides'' and inserting ''aids and publications'';

(D) in paragraph (9), by inserting ''that address the integration of academic and vocational and technical education and'' after ''teacher preparation programs'';

(E) by redesignating paragraphs (10) through (14) as paragraphs (12) through (16), and paragraph (15) as paragraph (20), respectively, and inserting after paragraph (9) the following:

''(10) to develop and expand postsecondary program offerings that are accessible by students, including the use of distance education;

''(11) to provide activities to support entrepreneurship education and training;'';

(F) in paragraph (12) (as so redesignated), by inserting '', including development of new proposed model sequences of courses for consideration by the eligible agency and courses that prepare individuals academically and technically for current and emerging occupations that are in demand, and dual enrollment opportunities by which secondary vocational and technical education students could obtain postsecondary credit to count towards an associate or baccalaureate degree'' before the semicolon;

(G) by amending paragraph (16) (as so redesignated) to read as follows:

''(16) to support training in nontraditional fields;''; and

(H) by inserting after paragraph (16) (as so redesignated) the following:

''(17) to provide accurate information relating to the availability of supportive services available in an area served by the eligible recipient, and referral to such services, as appropriate;

''(18) to support the activities described in subsection (b)(3);

''(19) for programs that assist in the training of automotive technicians in diesel retrofitting, hybrid, hydrogen, and alternative fuel automotive technologies; and''.

SEC. 19. REPEAL OF TECH-PREP EDUCATION ACT.

Title II (20 U.S.C. 2071 et seq.) is repealed.

SEC. 20. GENERAL PROVISIONS.

(a) REDESIGNATION OF TITLE III.—

(1) REDESIGNATION.—Title III (20 U.S.C. 2391 et seq.) is amended—

(A) by striking section 318;

(B) by redesignating such title as title II of such Act; and

(C) by redesignating sections 311 through 317 as section 211 through 217 and sections 321 through 325 as sections 221 through 225, respectively.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) is amended—

(A) by striking the items relating to title III; and

(B) by amending the items relating to title II to read as follows:

''TITLE II—GENERAL PROVISIONS

''PART A—FEDERAL ADMINISTRATIVE PROVISIONS

''Sec. 211. Fiscal requirements.
''Sec. 212. Authority to make payments.
''Sec. 213. Construction.
''Sec. 214. Voluntary selection and participation.
''Sec. 215. Limitation for certain students.
''Sec. 216. Federal laws guaranteeing civil rights.
''Sec. 217. Participation of private school children and personnel.

''PART B—STATE ADMINISTRATIVE PROVISIONS

''Sec. 221. Joint funding.
''Sec. 222. Prohibition on use of funds to induce out-of-State relocation of businesses.
''Sec. 223. State administrative costs.
''Sec. 224. Limitation on Federal regulations.
''Sec. 225. Student assistance and other Federal programs.''.

(b) FISCAL REQUIREMENTS.—Section 211(b) (20 U.S.C. 2391(b)) (as so redesignated) is amended by inserting after paragraph (2) the following:

''(3) DEFINITION.—For purposes of this subsection, the term 'preceding fiscal year' means the Federal fiscal year or the 12-month fiscal period used by a State for official reporting purposes, prior to the beginning of the Federal fiscal year in which funds are available for obligation by the Secretary.''.

(c) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND PERSONNEL.—Section 217 (as so redesignated) is amended to read as follows:

''SEC. 217. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND PERSONNEL.

''(a) PARTICIPATION ON EQUITABLE BASIS.—

''(1) IN GENERAL.—To the extent consistent with the number of children in the school district of a local educational agency that is eligible to receive funds under this Act, or that serves the area in which a program assisted under this Act is located, who are enrolled in private nonprofit elementary schools and secondary schools, or, with respect to instructional or personnel training programs funded by an eligible agency, the local educational agency, after consultation with appropriate private school officials—

''(A) shall provide, on an equitable basis and as may be necessary, for the benefit of such children in such schools, secular, neutral, and nonideological services (or other benefits), materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs; or

''(B) if such services, materials, and equipment are not feasible or necessary in one or more such private schools (as determined by the local educational agency after consultation with the appropriate private school officials), shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this Act.

''(2) APPLICATION OF REQUIREMENTS.—The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs carried out under this Act by an eligible agency or local educational agency, whether directly or through grants to, or contracts with, other public or private agencies, institutions, or organizations.

''(b) EQUAL EXPENDITURES.—

''(1) IN GENERAL.—Expenditures for programs under subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this Act for children enrolled in the public schools of the local educational agency.

''(2) CONCENTRATED PROGRAMS.—When funds available to a local educational agency under this Act are used to concentrate programs on a particular group, attendance area, or grade or age level, the local educational agency shall, after consultation with the appropriate private school officials, assure the equitable participation in both the purposes and benefits of such programs for children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration, taking into account the needs of the individual children and other factors that relate to the expenditures referred to in paragraph (1).

''(c) ADMINISTRATIVE REQUIREMENTS.—

''(1) FUNDS, MATERIALS AND EQUIPMENT.—

''(A) FUNDS.—The control of funds expended under this section shall be administered by a public agency.

''(B) MATERIALS AND EQUIPMENT.—The title to materials and equipment provided under this section, shall remain with a public agency for the uses and purposes provided in this Act.

''(2) PROVISION OF SERVICES.—Services provided under this Act shall be provided by employees of a public agency or through contract by such a public agency with a person, association, agency, organization, institution or corporation that, in the provision of such services, is independent of the private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such a public agency. The funds utilized under this section shall not be commingled with State or local funds.

''(3) TIMING AND CONTENT OF CONSULTATION.—The consultation required under this section shall include meetings of agency and private school officials and shall occur before the eligible agency and local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this Act. Such meetings shall include a discussion of service delivery mechanisms (including third party contractors) and shall continue throughout implementation and assessment of services under this Act.

''(d) WAIVER AND BYPASS PROCEDURES.—

''(1) STATE PROHIBITION.—If an eligible agency or local educational agency is prohibited, by reason of any provision of law, from providing for the participation in programs of children enrolled in private elementary schools and secondary schools as required by subsections (a) through (c), the Secretary shall waive such requirements for the agency involved and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

''(2) FAILURE TO COMPLY.—If the Secretary determines that an eligible agency or a local educational agency has substantially failed, or is unwilling, to provide for the participation on an equitable basis of children enrolled in private elementary schools and secondary schools as required by subsections (a) through (c), the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

''(3) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services under this subsection, the Secretary shall, after consultation with the appropriate public school and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the eligible agency under this Act.

''(4) DURATION OF DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the Act of the eligible agency or local educational agency to meet the requirements of subsections (a) through (c).

''(5) REVIEW OF DETERMINATION.—The Secretary shall not take any final action under this section until the eligible agency and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

''(e) WITHHOLDING OF ALLOTMENT OR ALLOCATION.—Pending final resolution of any investigation or complaint that could result in a waiver under subsection (d)(1) or (d)(2), the Secretary may withhold from the allotment or allocation of the affected eligible agency or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of services to be provided by the Secretary under such subsection.

''(f) PRIOR DETERMINATION.—Any bypass determination by the Secretary under Title I or Title IX of the Elementary and Secondary Education Act of 1965 shall, to the extent consistent with the purposes of this Act, apply to programs under this Act until such determinations terminate or expire.''.

Amend the title so as to read ''An Act to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act.''.

Mr. FRIST. I ask unanimous consent that the Senate disagree with the House amendments and agree with the request for a conference.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I further ask that the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 11 to 9, the full membership of the HELP Committee.

There being no objection, the Chair appointed Mr. ENZI, Mr. GREGG, Mr. FRIST, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Mr. DEWINE, Mr. ENSIGN, Mr. HATCH, Mr. SESSIONS, Mr. ROBERTS, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. JEFFORDS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON conferees on the part of the Senate.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the

consideration of S. Res. 528, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 528) designating the week beginning on September 10, 2006, as ''National Historically Black Colleges and Universities Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 528) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 528

Whereas there are 103 historically black colleges and universities in the United States;

Wheres historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) Designates the week beginning September 10, 2006, as 'National Historically Black Colleges and Universities Week'; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

NATIONAL SUMMER LEARNING DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 529, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 529) designating July 13, 2006, as ''National Summer Learning Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 529) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 529

Whereas all students experience measurable loss of mathematics and reading skills when they do not engage in educational activities during the summer months;

Whereas summer learning loss is greatest for low-income children, who often lack the academic enrichment opportunities available to their more affluent peers;

Whereas summer learning loss contributes significantly to the gaps in achievement between low-income children, including minority children and children with limited English proficiency, and their more affluent peers;

Whereas structured enrichment and education programs are proven to accelerate learning for students who participate in such programs for several weeks during the summer;

Whereas in the BELL summer programs, students gain several months worth of reading and mathematics skills through summer enrichment, and in the Teach Baltimore Summer Academy, students enrolled for 2 summers gain 70 to 80 percent of a full grade level in reading, and thousands of students in similar programs experience measurable gains in academic achievement;

Whereas Summer Learning Day is designed to highlight the need for more young people to be engaged in summer learning activities and to support local summer programs that benefit children, families, and communities; and

Whereas a wide array of schools, public agencies, non-profit organizations, institutions of higher education, museums, libraries, and summer camps in many States across the United States will celebrate the annual Summer Learning Day on July 13, 2006: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 13, 2006, as ''National Summer Learning Day'' to raise public awareness about the positive impact of summer learning opportunities on the development and educational success of our Nation's children;

(2) urges the people of the United States—

(A) to promote summer learning activities to send young people back to school ready to learn;

(B) to support working parents and their children; and

(C) to keep our Nation's children safe and healthy during the summer months; and

(3) urges communities to celebrate, with appropriate ceremonies and activities, the importance of high-quality summer learning opportunities in the lives of young students and their families.

COMMENDING THE GOVERNMENT OF CANADA FOR ITS RENEWED COMMITMENT TO AFGHANISTAN

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to the consideration S. Con. Res. 109 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 109) commending the government of Canada for its renewed commitment to Afghanistan.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent 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 concurrent resolution (S. Con. Res. 109) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 109

Whereas twenty-four Canadian citizens were killed as a result of the September 11, 2001, terrorist attacks on the United States;

Whereas the people of Gander, Newfoundland, provided food, clothing, and shelter to thousands of stranded passengers and temporary aircraft parking to thirty-nine planes diverted from United States airspace as a result of the September 11, 2001, terrorist attacks on the United States;

Whereas the Government of Canada, as led by former Prime Ministers Jean Jacques Chretien and Paul Martin and continued by Prime Minister Stephen Harper, has provided humanitarian, diplomatic, and security personnel on the invitation of the Government of Afghanistan since 2001;

Whereas Canada has pledged $650,000,000 in development aid to Afghanistan;

Whereas Afghanistan is Canada's largest recipient of bilateral development aid;

Whereas Canada has stationed approximately 2,300 defense personnel who comprise Task Force Afghanistan, in order to improve security in southern Afghanistan, particularly in the province of Kandahar;

Whereas Canada has over 70 diplomatic officers worldwide who are dedicated to growing democracy and equality in Afghanistan;

Whereas at least seventeen Canadians have made the ultimate sacrifice in operations in Afghanistan since September 11, 2001;

Whereas Canada's commitment to the Government of Afghanistan, under the leadership of Prime Minister Hamid Karzai, was due to expire in February 2007;

Whereas on May 17, 2006, the Government of Canada led by Prime Minister Stephen Harper requested that the Canadian House of Commons extend Canada's commitment to peace and security operations in Afghanistan;

Whereas on May 17, 2006, the Canadian Parliament voted to extend peace and security operations in Afghanistan until 2009, to increase its development assistance by $310 million, and to build a permanent and secure embassy in Afghanistan to replace its current facility; and

Whereas this was an important sign of the renewed commitment of numerous United States allies to Afghanistan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the Government of Canada for its renewed and long-term commitment to Afghanistan;

(2) commends the leadership of former Canadian Prime Ministers Jean Jacques Chretien and Paul Martin and current Prime Minister Stephen Harper for their steadfast commitment to democracy, human rights, and freedom throughout the world;

(3) commends the Government of Canada for working to secure a democratic Afghanistan;

(4) commends the Government of Canada's commitment to reducing poverty, aiding the counternarcotics efforts through counterterrorism and counterinsurgency campaigns, and ensuring a peaceful and terror-free Afghanistan;

(5) commends the Government of Canada for its three-pronged commitment to Afghanistan: diplomacy, development, and defense; and

(6) expresses the gratitude and appreciation of the United States for Canada's enduring friendship and leadership in Afghanistan.

IMPROVING OUTCOMES FOR CHILDREN AFFECTED BY METH ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 470, S. 3525.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3525) to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4675) was agreed to, as follows:

(Purpose: To provide for a managers' amendment)

On page 3, line 13, strike ''and improve permanency outcomes for'' and insert ''improve permanency outcomes for, and enhance the safety of''.

On page 3, line 20, strike ''one'' and insert ''2''.

On page 8, line 21, strike ''access to'' and insert '', or access to,''.

On page 24, line 8, insert ''the first place it appears'' before the semicolon.

On page 24, line 9, strike the beginning parenthetical.

On page 24, line 11, insert '', or entity established by,'' after ''of''.

On page 24, line 13, strike the closing parenthetical.

On page 25, line 6, insert '', and identification of additional supports and services needed by,'' after ''evaluation of''.

On page 25, line 14, insert ''and support'' after ''monitoring''.

On page 25, line 19, insert '', and identification of additional supports and services needed by,'' after ''evaluation of''.

On page 26, line 2, insert '', and to identify any pre-adoption supports and services needed by'' after ''of''.

On page 28, after line 25, add the following:

SEC. 7. REQUIREMENT FOR FOSTER CARE PROCEEDING TO INCLUDE, IN AN AGE-APPROPRIATE MANNER, CONSULTATION WITH THE CHILD THAT IS THE SUBJECT OF THE PROCEEDING.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting ''(i)'' after ''with respect to each such child,'';

(2) by striking ''and procedural safeguards shall also'' and inserting ''(ii) procedural safeguards shall''; and

(3) by inserting ''and (iii) procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child and, in the case of a child who has attained age 16, any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child;'' after ''parents;''.

On page 29, line 1, strike ''**7**'' and insert ''**8**''.

On page 29, line 5, insert ''and part E'' after ''part B''.

On page 29, line 13, insert ''or part E'' after ''part B''.

The bill (S. 3525), as amended, was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 3525

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Improving Outcomes for Children Affected by Meth Act of 2006''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Grants for regional partnerships to increase the well-being of, and improve the permanency outcomes for, children affected by methamphetamine abuse and addiction.
Sec. 3. Reauthorization of the promoting safe and stable families program.
Sec. 4. Reauthorization and expansion of mentoring children of prisoners program.
Sec. 5. Allotments and grants to Indian tribes.
Sec. 6. Additional State plan amendments.
Sec. 7. Requirement for foster care proceeding to include, in an age-appropriate manner, consultation with the child that is the subject of the proceeding.
Sec. 8. Effective date.

SEC. 2. GRANTS FOR REGIONAL PARTNERSHIPS TO INCREASE THE WELL-BEING OF, AND IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE ABUSE AND ADDICTION.

(a) RESERVATION OF FUNDS.—Section 436(b) of the Social Security Act (42 U.S.C. 629f(b)) is amended by adding at the end the following new paragraph:

''(4) IMPROVED OUTCOMES FOR CHILDREN AFFECTED BY METHAMPHETAMINE ABUSE AND ADDICTION.—With respect to each of fiscal years 2007 through 2011, if the amount appropriated to carry out this subpart for any such fiscal year is at least $345,000,000, the Secretary shall reserve $40,000,000 of the amount appropriated for that fiscal year for grants under section 440.''.

(b) REGIONAL PARTNERSHIP GRANTS.—Subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.) is amended by adding at the end the following new section:

''SEC. 440. GRANTS FOR REGIONAL PARTNERSHIPS TO INCREASE THE WELL-BEING OF, AND IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE ABUSE AND ADDICTION.

''(a) PURPOSE.—The purpose of this section is to authorize the Secretary to make competitive grants to eligible applicants to provide, through interagency collaboration and integration of programs and services, services and activities that are designed to increase the well-being of, improve permanency outcomes for, and enhance the safety of children who are in an out-of-home placement or are at risk of being placed in an out-of-home placement as a result of a parent's or caretaker's abuse of methamphetamines.

''(b) ELIGIBLE APPLICANTS DEFINED.—In this section, the term 'eligible applicant' means a regional partnership (which may be established on an interstate or intrastate basis) and that shall include any 2 or more of the following:

''(1) Nonprofit child welfare service providers.

''(2) For-profit child welfare service providers.

''(3) Community health service providers.

''(4) Community mental health providers.

''(5) Local law enforcement agencies.

''(6) Judges and court personnel.

''(7) Juvenile justice officials.

''(8) School personnel.

''(9) The State child welfare agency that is responsible for the administration of the State plan under this part and part E.

''(10) The State agency responsible for administering the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.

''(11) Tribal child welfare agencies (or a consortium of such agencies).

''(12) Any other providers, agencies, personnel, officials, or entities that are related to the provision of child and family services under this subpart.

''(c) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—From the amounts (if any) reserved for each of fiscal years 2007 through 2011 under section 436(b)(4), the Secretary shall award grants under this section for each such fiscal year to eligible applicants that satisfy the requirements of this section, in amounts that are not less than $500,000 and not more than $1,000,000 per grant per fiscal year.

''(2) REQUIRED MINIMUM PERIOD OF APPROVAL.—An eligible applicant shall be approved to receive a grant under this section for a period of not less than 2, and not more than 5, fiscal years.

''(d) APPLICATION REQUIREMENTS.—To be eligible for a grant under this section, an eligible applicant shall submit to the Secretary a written application containing the following:

''(1) Recent evidence that methamphetamine abuse has increased the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region.

''(2) A description of the goals and outcomes to be achieved during the funding period for the grant that will enhance the well-being of children receiving services or taking part in activities conducted with funds provided under the grant and lead to safety and permanence for such children.

''(3) A description of the joint activities to be funded in whole or in part with the funds provided under the grant, including the sequencing of the activities proposed to be conducted under the funding period for the grant.

''(4) A description of the strategies for integrating programs and services determined to be appropriate for the child and where appropriate, the child's family.

''(5) A description of the strategies for—

''(A) collaborating with the State agency responsible for the administration of this part and part E (unless the lead agency for the regional partnership of the eligible applicant is such agency); and

''(B) consulting, as appropriate, with the State agency responsible for administering substance abuse treatment and prevention services, and the State law enforcement and judicial agencies.

To the extent the Secretary determines that a requirement of this paragraph would be inappropriate to apply to an eligible applicant that includes a tribal child welfare agency or a consortium of such agencies, the Secretary may exempt the eligible applicant from satisfying such requirement.

''(6) Such other information as the Secretary may require.

''(e) USE OF FUNDS.—Funds made available under a grant made under this section shall only be used for services or activities that are consistent with the purpose of this section and may include the following:

''(1) Family-based comprehensive long-term drug treatment services.

''(2) Early intervention and preventative services.

''(3) Children and family counseling.

''(4) Mental health services.

''(5) Parenting skills training.

''(f) MATCHING REQUIREMENT.—

''(1) FEDERAL SHARE.—A grant awarded under this section shall be available to pay a percentage share of the costs of services provided or activities conducted under such grant, not to exceed—

''(A) 85 percent for the first and second fiscal years for which the grant is awarded to an eligible applicant;

''(B) 80 percent for the third and fourth such fiscal years; and

''(C) 75 percent for the fifth such fiscal year.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of services provided or activities conducted under a grant awarded under this section may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

''(g) CONSIDERATIONS IN AWARDING AND AMOUNT OF GRANTS.—In awarding grants under this section and determining the amount of such grants, the Secretary shall—

''(1) consider the demonstrated need of an eligible applicant for assistance;

''(2) ensure that grants are awarded to a diverse number of the eligible applicants described in subsection (b); and

''(3) give priority to awarding grants to eligible applicants located in rural areas that—

''(A) have been significantly affected by methamphetamine abuse and addiction by parents or caretakers;

''(B) have limited resources for addressing the needs of children affected by such abuse and addiction; and

''(C) have a lack of capacity for, or access to, comprehensive family treatment services.

''(h) PERFORMANCE INDICATORS.—Not later than 18 months after the date of enactment of this section, the Secretary shall establish indicators that will be used to assess periodically the performance of the eligible applicants awarded grants under this section in using funds made available under such grants to achieve the purpose of this section. In establishing such indicators, the Secretary shall consult with the Assistant Secretary for the Administration for Children and Families, the Administrator of the Substance Abuse and Mental Health Services Administration, the chief executive officers of the States or territories in which eligible applicants awarded a grant under this section are located, legislators of such States and territories, State and local public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs in such States and territories, court staff in such States and territories, consumers of the services or activities in such States and territories, advocates for children, parents, and caretakers who come to the attention of the child welfare system, and tribal officials of tribal child welfare agencies (or a consortium of such agencies) awarded a grant under this section.

''(i) REPORTS.—

''(1) GRANTEE REPORTS.—

''(A) ANNUAL REPORT.—Not later than September 30 of the first fiscal year in which an eligible applicant receives funds under a grant awarded under this section, and annually thereafter until September 30 of the last fiscal year in which an eligible applicant receives funds under a grant awarded under this section, the eligible applicant shall submit to the Secretary a report on the activities carried out during that fiscal year with such funds. The report shall contain such information as the Secretary determines is necessary to provide an accurate description of the activities conducted with such funds and of any changes in the use of such funds that are planned for the succeeding fiscal year.

''(B) INCORPORATION OF INFORMATION RELATED TO PERFORMANCE INDICATORS.—Not later than 12 months after the establishment of performance indicators under subsection (h), each eligible applicant awarded a grant under this section shall incorporate into the annual report required under subparagraph (A) information required in relation to such indicators.

''(2) REPORTS TO CONGRESS.—On the basis of the reports submitted under paragraph (1), the Secretary annually shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on—

''(A) the services provided and activities conducted with funds provided under grants awarded under this section;

''(B) the performance indicators established under subsection (h); and

''(C) the progress that has been made in addressing the needs of families with methamphetamine abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.''.

SEC. 3. REAUTHORIZATION OF THE PROMOTING SAFE AND STABLE FAMILIES PROGRAM.

(a) IN GENERAL.—Section 436(a) of the Social Security Act (42 U.S.C. 629f(a)) is amended by striking ''for fiscal year 2006.'' and all that follows through the end of the second sentence and inserting ''for each of fiscal years 2007 through 2011.''.

(b) DISCRETIONARY GRANTS.—Section 437(a) of the Social Security Act (42 U.S.C. 629g(a)) is amended by striking ''2002 through 2006'' and inserting ''2007 through 2011''.

(c) STATE COURTS ASSESSMENT AND IMPROVEMENT GRANTS.—Subsections (c)(1)(A) and (d) of section 438 of the Social Security Act (42 U.S.C. 629h) are each amended by striking ''2002 through 2006'' and inserting ''2007 through 2011''.

(d) TECHNICAL CORRECTION OF FUNDING FOR FISCAL YEAR 2006.—Effective February 8, 2006, title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109–149, 119 Stat. 2833) is amended under the heading relating to ''PROMOTING SAFE AND STABLE FAMILIES'' under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'', by striking ''$305,000,000'' and inserting ''$345,000,000''.

SEC. 4. REAUTHORIZATION AND EXPANSION OF MENTORING CHILDREN OF PRISONERS PROGRAM.

(a) IN GENERAL.—Section 439 of the Social Security Act (42 U.S.C. 629i) is amended—

(1) in the section heading, by striking ''**GRANTS**'' and inserting ''**FUNDING**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''PURPOSE'' and inserting ''PURPOSES''; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''PURPOSE'' and inserting ''PURPOSES'';

(ii) by striking ''The purpose of this section is to authorize the Secretary to make competitive'' and inserting ''The purposes of this section are to authorize the Secretary—

''(A) to make competitive'';

(iii) by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new subparagraph:

''(B) to enter into a cooperative agreement with a national mentoring support organization to provide greater flexibility nationwide to increase the number of children of prisoners receiving mentoring services.'';

(3) in subsection (c)—

(A) by striking ''2002 through 2006'' and inserting ''2007 through 2011'';

(B) by striking ''(h)'' and inserting ''(i)''; and

(C) by striking ''(h)(2)'' and inserting ''(i)(2)'';

(4) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(5) by inserting after subsection (f), the following new subsection:

''(g) INCREASED ACCESS TO MENTORING SERVICES.—

''(1) IN GENERAL.—The Secretary shall award, on a competitive basis, a cooperative agreement with an eligible entity (as specified in paragraph (2)) for the purposes of—

''(A) identifying and approving mentoring programs in all 50 States and the District of Columbia that meet certain quality program standards;

''(B) organizing outreach activities, including making publicly available a list of such approved programs, to appropriate public and private entities described in subsection (d)(2) to increase awareness of the availability of vouchers for mentoring services among families of children of prisoners; and

''(C) distributing vouchers directly to such approved programs that have been selected by families of children of prisoners to provide mentoring services for their children.

''(2) ELIGIBLE ENTITY.—For purposes of paragraph (1), an entity eligible for a cooperative agreement under this subsection shall be a national mentoring support organization that has substantial experience—

''(A) in mentoring and mentoring services for children; and

''(B) in developing quality program standards for the planning and assessment of mentoring programs for children.

''(3) APPLICATION REQUIREMENTS.—To be eligible for a cooperative agreement under this subsection, an entity shall submit to the Secretary an application that includes the following:

''(A) QUALIFICATIONS.—A demonstration that the entity meets the experience requirements of paragraph (2).

''(B) PLAN DESCRIPTION.—A detailed description of the proposed voucher distribution program, which shall—

''(i) include the quality program standards for mentoring developed by the entity;

''(ii) describe how the entity will organize and implement such quality program standards and distribution program, including how the entity plans to ensure that—

''(I) children in urban and rural communities and children with other geographic, linguistic, or cultural barriers to receipt of mentoring services will have access to such services; and

''(II) if the entity usually provides gender-specific programs or services, both girls and boys will be appropriately served by the program;

''(iii) identify those organizations known by the entity to comply with such quality program standards;

''(iv) describe the strategic plan of the entity to work with families of prisoners to develop the list of mentoring programs that accept vouchers distributed under the program for mentoring services; and

''(v) describe the methods to be used by the entity to evaluate the program and the extent to which the program is achieving the purposes described in paragraph (1) and subsection (a)(2)(A).

''(C) CRIMINAL BACKGROUND CHECKS.—An agreement to include in any quality program standards for approved mentoring programs the requirement for criminal background checks for mentors.

''(D) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews and audits as the Secretary may find necessary for purposes of oversight of the cooperative agreement and expenditures.

''(E) EVALUATION.—A commitment to cooperate fully with the Secretary's ongoing and final evaluation of the voucher distribution program, including providing the Secretary with access to the program and program-related records and documents, staff, and the mentoring programs to which vouchers were distributed.

''(F) OTHER.—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the cooperative agreement under this subsection.

''(4) FEDERAL ASSISTANCE ELIGIBILITY.—The amount of a voucher under this subsection may be disregarded for purposes of determining the eligibility for, or the amount of, any other Federal or Federally supported assistance for the recipient family.'';

(6) by amending subsection (h) (as redesignated by paragraph (4)) to read as follows:

''(h) EVALUATION; REPORTS.—

''(1) EVALUATION.—The Secretary shall conduct an evaluation of the programs authorized under this section, including the program for increasing access to mentoring services authorized under subsection (g).

''(2) REPORTS.—Not later than 12 months after the date of enactment of the Improving Outcomes for Children Affected by Meth Act of 2006, the Secretary shall submit a report to Congress that includes the following:

''(A) The characteristics of the mentoring programs funded under this section.

''(B) The plans for implementation of the cooperative agreement for the program authorized under subsection (g).

''(C) A description of the outcome-based evaluation of the programs authorized under this section that the Secretary is conducting as of such date of enactment and how such evaluation has been expanded to include an evaluation of the program authorized under subsection (g).

''(D) The date on which the Secretary shall submit a final report on such evaluation to Congress.''; and

(7) in subsection (i) (as so redesignated)—

(A) by striking ''2002 and 2003,'' and all that follows through the period and inserting ''2007 through 2011.''; and

(B) in paragraph (2)—

(i) by amending the paragraph heading to read as follows: ''RESERVATIONS'';

(ii) by striking ''The'' and inserting the following:

''(A) RESEARCH, TECHNICAL ASSISTANCE, AND EVALUATION.—The''; and

(iii) by adding at the end the following new subparagraph:

''(B) INCREASED ACCESS TO MENTORING SERVICES.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall reserve not more than 50 percent of the amount appropriated for each fiscal year under paragraph (1) for purposes of carrying out the program for increasing access to mentoring services authorized under subsection (g).

''(ii) ASSURANCE OF FUNDING FOR GENERAL PROGRAM GRANTS.—With respect to each fiscal year for which amounts are appropriated to carry out this section, not less than $25,000,000 of such amounts (or, if the amount appropriated for a fiscal year is less than that amount, the amount appropriated for that fiscal year that remains after applying subparagraph (A)) shall be used by the Secretary for purposes of making grants under subsection (c).

''(iii) CONTINGENT PERCENTAGE REDUCTION.—If the amount appropriated for a fiscal year is not sufficient for the Secretary to satisfy the requirements of clauses (i) and (ii), the Secretary shall reduce the percentage described in clause (i) by such number of percentage points as is necessary for the Secretary to satisfy the requirement of clause (ii).''.

(b) GAO EVALUATION AND REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report evaluating the implementation and effectiveness of the program for increasing access to mentoring services authorized under subsection (g) of section 439 of the Social Security Act (42 U.S.C. 629i) (as added by the amendments made by subsection (a)).

SEC. 5. ALLOTMENTS AND GRANTS TO INDIAN TRIBES.

(a) INCREASED RESERVED FUNDING.—

(1) IN GENERAL.—Section 436(b)(3) of the Social Security Act (42 U.S.C. 629f(b)(3)) is amended by striking ''1'' and inserting ''3''.

(2) DISCRETIONARY GRANTS.—Section 437(b)(3) of the Social Security Act (42 U.S.C. 629g(b)(3)) is amended by striking ''2'' and inserting ''3''.

(b) AUTHORITY FOR TRIBAL CONSORTIA TO RECEIVE ALLOTMENTS.—

(1) ALLOTMENT OF MANDATORY FUNDS.—

(A) IN GENERAL.—Section 433(a) of the Social Security Act (42 U.S.C. 629c(a)) is amended—

(i) in the subsection heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by adding at the end the following new sentence: ''If a consortium of Indian tribes submits a plan approved under this subpart, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.''.

(B) CONFORMING AMENDMENT.—Section 436(b)(3) of such Act (42 U.S.C. 629f(b)(3)), as amended by subsection (a)(1), is amended—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by inserting ''or tribal consortia'' after ''Indian tribes''.

(2) ALLOTMENT OF ANY DISCRETIONARY FUNDS.—Section 437 of the Social Security Act (42 U.S.C. 629g) is amended—

(A) in subsection (b)(3)—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by inserting ''or tribal consortia'' after ''Indian tribes''; and

(B) in subsection (c)(1)—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by adding at the end the following new sentence: ''If a consortium of Indian tribes applies and is approved for a grant under this section, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.''.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) PLANS OF INDIAN TRIBES.—Section 432(b)(2) of the Social Security Act (42 U.S.C. 629b(b)(2)) is amended—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) in subparagraphs (A) and (B), by inserting ''or tribal consortium'' after ''Indian tribe'' each place it appears.

(B) DIRECT PAYMENTS TO TRIBAL ORGANIZATIONS.—Section 434(c) of such Act (42 U.S.C. 629d(c)) is amended—

(i) in the subsection heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by inserting ''or tribal consortium'' after ''Indian tribe'' the first place it appears; and

(iii) by inserting ''or in the case of a payment to a tribal consortium, such tribal organizations of, or entity established by, the Indian tribes that are part of the consortium as the consortium shall designate'' before the period.

(C) EVALUATIONS; RESEARCH; TECHNICAL ASSISTANCE.—Section 435(d) of such Act (42 U.S.C. 629e(d)) is amended in the matter preceding paragraph (1), by inserting ''or tribal consortia'' after ''Indian tribes''.

SEC. 6. ADDITIONAL STATE PLAN AMENDMENTS.

(a) ADDITIONAL MONITORING AND EVALUATION OF FAMILIES ADOPTING OR FOSTERING SIGNIFICANT NUMBERS OF CHILDREN.—

(1) IN GENERAL.—Section 432(a)(5) of the Social Security Act (42 U.S.C. 629b(a)(5)) is amended—

(A) in subparagraph (A)(iii), by striking ''and'' after the semicolon; and

(B) by adding at the end the following new subparagraphs:

''(C) establish procedures to provide for the additional evaluation of, and identification of additional supports and services needed by, any family that proposes to provide foster care for more than 4 children or more than 1 group of siblings (or more than such number of children and groups of siblings as the State, upon demonstration of good cause and approval by the Secretary, may establish), prior to permitting the family to provide foster care to such children or siblings, and to provide for ongoing monitoring and support of the family (prior to and during the provision of such foster care), to fully assess whether the family has the ability to care for such children or siblings; and

''(D) establish procedures to provide for the additional evaluation of, and identification of additional supports and services needed by, any family that proposes to adopt more than 4 children or more than 1 group of siblings (or more than such number of children and groups of siblings as the State, upon demonstration of good cause and approval by the Secretary, may establish), prior to permitting the family to adopt such children or siblings, and to provide pre-adoption monitoring of, and to identify any pre-adoption supports and services needed by the family, to fully assess whether the family has the ability to care for such children or siblings before permitting such adoption;''.

(2) DEADLINE FOR SUBMISSION AND APPROVAL OR MODIFICATION OF IMPLEMENTATION PLAN.—

(A) STATE SUBMISSIONS.—Not later than 18 months after the date of enactment of this Act, each State with a plan approved under subpart 2 of part B of title IV of the Social Security Act, as a condition of continued approval of such plan, shall submit to the Secretary of Health and Human Services a plan for the implementation of the procedures required under subparagraphs (C) and (D) of section 432(a)(5) of the Social Security Act, as added by paragraph (1).

(B) APPROVAL OR MODIFICATION.—Not later than 60 days after the date on which a State submits the implementation plan required under subparagraph (A) to the Secretary of Health and Human Services, the Secretary shall approve such plan or notify the State of additions or modifications to such plan that are required before it can be approved.

(b) ANNUAL BUDGET REQUESTS, SUMMARIES, AND EXPENDITURE REPORTS.—

(1) IN GENERAL.—Section 432(a)(8) of the Social Security Act (42 U.S.C. 629b(a)(8)) is amended—

(A) by inserting ''(A)'' after ''(8)'';

(B) by striking ''and'' after the semicolon; and

(C) by adding at the end the following new subparagraph:

''(B) provides that, not later than June 30 of each year, the State agency will submit to the Secretary—

''(i) copies of forms CFS 101–Part I and CFS 101–Part II (or any successor forms) that report on planned child and family services expenditures by the agency for the immediately succeeding fiscal year; and

''(ii) copies of forms CFS 101–Part I and CFS 101–Part II (or any successor forms) that provide, only with respect to the programs authorized under this subpart and subpart 1, actual expenditures by the State agency for the immediately preceding fiscal year; and''.

(2) ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.—Section 432 of the Social Security Act (42 U.S.C. 629b) is amended by adding at the end the following new subsection:

''(c) ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.—The Secretary shall compile the reports required under subsection (a)(8)(B) and, not later than September 30 of each year, submit such compilation to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.''.

(3) EFFECTIVE DATE; INITIAL DEADLINES FOR SUBMISSIONS.—The amendments made by this subsection take effect on the date of enactment of this Act. Each State with an approved plan under subpart 1 or 2 of part B of title IV of the Social Security Act shall make its initial submission of the forms required under section 432(a)(8)(B) of the Social Security Act to the Secretary of Health and Human Services by June 30, 2007, and the Secretary of Health and Human Services shall submit the first compilation required under section 432(c) of such Act by September 30, 2007.

SEC. 7. REQUIREMENT FOR FOSTER CARE PROCEEDING TO INCLUDE, IN AN AGE-APPROPRIATE MANNER, CONSULTATION WITH THE CHILD THAT IS THE SUBJECT OF THE PROCEEDING.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting ''(i)'' after ''with respect to each such child,'';

(2) by striking ''and procedural safeguards shall also'' and inserting ''(ii) procedural safeguards shall''; and

(3) by inserting ''and (iii) procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child and, in the case of a child who has attained age 16, any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child;'' after ''parents;''.

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 2006, and shall apply to payments under subpart 2 of part B and part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under subpart 2 of part B or part E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by a provision of this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

Mr. FRIST. Mr. President, we have one matter of business that we are working on now. That is Water Resources Development. There has been objection to the unanimous consent that I propounded earlier by the Democratic leader. We are working very hard to work out that objection. With that, I will take a few more minutes, and hopefully we will be able to address this issue. I will go back to work and do just that.

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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RESOURCES DEVELOPMENT ACT AND NOMINATIONS

Mr. REID. Mr. President, the Republican leader came to my office a few minutes ago and indicated he had some family situation that he needed to attend to. It was no emergency or anything, but it is late. It is a quarter to 8.

On WRDA, we have cleared that on our side. And we have some nominations we have also cleared on our side. I am confident that WRDA—which we were planning to go to that Tuesday night after we finished the stem cell legislation—I am very confident we can work that out.

As I indicated, we are set mechanically to go forward on WRDA. It has been cleared on both sides, even the time on the amendments. We thought we had the nominations worked out dealing with a very important agency of our Government.

I am confident, I repeat, that we will be able to do that as soon as people are back in their offices.

So I do not in any way retract my statements about how it is possible to work on things together around here. This was shown with the difficult time that Senators had working on the request that was brought before the Senate just a half hour ago or so.

It is a very important bill. I have been chairman of the Environment and Public Works Committee on two separate occasions. It is very difficult to get things out of that committee because of different feelings people have on issues. But Senator INHOFE and Senator BOXER worked very well and got it to the floor.

So I am hopeful that even maybe tomorrow we can do the unanimous consent request that has been laid before the Senate and have that approved. If not, we will do it Monday. I am hopeful and confident we can do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JULY 14, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow, Friday, July 14. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business, with Senators being permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, this evening we completed the Homeland Security appropriations bill. I congratulate Senator GREGG and Senator BYRD for their diligence in working through this important funding bill. Early next week we will consider the stem cell research bills. There are actually three of them. We will be debating all day and into the evening on Monday, with the closing remarks and votes on Tuesday.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order.

There being no objection, the Senate, at 7:51 p.m., adjourned until Friday, July 14, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate July 13, 2006:

DEPARTMENT OF COMMERCE

CHRISTOPHER A. PADILLA, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE PETER LICHTENBAUM.

DEPARTMENT OF TRANSPORTATION

CALVIN L. SCOVEL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF TRANSPORTATION, VICE KENNETH M. MEAD, RESIGNED.

DEPARTMENT OF STATE

RICHARD W. GRABER, OF WISCONSIN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF

THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC.

CINDY LOU COURVILLE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE AFRICAN UNION, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

THE JUDICIARY

SARA ELIZABETH LIOI, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE LESLEY BROOKS WELLS, RETIRED.

NORA BARRY FISCHER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE ROBERT J. CINDRICH, RESIGNED.

EXTENSIONS OF REMARKS

AMENDING PUBLIC HEALTH SERVICE ACT WITH RESPECT TO NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. DAVIS of Illinois. Mr. Speaker, Benjamin Disraeli once exclaimed, "The health of the people is really the foundation upon which all their happiness and all their powers as a state depend."

Rooted in this reality, the Centers for Disease Control and Prevention lead vital public health initiatives to prevent and control infectious and chronic disease, injuries, workplace hazards, disabilities, and environmental health threats. However, the effectiveness of its work depends on its strong partnerships with other organizations, notably, the National Foundation for the Centers for Disease Control and Prevention.

The National Foundation was founded by Congress in 1995 to bridge outside resources and partners with CDC scientists, and it has greatly enhanced the CDC's impact in such areas as global health, anti-microbial resistance, the obesity epidemic, healthy aging, and emergency preparedness and response. Most recently, the foundation created the Emergency Preparedness & Response Fund. This fund will provide the CDC with resources it needs for rapid response to large-scale public health emergencies, such as terrorist attacks or an avian flu pandemic. Given this organization's immeasurable contribution to national public health initiatives, I urge members to support S. 655. This bill proposes increased funding for grants to the foundation, allows for more voluntary service to the CDC by foundation individuals, and permits the CDC Director to provide facilities, utilities, and support services to the foundation if doing so is advantageous to CDC programs and the American people. Provisions of this bill will indeed strengthen the CDC and National Foundation's partnership and result in better public health outcomes for our Nation.

Thomas Carlyle once said, "He who has health, has hope, and he who has hope has everything." Let us ensure that we do everything in our power to improve the health status of our people. In doing so, we will most certainly ensure the productivity and fruitfulness of their lives.

CONGRATULATING THE MENTAL HEALTH CENTER OF CHAMPAIGN COUNTY ON ITS 50TH ANNIVERSARY

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in honor of the Mental Health Center of Champaign County on the celebration of its 50th anniversary.

The Champaign County Mental Health Clinic opened its doors 50 years ago as a program of the Champaign County Mental Health Society. On July 22, 1968, the Mental Health Center became incorporated and changed its name to the Mental Health Center of Champaign County. Throughout its years of service to the community, the Mental Health Center has continually expanded mental health services to meet the needs of the public.

The Mental Health Center of Champaign County is committed to providing critical mental health services to the community. Since its inception, the Mental Health Center has provided residential, outpatient, school-based, and 24-hour crisis services to promote the recovery, awareness, and the understanding of mental health and related illnesses.

The citizens of the 15th district and I are very proud of the Mental Health Center of Champaign County for their continued efforts to provide quality services to those in need of them. We look forward to a prosperous future in which the Mental Health Center will continue its dedication to mental health services.

Mr. Speaker, I ask my colleagues to join me today in recognizing the Mental Health Center of Champaign County on its 50th anniversary of service to our community.

TRIBUTE TO AMERICAN LEGION POST NO. 91, NO. 137 AND AUXILIARY UNIT NO. 91

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mrs. CAPITO. Mr. Speaker, today we recognize the American Legion Post No. 91 and Auxiliary Unit No. 91 in Romney, WV, and Post No. 137 in Capon Bridge, WV. Both are located in my district, Hampshire County.

Post No. 91 has a long tradition of monthly meetings since 1920, sponsoring strong child and youth programs, and flying flags on holidays such as Memorial Day, Flag Day, the Fourth of July, and Hampshire Heritage days. Post Commander Madelaine Shallcross has boosted membership to 450 members.

Auxiliary Unit No. 91 is led by 7-year President Diana Haines. Founded in 1926 with only 22 members, it has now grown to be part of the third largest unit in the State. The 435 members volunteer and maintain the expense of the Hampshire County Library. In 1926, the auxiliary assisted the Legion in designing an honor roll plaque for the World War I servicemen of Hampshire County.

Post No. 137 has an active membership of 400 in Capon Bridge, WV. Post Commander Bob Brasher is assisted by President Sally Reid and Larry LaFollette, head of the Sons of the Legion group.

Each of these organizations provides a venue for fellowship, volunteerism, and patriotism. The service each member has given to their Nation and community shall be forever cherished and represented.

PENCE CALLS ON CONGRESS TO STAND FOR THE SANCTITY OF LIFE

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. PENCE. Mr. Speaker, in the coming days, Congress will consider legislation to make taxpayer dollars available for what is known as embryonic stem cell research.

Stating the case for an imminent presidential veto, in 2001 President Bush made the moral dimensions of scientific testing on human embryos clear.

These are the principles: It is morally wrong to create human life to destroy it for research. Also, it is morally wrong to take the tax dollars of millions of pro-life Americans and use them to finance research that they find morally objectionable. The choice of our time was described millennia ago: "See, I set before you blessings and curses, life and death. Now choose life that you and your children may live." I urge my colleagues to stand for the sanctity of life at every level. Stand with President George W. Bush. Reject taxpayer funding of human embryo research.

ANNIVERSARY OF ADVANCEMENT VIA INDIVIDUAL DETERMINATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to rise in celebration of the trailblazing work done by Advancement Via Individual Determination. Twenty-five years ago, Mary Catherine Swanson founded an organization rooted in the belief that, if the desire to go to college is met with a willingness to work hard, then those students who are capable of completing a rigorous curriculum but are falling short of their potential can realize their desire if schools provide them with the necessary tools.

AVID expands opportunities to those students who have traditionally been neglected

by the system. AVID is changing the belief system of entire communities by showing that low-income and minority students can achieve at the highest levels and succeed in college. In 2004–2005, 49.4 percent of AVID students were Hispanic and 17 percent were black. The success of these students is critical to closing the achievement gap.

In Chicago is a legendary educator named Marva Collins. She argues, ''When we cease destroying [students'] self-esteem by making them doubt their abilities and leading them to believe that their worth is unimportant and valueless, we shall see the poor student become a good student, and the good student become a superior student. Creating doubt in the mind erases self-esteem and self-value.''

We have put hurdle after hurdle in front of our students, but we have forgotten to teach them how to jump. We expect them to demonstrate what they have learned in school, but we have not taught them to read. We expect them to go to college and get a job, but we have not given them the learning skills they need to graduate from high school, much less college. In the absence of a college-going tradition in their families and communities, how can we be surprised that students are not meeting our unrealistic expectations? Teaching organizational and study skills, working on critical thinking, providing tutors, and creating enrichment and motivational activities, AVID has challenged all of us to examine the lessons we are teaching our children.

AVID has reminded all of us to stop blaming the victims of an education system in crisis, and it has realized tremendous success rates. In 2004–2005, 75.1 percent of AVID graduates were accepted to 4-year colleges. 99.1 percent of AVID students graduated from high school, compared to 70 percent nationally. While 36 percent of students completed the 4-year college entrance requirement nationally, a staggering 86.7 percent of AVID students did so.

Ms. Collins reminds us: ''Our children and parents surrender themselves to those who are identified as protectors, but who actually destroy them. Children come to school to get what they lack, and they are told, instead, all the things they cannot do. We, the educators, [—and indeed I believe the politicians—] should be the hope of our children. We should be their insurance against the dark side of failure and mediocrity, and, far too many times, we cancel that insurance by labeling them 'At Risk students.' They come to be complete and far too many schools split them in halves.''

I commend and thank all of the men and women that have contributed to AVID's success over the past 25 years—empowering students to make responsible decisions and contribute positively to society.

CELEBRATING THE CAREER OF ROBERT LUTHER

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor and celebrate the career of retiring Lake Land College President Robert K. Luther. Dr. Luther concluded his exceptionally accomplished 18-year tenure on June 30, 2006.

Before coming to Lake Land, Dr. Luther served on Governor Jim Edgar's Integration of Workforce Education task force and Governor George Ryan's Illinois Workforce Investment Board. Upon arriving at the college, Dr. Luther faced many challenges in reforming and improving the college's educational system and atmosphere, including reversing a substantial budget deficit and shrinking student enrollment, as well as beautifying a deteriorating campus.

Today, the college operates on a stable budget and is considered one of the most beautiful places in central Illinois, but Dr. Luther considers his greatest accomplishment to be increasing the college's headcount enrollment by 113 percent since his arrival.

Dr. Luther has helped to create many of Lake Land College's successful off-campus programs. Lake Land is the largest provider of postsecondary education to correctional centers in the State of Illinois, and the college now offers over 160 online courses. In addition, Dr. Luther has been an exceptional fundraiser, increasing Lake Land's annual scholarship fund six fold, from $50,000 to $300,000.

Citizens of the 15th District of Illinois honor Dr. Luther for his innovation and leadership at Lake Land College. He has done a great service to our community and greater central Illinois.

Mr. Speaker, I ask my colleagues to join me today in celebrating the career of Lake Land College President Robert K. Luther.

TRIBUTE TO 100TH ANNIVERSARY OF THE LONDON POST OFFICE OF LONDON, WV

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mrs. CAPITO. Mr. Speaker, I rise today to celebrate the 100th anniversary of the London Post Office in London, WV. Despite 15 postmasters and three different buildings it remains a center of activity for the community.

The first location for the post office was in a building near the railroad tracks, and it was later housed in a general store that burned down in 1989. The current post office now sits on the same piece of land as the two previous ones. This landmark has become an anchor of the community for social gatherings and town news.

Chip Frame is the current postmaster and has worked there for 9 years. Even with an hour commute, the family atmosphere and friendly community make it worth the drive for him.

ISRAEL

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. WELDON of Florida. Mr. Speaker, last month Israel was provoked when Hamas terrorists kidnapped CPL. Gilad Shalit, an Israeli soldier, manning and checkpoint. This was an unprovoked act of terror—act of war—against Israel by Hamas—which also controls the Palestinian Authority government.

As long as Hamas embraces terrorism and refuses to acknowledge the right of Israel to exist, terrorists will persist in the Palestinian lands.

Earlier this week, Hizballah kidnapped two Israeli soldiers in Northern Israel. Israel has responded in an effort to rescue these soldiers and diminish the ability to Hizballah to launch missiles into Israeli population centers.

I rise to express support for our ally, Israel, as it deals with yet more terrorist acts . . . the kidnapping of its soldiers during late June and the continuing barrage of rockets launched at Israeli citizens from Gaza and Lebanon.

The kidnapping of the Israeli soldiers can certainly be considered a provocation of war.

Unfortunately, Israel's withdrawal from the Gaza strip has not led to a positive transformation of Palestinian politics or more security for the Israeli people.

Likewise, Israel's withdrawal from southern Lebanon in 2000—which was certified by the United Nations—has failed to provide peace for Israelis living in northern Israel. Since Israel's 2000 withdrawal, Hizballah has fired hundreds of rockets targeting Israeli civilians. Over the past year, Hizballah has carried out four major attacks into Israel in an effort to harm Israeli citizens.

Israel exhausted all non-military means to get its soldier released by Hamas before it called for these military actions.

The Hamas-led Palestinian Authority is failing the Palestinian people by giving comfort to terrorists.

It is imperative that we provide Israel with continued and broad-based support since an even greater destabilizing force is developing in the region—a nuclear-armed Iran with terrorist allies in Hizballah and Hamas.

IN RECOGNITION OF EMILY LAWRIMORE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. WILSON of South Carolina. Mr. Speaker, with the continuity of a Congressional session, there is a normal shuffling of staff positions. Today, it is with mixed emotions that I announce the departure of Emily Lawrimore.

For the past year and a half, Emily has held one of the most difficult jobs on Capitol Hill—serving as the Communications Director for the Second Congressional District. Emily has handled her position with professionalism, grace, and integrity. Her dedication and work ethic will be difficult to replace.

Emily began her career in Washington as a member of Congressman CHARLIE NORWOOD's staff. She leaves the halls of Congress tomorrow to become Assistant Press Secretary for President George W. Bush. I am confident that Emily will be a welcome addition to the President's press office.

A graduate of Clemson University, Emily Lawrimore is one of two children of Marshall and Cindy Lawrimore of Columbus, Georgia. She is a credit to the people of South Carolina and Georgia, and I wish her Godspeed.

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

A BALANCED RESOLUTION ON IRAQ

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, as someone who voted against the original legislation authorizing the U.S. military action in Iraq, I remain convinced that our military involvement there is a mistake, regardless of which of the Administration's evolving rationales for sending U.S. troops there is put forward.

I was therefore pleased to receive the resolution on Iraq that was approved recently by the New England Annual Conference of the United Methodist Church. This statement, which calls for an orderly withdrawal of our troops from Iraq, points out the deficiencies in our Iraq policy, while maintaining toward our military and civilian personnel serving there an appropriately supportive position. I ask that a copy of the resolution adopted by the New England Annual Conference be printed here.

RS—209 REGARDING AMERICAN PARTICIPATION IN THE WAR IN IRAQ

(Submitted by Proposed by Betty and Dan Allen, Mark Goad, Gary Richards, Don Rudalevige, Phil Susag)

(Adopted Friday Evening, June 10, 2006)

Scripture and the call of Justice demand of Christians a bias towards peace and reconciliation. Our calling as United Methodist Christians demands that we not remain silent regarding the on-going war in Iraq. We proclaim a God who cares for all people. Clear evidence of absolute need is required before engaging in armed conflict. Such evidence does not exist to support American occupation of Iraq. The conflict has crated and spread terrorism, not lessened it. It has compromised our own attitude as to the value of human life.

Therefore, The New England Conference of the United Methodist Church calls on all churches to actively participate in peacemaking through preaching, prayer, study and participation in local forums and peace actions.

Further, we call on our church members to be in regular contact with their U.S. Representatives and Senators, calling for the orderly withdrawal of troops and personnel from Iraq. We recommend that such contacts begin during the week of June 19 and continue on a monthly basis until such time as withdrawal is achieved.

Further, the Annual Conference directs the Secretary to send this resolution to the U.S. Representatives and Senators from the New England region, President Bush, Secretaries Rumsfeld and Rice.

Further, the New England Conference is called upon to support those troops returning from Iraq with our prayers, love and gratitude for their service to our country.

PAINT BANK AND WYTHEVILLE NATIONAL FISH HATCHERIES CONVEYANCE ACT

SPEECH OF

HON. VIRGIL H. GOODE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. GOODE. Madam Speaker, I rise today in support of H.R. 5061, the Paint Bank and Wytheville National Fish Hatcheries Conveyance Act. I want to thank the Gentleman from Virginia, Mr. BOUCHER, for introducing this legislation, which grants the title to these two hatcheries to the Commonwealth of Virginia.

Since 1983, the Virginia Department of Game and Inland Fisheries has successfully operated these two hatcheries on behalf of the U.S. Fish and Wildlife Service. Thanks to the hard work and substantial investment by the Commonwealth of Virginia and the 13 full-time employees working at the fish hatcheries, these hatcheries consistently produce large stocks of brook, brown and rainbow trout for recreational fishing every year. In fact, the Paint Bank and Wytheville Hatcheries can produce up to 861,632 trout each year, which accounts for over 40 percent of the trout stocked for public fishing in the Commonwealth of Virginia. The Commonwealth has also pledged to invest an additional $4.5 million to continue renovation of these hatcheries in an effort to further enhance the hatcheries capabilities and efficiency.

There are over 2,300 miles of trout streams in Virginia and the Paint Bank and Wytheville Fish Hatcheries are vital to ensuring that these streams are well stocked with large and healthy fish populations. For this reason, I am glad to support H.R. 5061, which will allow the Commonwealth of Virginia to continue to maintain the trout population for recreational fishing for people who live in and visit Virginia. I appreciate the work of Mr. BOUCHER in crafting this legislation and I urge its passage today.

IN HONOR OF STELLAR MAMOTTO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. KUCINICH. Mr. Speaker, I rise to pay special tribute to a woman of extraordinary achievement, her life an inspiring lesson of the power of great determination. Stellar Mamotto was born to humble beginnings in the Dodoma region of Tanzania, East Africa, one of four children. She strived for her educational development, not only for her own personal growth, but to be of service to her community. In 1995, Ms. Mamotto won a scholarship to study for a Certificate in Rural Development Planning and achieved the highest grade. She trained to become a teacher from 1996 to 1998. Just two years after qualifying, she was made Deputy Head Mistress of the Chilonwa Secondary School, a rural school in Tanzania's poorest region. Her involvement extended far beyond her educational responsibilities. She became dedicated to the long-term economic progress of the Tanzanian people through her work in community development and environmental sustainability in Chilonwa.

Mr. Speaker, Ms. Mamotto knew that her own aspirations and the aspirations of the people she served in the rural areas of Tanzania depended upon her pursuing higher educational opportunities. So in September of 2003, as a result of her untiring efforts, her scholarship and her personal charisma, the resources to study abroad suddenly materialized and she found herself traveling to Canterbury, England where she enrolled in the University of Kent to study Environmental Social Science. Her remarkable journey took her from the bush to university classroom. Finally, through great perseverance and sacrifice, she completed her studies and today, July 13, 2006, will receive her BA from the University of Kent at ceremonies in Canterbury Cathedral.

Mr. Speaker, each graduate's story is important. Some graduates, however, embody the hopes and dreams of millions of fellow countrymen and women. Stellar Mamotto's graduation represents not just the triumph of a single individual, but the triumph of the human spirit over all obstacles. And it represents a new beginning for Ms. Mamotto as she endeavors to take yet another step to even greater academic achievement.

Mr. Speaker, Members of the United States House of Representatives, please join me in honoring Ms. Stellar Mamotto for her achievement and as she continues to strive to be of service to the people of Tanzania.

PERSONAL EXPLANATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. SAM JOHNSON of Texas. Mr. Speaker, due to illness in June. As a result, I missed votes on H. Res. 323, H.R. 4890, H.R. 5638, H.R. 4973, H.R. 4893, H.R. 889, H. Res. 890, H. Res. 895, H.R. 4761, H.R. 5672.

Had I been present, I would have voted "aye" on each of these measures.

RECOGNIZING PASTOR EMERY KING ON THE OCCASION OF HIS 28TH ANNIVERSARY AS PASTOR OF THE FAITH BAPTIST CHURCH IN WEBSTERN FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to commemorate Pastor Emery King's 28th anniversary serving at the Faith Baptist Church in Webster, Florida. I would like to extend my warmest congratulations to him for a job well done.

When Pastor King first came to the church, his commitment to God and to his parishioners shone through immediately. It was clear even from the first months of his tenure that he had a unique commitment to the faith and to the men and women with whom he worshipped. Over the years Pastor King has been blessed to have a church that has grown and prospered under his leadership and service.

Having spoken to many of the men and women that he has counseled and worshiped with over the past 28 years, I know that Pastor King's dedication to the Lord and to the scripture has served as an inspiration to thousands throughout the Sumter County community. His ministry has touched the hearts of many, and the Faith Baptist Church is a stronger institution because of his leadership.

Mr. Speaker, Pastor Emery King's length of service to the Faith Baptist Church of Webster is only matched by his commitment to the

Lord and to the men and women who rely on his counsel and wisdom. Pastor King is a shining example of the good that serving Jesus Christ can bring to our friends and families.

I wish Pastor King the best of luck and joy as he embarks on what will hopefully be the next 28 years of service to God and to his church.

TIME FOR A SECULAR DEMOCRACY IN IRAN

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. CLAY. Mr. Speaker, on July 1, 2006, thousands of Iranians from around the world, including the members of the Iranian American Cultural Association of Missouri, gathered in Paris to express their interest in a free Iran and their support for the National Council of Resistance of Iran.

At this gathering, Mrs. Maryam Rajavi gave a speech about the need to bring freedom and democracy to the people of Iran. I would like to take this opportunity to share with my colleagues an excerpt from her inspiring address.

In the name of God, in the name of Iran, in the name of freedom, fellow Iranians, dear friends: With warmest greetings to all of you who represent the freedom, dignity and the resistance of our homeland, Iran. The sound of shackles of the religious dictatorship breaking apart and the song of victory can be heard in your resolve and faith, in the uprisings of our Azeri compatriots, and in the victory of those who persevered after the events of June 17, 2003. I also send my greetings to the distinguished personalities from France and other countries that have honored us by their presence. I thank Madam Edith Cresson, the former Prime Minister of France and the honorable mayors in different cities in the province of Val d'Osie as well as the dignified deputies of various parliaments from around the world.

Dear Friends: We are standing at a very extraordinary juncture of Iran's history: The turning point for a major birth and a magnificent destiny toward which we are being steered. Today, all the paths to ensure the survival of the velayat-e faqih regime have reached a dead end. Neither the deceitful spin game of reform nor the policy of appeasement bore any fruit. Propelling Ahmadinejad to power submerged the regime in its entirety in a mortal crisis. Today, the sun for the future of our nation is on the horizon. The terrorist label (against the People's Mojahedin Organization of Iran) has become a source of shame for the appeasers and the June 17 dossier has discredited them further. The waves of victory and freedom rush ahead in the declaration of 5.2 million Iraqis, in the ruling by the Paris Court of Appeals and in the spate of uprisings in Iranian cities. So, with a voice louder than ever, we again say, the only option, the only correct path and the only correct answer to the Iranian problem is the establishment of democracy. We say no to war, no to appeasement, yes to the third option: which is democratic change by the Iranian people and their Resistance. We say that the great nation of Iran itself has the capability and the capacity to change its own destiny to achieve democracy. And it undoubtedly will. Accordingly, I will present the outlines of the Resistance's program for the Iran of tomorrow. This program reflects the Iranian people's historic aspirations.

1. In the future Iran the natural and inalienable human rights of every Iranian must be respected. The rights to life, freedom, and security of every citizen of the Iranian nation will be considered equal under the law regardless of their gender, race, religion, ethnic makeup, and dialect. We are committed to the ''Universal Declaration of Human Rights''.

2. In the future Iran all individual freedoms will be recognized. These include freedom of speech, clothing, marriage and divorce, employment, travel, choosing one's residency and citizenship.

3. The litmus test of the legitimacy of the country's political and legal makeup is the universal suffrage. In the future Iran the right to make key political decisions in society and the people's right to change the government will be respected and various councils will be set up in all spheres of society in order to uphold and guarantee democracy.

4. We seek a pluralistic republic, in which complete freedom of parties, associations and unions are guaranteed.

5. In the free Iran of tomorrow we will defend the abolition of the death penalty. This is our response to the ruthless killings and brutality with which the mullahs have ruled clutched on to their reign. Torture will be banned under any circumstances. There will be no room for cruel and degrading punishments under whatever pretext, including under the cloak of religion.

6. The Iranian Resistance is committed to the separation of church and state. In the Iran of tomorrow the principle of freedom of religion will be respected. The country's laws will not ban any religion. No religion will enjoy privilege over another and no citizen will be subjected to any personal or social privilege or privation in their individual or social rights because of their belief or nonbelief in any religion.

7. We are committed to the Convention on the Elimination of All Forms of Discrimination Against Women. In the Iran of tommorow, men and women will enjoy equal rights in all political, social and economic sectors. Women will have equal participation in the political leadership of the country.

8. In the Iran of tomorrow all forms of sexual exploitation of women will be prevented. Polygamy will be banned. Physical, sexual and psychological violence against women will be considered a crime.

9. In the Iran of tomorrow oppression, discrimination and lawlessness concerning children and child labor will be banned.

10. The judiciary of the future Iran will be founded upon a uniform system of justice. It will be a two-tiered system based on the presumption of innocence, the right to defense, the right to seek justice, the right to be tried in open courts with the presence of the jury. In this system, their will be no discrimination on issuing judgment. The complete independence of the judges and the Bar Association will be guaranteed.

11. In the Iran of tomorrow the free market will be respected. Economic opportunity will be provided to the people equitably and all restrictions on self employment will be lifted.

12. We are determined to ensure that in the Iran of tomorrow every member of society will enjoy access to social services, including education, hygiene and athletic opportunities. Universities will be governed by independent councils elected by the faculty and students.

13. In the Iran of tomorrow the just right to autonomy of the people of Kurdistan will be recognized. We seek the eradication of dual discrimination against all ethnic minorities in Iran in the framework of the country's indivisible territorial integrity.

14. In the Iran of tomorrow, interference in the internal affairs of other countries will be banned and others will be banned from interfering in our internal affairs. We demand peace, mutual respect in international relations, good neighborliness and the establishment of diplomatic relations with all countries of the world. The Iran of tomorrow will be a non-nuclear country and devoid of weapons of mass destruction.

Dear compatriots, honorable friends, What I enumerated was the synopsis of the Iranian Resistance's views and program for our nation once it is liberated from the oppression of the mullahs. To realize this program, free elections will be held for a national constituent assembly within six months of the toppling of the ruling religious dictatorship. At the end of the six-month period, the provisional government will step down and the people's elected constituent assembly will begin work to appoint the new government and draft the new constitution. Three years ago, when the French police launched an unprecedented raid against the office of the National Council of Resistance of Iran, freedom was again at stake. From the onset, it was obvious that the raid was the outcome of a deal with the theocracy ruling Iran. In truth, the Resistance of a victimized nation was being suppressed. Fortunately, in the past three years, this Resistance's perseverance overcame the June 17 conspiracy. Two weeks ago, on the anniversary of the June 17, 2003 raid, the Paris Court of Appeals revoked the oppressive and unwarranted restrictions against members and officials of the resistance. This ruling clearly testifies to the innocence of this resistance and the hollow nature of the June 17 dossier and the accusations of cult and terrorism that go with it.

Dear Friends, Today, there is only one way to thwart this threat. The West must reverse course and respect the will of the Iranian people to establish democracy. Any step in other directions, any delay in this respect will benefit the regime. The Resistance is the solution not only for establishing democracy in Iran but also for peace and security in the entire world. The solution to the nuclear crisis and to thwart the danger of a war is democratic change in Iran. Indeed, by relying on its beloved nation, this Resistance holds the key to the Iranian equation. The mullahs are trying to give the impression that opposition to war means supporting their regime. Thus, any opposition to war is only justified when accompanied by opposition to religious fascism. Opposition to war is effective only when it is accompanied by supporting the Iranian people's Resistance for freedom. On behalf of the Iranian people's Resistance, I want to remind the Western countries to learn of the catastrophic experience of giving concessions to the religious One day, the late Dr. Mossadeq in his trip to the United States told President Harry Truman, I have not come to ask for anything. I have come to ask you to remain neutral in the dispute over oil. Today, we are not asking you for anything, neither money, nor weapons. But we demand that you remain neutral in the struggle the Iranian nation is waging to attain freedom and democracy. We are demanding that you remove the MEK from the terrorist list and recognize the right of the Iranian people to resist dictatorship. The declaration by 5.2 million Iraqis who demanded the eviction of the clerical regime from Iraq and the recognition of the status of the People's Mojahedin Organization of Iran is a brilliant achievement by this front. This declaration is a great victory and breakthrough which presents Iraq and the rest of the world with the correct path to democracy, security and independence of Iraq, by rejecting the Iranian regime's meddling which has targeted Iraq's survival and democracy. The fact that some 5.2 million Iraqis above the age of 18 declared that ''the

terrorist allegation against the People's Mojahedin Organization of Iran has no legitimacy or credibility and must not be taken as a criterion for dealing with the MEK,'' demonstrates first and foremost that the near unanimous majority of Iranians have rejected this label. Fortunately, Iraqis invited the United Nations, international organizations and the International Committee of Lawyers to study and examine the signed documents of their historic declaration. We urged those organizations and especially the United Nations Security Council to accept the invitation. For this reason, we have said time and again that we will accept free elections under the auspices of the United Nations and based on popular sovereignty and not the velayat-e faqih and will accept a referendum. At the same time, however, we said that a viper would never give birth to a dove. One should not expect anything other than killings and repression from the ruling theocracy. Twenty-seven years of crime and suppression are enough. It is now time for freedom and the people's sovereignty. Our salutes to Ashraf and its great commander Mojgan Parsai, and to MEK's Secretary General and her proud colleagues, my beloved brothers and sisters in Ashraf City, who in the past three years on stepped up their steadfastness as they confronted an assortment of difficulties, bombings, the denial of their water, electricity, medicine and supplies, the massacre of Iraqi workers of Ashraf City and intelligence, terrorist conspiracies and kidnappings. The Iranian people and Iran's brave women and men who are resolved in the struggle for freedom hold the key to our nation's freedom. It is the Iranian people and Resistance who endeavor for change, bring about change and build the future. It is the Iranian people and their Resistance who will overthrow the evil of fundamentalism. Iran will become the land of democracy and human rights. The Iranian nation will triumph and will be free.

May God bless you all.

THE INTRODUCTION OF THE DISTRICT OF COLUMBIA DISTRICT ATTORNEY ESTABLISHMENT ACT OF 2006

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Ms. NORTON. Mr. Speaker, today I introduce the District of Columbia District Attorney Establishment Act of 2006, continuing a series of bills that I will introduce this session to ensure a continuation of the process of transition to full democracy and self-government for the residents of the District of Columbia. This bill is the ninth in our ''Free and Equal DC'' series of bills to eliminate anti-Home Rule legislation and to remedy obsolete or inappropriate congressional intervention into the local affairs of the District of Columbia or denials of federal benefits or recognition routinely granted to other jurisdictions.

This bill will establish an Office of District Attorney for the District of Columbia, to be headed by a District Attorney elected by DC residents. Accordingly, this bill would move the city a quantum leap toward full home rule for the District of Columbia and equality with other Americans. This bill effectuates a November 2002 referendum where DC voters overwhelmingly (82 percent) approved a locally elected D.A.

This important legislation is designed to put the District of Columbia on par with every other local jurisdiction in the country by allowing DC residents to elect an independent District Attorney to prosecute local criminal and civil matters now handled by the U.S. Attorney, a federal official. Instead the new District Attorney would become the city's chief legal officer. As presently constituted, the U.S. Attorney's office in the District is the largest in the country only because it serves mainly as the local city prosecutor. That office needs to be freed up to do security and other federal work particularly in the post 9–11 nation's capital.

There is no issue of greater importance to our citizens and no issue on which residents have less say here than the prosecution of local crimes. A U.S. Attorney has no business in the local criminal affairs of local jurisdictions. No other citizens in the United States are treated so unfairly on an issue of such major importance. This bill would simply make the D.A. accountable to the people who elect him or her as elsewhere in the country.

In addition to issues of democracy and self government, such as congressional voting rights and legislative and budget autonomy that District residents are entitled to as American citizens, residents are determined to achieve each and every other element of home rule. Amending the Home Rule Act with a local D.A. provision would be an important development toward our goal of achieving true self-government. I urge my colleagues to support this important measure.

TRIBUTE TO GRANDPARENTS AND OTHER RELATIVE-HEADED HOUSEHOLDS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Ms. DELAURO. Mr. Speaker, I rise today to pay tribute to the two and a half million grandparents acting as primary caregivers to their grandchildren. In fact, across the country there are more than 6 million children living with a grandparent, or others living in relative-headed households. I commend those who courageously step forward on a daily basis to care for these children, keeping them out of foster care while providing safe, stable homes.

Subsidized guardianship programs allow children to leave foster care for the permanent care of nurturing relatives. Through subsidized guardianship we are able to place a child with a grandparent or other relative who becomes the legal guardian, while at the same time, providing the guardian the financial resources to provide for the child's basic needs.

In its report, ''Fostering the Future,'' the national, nonpartisan Pew Commission on Children in Foster Care recommended that Federal guardianship assistance be provided ''to all children who leave foster care to live with a permanent legal guardian.'' That is why I am proud to be a cosponsor of H.R. 3380, the Guardianship Assistance Promotion and Kinship Support Act, which would allow the use of Federal funding to support subsidized guardianship programs.

In my own State of Connecticut, 6 percent of the children live with non-parent relatives. Although, grandparents and other relative caregivers often represent the best opportunity for providing a loving and stable childhood for the children in their care, their hard work and dedication too often go unnoticed.

Today I offer my deepest appreciation for the dedicated service of these caregivers to our country and our Nation's most valuable asset, our children. And I commend Generations United for all their outstanding work in helping improve the lives of and create opportunity for our children.

RECOGNIZING MR. GARY WILLIAMS, THE UNIVERSITY OF MARYLAND'S MOST WINNINGEST COACH

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. RUPPERSBERGER. Mr. Speaker, it isn't often a gifted and talented athlete has an opportunity to exercise his skills as a coach. It is even less common for that athlete to coach at his alma mater. It is rarer still for that athlete to be recognized as one of the best coaches on the collegiate level. For this reason, it gives me great pleasure to rise before you today to celebrate the career of a good friend, a strong athlete, and an exceptional basketball coach, Mr. Gary Williams of the University of Maryland's Terrapins.

I have had the privilege of knowing Gary for a number of years. We were undergraduates at the University of Maryland at the same time. While I devoted my time to the university's lacrosse team, Gary could be found tearing up the university's basketball court.

Throughout his career, I have watched Gary excel as a leader in collegiate athletics. The university's basketball team won only nine games the year before Gary took over as head coach. Under his leadership, they turned around their losing streak by winning 19 games in his first season. After his 17th season as the Terrapins's coach, Gary Williams surpassed legendary Charles ''Lefty'' Driesell as the University of Maryland's ''winningest coach''—reaching 353 career victories.

Gary led his team from a troubled period to national distinction. Under his direction, the Terrapins have made it to the Sweet Sixteen seven times, had two consecutive Final Four appearances, and relished a national championship in 2002. His is a story of pure determination, impeccable drive, and unprecedented excellence.

The former point guard for the Terps received the highest honor as an alumnus by being inducted into the university's Alumni Hall of Fame. He was ranked ninth among active NCAA Division I coaches. He was named the Washingtonian Magazine's ''Washingtonian of the Year'' and he was inducted into the Greater Washington Sports Hall of Champions, as well as the Washington, DC Metropolitan Basketball Hall of Fame.

Gary Williams has cemented his legacy by not only devoting his time and energy to the Terrapins, but by giving back to the community at large. Throughout the year, Gary remains active in charity work, fundraising, and public speaking engagements. He is involved with Coaches vs. Cancer, the Cystic Fibrosis

Foundation, National Autism Research, the National Physical Education Council, the Salvation Army, and the Babe Ruth Museum.

Mr. Speaker, I ask that you please join with me today in recognition of the achievements of an outstanding athlete and coach. Mr. Gary Williams has made significant strides in collegiate athletics. His leadership has allowed his team to dominate basketball courts for 17 seasons. His legacy will be remembered for years to come.

FORMATION OF THE RURAL PLANNING ORGANIZATIONS OF AMERICA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. OBERSTAR. Mr. Speaker, I rise today to recognize the formation of Rural Planning Organizations of America, RPO America, a new national organization dedicated to improving the planning and development of America's rural transportation network. Under the sponsorship of the National Association of Development Organizations, NADO, RPO America is serving as the first and only national forum and professional peer network for the emerging field of rural transportation planning.

This new group is important not only for the coordination, management and planning of our Nation's rural transportation infrastructure and systems, but also for linking our rural communities' economic development initiatives with State and local transportation programs. As I have stated for the record countless times, the development and maintenance of our Nation's public transportation infrastructure—including highways and bridges, transit services, ports, airports and intermodal facilities—is fundamental and at the core of our Nation's long-term economic competitiveness strategy.

Since the passage of the 1998 Transportation Equity Act for the 21st Century, TEA–21, nearly 30 States now voluntarily support, fund and partner with a growing network of multicounty rural planning organizations. These locally governed regional transportation planning agencies are working to enhance State and local coordination, project prioritization, roadway safety and comprehensive transportation planning in our Nation's non-metropolitan regions.

While our Nation's metropolitan areas have enjoyed special Federal status and funding for transportation planning during the past half century, our rural regions are just getting started. Through training, research, peer information exchanges and other professional development services, the members of RPO America are striving to enhance the safety, mobility and economic competitiveness of small town and rural America. I commend NADO for providing the leadership and vision in forming RPO America.

SUCCESSFUL 27TH U.S. SENIOR OPEN HOSTED IN HUTCHINSON, KS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to express my gratitude for an incredibly well hosted event in my district this past week. Through a collaboration of more than 2,500 volunteers, the renowned Prairie Dunes Country Club and the United States Golf Association, the 2006 U.S. Senior Open was contested in Hutchinson, KS.

I was proud to be in the crowd of this well attended tournament. The state of Kansas and this community did a wonderful job of showcasing our welcoming spirit and beautiful landscape.

The names of Watson, Player, Irwin, Crenshaw and Kite are easily recognizable to golf enthusiasts. After his repeat victory, Allen Doyle should also now join this list of distinguished champions as a household name.

But there were more than just famous golfers who made this a successful event. I'm certain that Kansans will join with me in specifically thanking Mr. Allen Fee, Tournament General Chairman, and Mr. Greg Conrad, Championship Director, for their collective contributions in making this an outstanding week of golf. I also want to thank the legion of volunteers who gave of their time and talents. As testament to the event's success, volunteers from 27 states joined nearly 115,000 spectators in establishing the mark for the largest sporting event in Kansas history.

The real star of this championship, however, was the golf course itself. Many golfers and spectators commented that Prairie Dunes was stunning, from tee to green, from fairway to ''gunsch'', and provided the level of difficulty required in a tournament of this high caliber. To the unfamiliar, what players and spectators alike found was a course ranked by many in the top 15 in the United States, and the top 25 in the world. From its origins dating back to 1937, Prairie Dunes continues to emphasize native prairie grasses and its famous ''Maxwell Rolls'' greens to provide a stern test for the discriminating player.

Mr. Speaker, I proudly ask you to join me in recognizing the Hutchinson community for hosting the 27th U.S. Senior Open, and for their many contributions to the State of Kansas and game of golf.

IN RECOGNITION OF 36 YEARS OF SERVICE BY PASTOR GLYN LOWERY TO THE PACE ASSEMBLY OF GOD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to extend my congratulations to Pastor Glyn Lowery, Jr. for serving as the pastor to Pace Assembly of God in my district for 36 years.

At the young age of 20, Glyn Lowery became the pastor at Pace Assembly of God. Pastor Lowery, better known as Brother Glyn, greatly contributed to the growth of Pace Assembly of God by overseeing the construction of a 1000–seat sanctuary just two years after taking over the congregation. Under Brother Glyn's guidance, Pace Assembly of God has expanded their outreach programs to over 250 ministries. With his leadership, they have built churches throughout Europe, Russia, the Philippines, and South America. Their goal is to establish missionary projects in every country.

In Pace, the church has undergone great expansion. What was once a block building has become a flourishing community with a Family Life Center that houses a basketball court, gymnasium, 25 classrooms, a fellowship hall, kitchen, and resource room. Brother Glyn has also taken on leadership roles in the church community at large, serving as the Assistant Superintendent of the West Florida District of the Assemblies of God and briefly taking over as the District Superintendent after the unexpected death of his predecessor.

Through his journey, Brother Glyn has been supported and aided by Jan Lowery, his wife of 35 years. Together they have worked diligently to create outreach programs to help families live more Godly lives. When they saw that children in the Pace community needed rides to Sunday school, they took the initiative to drive them to church. Together they envisioned bringing children and adults to church in busloads and through their Bus Ministry, this vision has become a reality.

Mr. Speaker, on behalf of the United States Congress, I would like to offer my sincere congratulations to a man who could serve as a role model to us all. A deep sense of personal devotion to a congregation for 36 years is something to truly be admired, and I am thankful for his dedication to the Pace of Assembly of God.

HONORING A VETERAN AND PATRIOTIC AMERICAN—JOHN SEYMOUR STARR

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. COBLE. Mr. Speaker, a patriotic veteran and role-model citizen recently passed away in Greensboro, North Carolina. On behalf of the citizens of the Sixth District of North Carolina, I rise to honor John Seymour Starr, a World War II veteran, who dutifully fought for his country from an early age. Only nine days after his 18th birthday, Starr enlisted in the army and joined General George Patton's 3rd Army as a machine gunner on the back of a jeep in the 2nd Cavalry, 42nd Recon. As one of Patton's ''Ghosts,'' Corporal Starr put his life on the line day after day scouting ahead of the division to locate and engage the enemy in order to determine their strength and position for an armored assault.

Just months after entering the fight, on August 8, 1943, Corporal Starr's jeep drove over a land mine on France's Breast peninsula killing the driver and passenger. Starr was put in the hospital with shrapnel embedded in his back that he would carry for the rest of his life. Undeterred by his injuries, Starr ignored his reassignment to a non-combat unit and left the hospital. He hitched rides through France until he was reunited with the 2nd Cavalry. During

the rest of his service, he helped General Patton's 3rd Army take control of the French campaign, and he fought in the Battle of the Bulge in December of 1944.

The courage and dedication Starr displayed, earned him several medals, including the Purple Heart and five Bronze Stars. Starr's patriotism was reflected in his life's philosophy: it is easier to fight for one's country, even in the face of death, than it is to give up the freedoms we enjoy in America.

He is survived by his wife, Jean Starr, 1 sister, 5 children, 5 grandchildren, 3 great-grandchildren, and 1 great-great granddaughter. Again, on behalf of the citizens of the Sixth District, we join with his family and our community to state that we will miss Corporal John Seymour Starr, an admirable citizen and veteran.

IN HONOR OF REVEREND O.W. MACK OF HEARNE, TEXAS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. EDWARDS. Mr. Speaker, on Sunday, July 16th, the congregation and community of Hearne in Robertson County, Texas will honor Reverend O.W. Mack for over 45 years of dedicated service as Pastor of the New Elam Missionary Baptist Church of Hearne.

Reverend Mack attended Blackshear School in Hearne and proudly served this great nation as a member of the United States Armed Forces. He returned to Texas to attend Prairie View A&M University where he became an educator. Later he came back to teach in the Hearne Independent School District and married Vina E. Blocker, also an educator. He later went to theological seminary to become a spiritual leader.

Reverend Mack was an educator for over 33 years, an Assistant Principal for 8 years, and he served on the Hearne Independent School District Board of Trustees for over 20 years. He has worked tirelessly over the years to improve the quality of education for children in Robertson County. His years of service in the field of education are an inspiring tribute to our community's values, and his vision for children in our community will offer hope for generations to come.

Under Reverend Mack's leadership as Pastor of the New Elam Baptist Church, many programs have been greatly expanded and ministries within the church have been enriched. Reverend Mack has led his church in mission efforts both locally and statewide. He serves as the President of the Congress of Christian Workers of the Lincoln District Association under the leadership of Moderator, Dr. W.W. Jackson.

Reverend Mack has a history of unselfish devotion to public service, a legacy of personal achievement, as well as dedicated commitment to his faith and family. I ask all of my colleagues to join me in honoring and celebrating the leadership and commitment of Reverend O.W. Mack and his wife, Vina for over 45 years of dedication to the spiritual life and health of the community of Hearne and Central Texas.

Thank you Reverend Mack and May God bless you.

TRIBUTE TO JIM MORRIS, EXECUTIVE DIRECTOR, UNITED NATIONS WORLD FOOD PROGRAMME

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. PENCE. Mr. Speaker, I rise today to pay tribute to Jim Morris, who over the last five years has guided the U.N. World Food Programme through five years of vital, life-saving support to millions of victims of war and natural disaster across the globe.

A former Indianapolis business executive, president of the Indiana University Board of Trustees and head of the Lilly Endowment, Jim Morris could have retired to private life. Instead, Jim accepted the call and rose to the challenge to manage the world's largest food aid organization. Since 2002, Jim has been an eloquent spokesman and tireless administrator for relief programs stretching from Sudan to Iraq, Africa to Asia.

Under Jim's stewardship, the World Food Programme (WFP) provided food aid to over 4 million Ethiopian drought victims in 2003. That year, he also successfully guided WFP in carrying out the largest humanitarian operation in history, feeding 26 million Iraqis.

When tropical storm Jeanne struck Haiti in 2004, WFP showed up big for the 160,000 flood victims. In Darfur, Sudan, WFP battles insecurity and bad roads to get food aid to the 2 million refugees who have fled their homes in response to the conflict.

Reacting to the 2005 tsunami that killed hundreds of thousands of people from Indonesia to Somalia and left hundreds of thousands more without their homes or livelihoods, WFP mounted one of its most complex emergency operations ever. Using helicopters, aircraft, cargo ships, landing craft and traditional trucks, WFP provided essential food aid to 1.75 million tsunami survivors, averting starvation and widespread malnutrition in the wake of the disaster.

Under Jim's leadership, the WFP has made a difference, time and again by quickly getting food to millions of hungry and hurting people who desperately need it. Jim Morris is to be commended for his tireless advocacy for the world's poorest children, which has raised awareness and support for hunger programs, including in this body.

To this heroic Hoosier, who for five years has led the global effort to combat the daily hunger faced by more than 800 million people worldwide, I say, "Well done, good and faithful servant."

AN OPEN LETTER TO THE G7 LEADERS ON THE EVE OF RUSSIA'S G8 SUMMIT

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. WICKER. Mr. Speaker, U.S. Secretary of State Condoleezza Rice has described the G8 as "a group of democracies . . . fully committed to free market principles, free trade, rule of law."

On July 15, the Russian Federation will chair the Group of Eight, G8, for the first time since its full integration in 2002 by hosting the annual G8 Summit in the city of St. Petersburg. While Russia's presidency of the G8 was originally intended to showcase its economic and social progress and demonstrate its further integration with the global community, a growing number of observers strongly feel that Russia is not meeting the democratic and free market principles that are the basis of the G8.

I share with my colleagues a recent letter that was circulated prior to the G8 Summit, from nearly 100 diplomats, politicians, academicians and civil society leaders from Russia, Europe and the United States. The letter, which includes notable figures from each of the G7 nations and Russia, was designed to bring attention to Russia's faltering democracy and human rights record. It was released at "The Other Russia" summit, organized by Garry Kasparov, former world chess champion and Russian political activist, to examine these problems and to highlight what they will mean for the future of Russia.

Mr. Speaker, Russia is an important ally to the United States in many ways although we face a number of disagreements with them on pressing global issues. What should not be at issue is the need for an open society in Russia that advances democracy, human rights and free enterprise. This goal is critical for the development of U.S.-Russia relations and the future of Russia itself.

AN OPEN LETTER TO THE G7 LEADERS "THE OTHER RUSSIA"

We wish to express our gratitude to the courageous men and women attending "The Other Russia" Summit today and tomorrow in Moscow. This alternative to the G8 summit has been organized by Garry Kasparov, Lyudmila Alekseyeva and other Russian human rights and political leaders. The laudable purpose of the "Other Russia" Summit is to focus the world's attention on the increasingly autocratic and repressive policies of the Russian Government.

"The Other Russia" will bring together distinguished diplomats and politicians, academicians and civil society leaders from Russia, Europe and the United States to examine the deplorable state of human rights and the rule of law in Russia. Experts will document Russia's alarming number of political prisoners, the Kremlin's control over the media, the dangerous increase in government corruption, the continued violence in Chechnya and the return of a one-party state.

"The Other Russia" Summit will examine these economic and political trends, hoping to provide the Russian people with a clearer picture of what the further loss of human and political rights will mean to them. The gathering is also meant to impress upon the G7 leaders, who will be meeting with Russian President Vladimir Putin this coming weekend in St. Petersburg, that there is another Russia—a Russia at odds with the corrupt, authoritarian regime which President Putin and those around him appear resolved to impose.

We urge our leaders—Prime Minister Tony Blair, President George W. Bush, President Jacques Chirac, Prime Minister Stephen Harper, Prime Minister Junichiro Koizumi, Chancellor Angela Merkel and Prime Minister Romano Prodi—not to equivocate when they meet the Russian President this weekend. He must be put on notice that Russia's

current domestic and foreign policies are unacceptable to its neighbors, to the international community and to many of its own citizens.

President Putin must be made to understand that fairness towards his political opponents and critics, the release of political prisoners and Russia's constructive engagement with its neighbors in Asia, the Middle East and Europe, are the standards by which his Government will be judged. Russia must meet these standards of justice, freedom and of internationally acceptable diplomacy if it wishes to remain a member of the G8 and of the community of democratic nations.

Today, Russia is moving in the wrong direction.

With the re-imposition of state control of the media, the nationalization of the YUKOS Oil Company, the abolition of elected governors, overt and covert meddling in the affairs of Ukraine, Georgia, Moldova, Lithuania and outright support for the dictatorship in Belarus, the new NGO law restricting the work of human rights groups and other non-government organizations in Russia, and the imprisonment of political opponents like Mikhail Khodorkovsky and Mikhail Trepashkin, the Government of Russia is deliberately turning back the clock.

We appeal to the G7 leaders to raise these issues directly with President Putin this weekend in St. Petersburg. And we salute those who are in Moscow today, meeting in a hostile and dangerous environment to prove that a democratic Russia, ''The Other Russia,'' does indeed exist.

Signatories: (Institutions are listed for purposes of identification only.)

Dimitar Abadjiev—European Parliament Observer, Bulgaria;

Dr. Patrick Aeberhard—President, Medecins du Monde;

Vo Van Ai—President, Forum Asia Democracy;

Doron Arazi—Historian;

Timothy Garton Ash—Oxford University, UK;

Brian Atwood—Humphrey Institute of Public Affairs, University of Minnesota, US; Former US Agency for International Development (USAID) administrator;

Paul Berman—Writer, US;

Carl Bildt—Former Prime Minister of Sweden;

Roberta Bonazzi—Director, European Foundation for Democracy;

Elena Bonner—Honorary Chair, The Andrei;

Sakharov Foundation;

Michael Bourdeaux—Founder/President, Keston Institute, Oxford University, UK;

Pascal Bruckner—Philosopher, France;

Ian J. Brzezinski—Former Deputy Assistant Secretary of Defense for European and NATO Policy;

Hans Christoph Buch—Writer, Germany;

Vladimir Bukovsky—Cambridge University, UK;

Leos Carax—Film director, France;

Patrice Chéreau—Film and theater director, France;

Daniel Cohn-Bendit—Member, European;

Parliament, Germany;

Pierre Daix—Writer, France;

Prof. Nicholas Daniloff—Northeastern University, US;

Ruth Daniloff—Writer, US;

Fertilio Dario—Comitatus libertates;

Franco Debennedetti—Senator, Italy;

Martin Dewhirst—University of Glasgow, Scotland;

Freimut Duve—Former member of the German Bundestag; Organisation for Security and Cooperation in Europe (OSCE) Representative;

Dr. Marek Edelman—Former dissident, Leader of the Warsaw ghetto uprising;

Humphry Crum Ewing—Chairman, The Standish Group;

Edourad Fillias—President, Alternative Liberale, France;

Paolo Florés de Arcaïs—Director, Micromega, France;

Carl Gershman—President, National Endowment for Democracy;

André Glucksmann—Philosopher, France;

Alex Goldfarb—Foundation for Civil Liberties, US;

Adam Gopnik—Writer, US;

Veronique Nahoum Grappe—Anthropologist, France;

Andrew P. Grigorenko—President, General Petro Grigorenko Foundation, Inc;

Robert Halfon—Political Director, Conservative Friends of Israel;

Daniel Hamilton—Johns Hopkins University, US;

Arthur Hartman—Former US Ambassador to the Soviet Union and France;

Satu Hassi—Member, European Parliament, Finland;

Roger Helmer—Member, European Parliament, UK;

Mary Holland—New York University, US;

Marie Holzmann—President, Droits de l'homme in China, France;

Robert Hunter—Former US ambassador to NATO;

Toomas Hendrik Ilves—Member, European Parliament, Estonia;

Bruce P. Jackson—President, Project on Transitional Democracies;

Kjell Olaf Jense—President, Pen Club, Norway;

Alan Johnson—Director, Democratya, UK;

Tunne Kelam—Member, European Parliament, Estonia;

Bogdan Klich—Member, European Parliament, Poland;

Bernard Kouchner—Former UN ambassador to Kosovo; Founder, Medecins sans Frontières, Medecins du Monde, France;

Irina Krasovskaya—President, We Remember Foundation, Belarus;

Guntars Krasts—Member, European Parliament; Former Prime Minister of Latvia.

William Kristol—The Weekly Standard, US;

Girts Valdis Kristovskis—Member, European Parliament, Former President of the Lithuanian Parliament;

Vytautas Landsbergis—Member, European; Parliament, Former President of the Lithuanian Parliament;

Bernard Henri Levy—Philosopher, France;

Ekkehard Maass—German-Caucasian society, Germany;

Giwi Margwelschwili—Schriftsteller, Germany;

Cliff May—President, Foundation for the Defense of Democracies;

Michael McFaul—Stanford University, US;

Alan Mendoza—Executive Director, Henry Jackson; Society, UK;

Marianne Mikko—Member, European Parliament, Estonia;

Tim Montgomerie—Editor, ConservativeHome.com;

Martin Palouš—Permanent Czech Republic; Representative to the United Nations; former Czech Ambassador to the US;

Carlo di Pamparato—Children of Chechnya Action; Relief Mission (CCHARM), UK;

Richard Pipes—Harvard University, US;

Daniel Pipes—Writer, US;

Daniel Pletka—American Enterprise Institute (AEI), US;

Oksana Ragazzi—UK;

Josep Ramoneda—Philosopher, Center of Contemporain Culture, Spain;

Vanessa Redgrave—Actress;

James Rogers—Executive Secretary, Henry Jackson Society, UK;

Jacques Rupnik—Professor of political sciences, CERI, France;

Prof. Aloyzas Sakalas—Member, European Parliament, Lithuania;

Randy Scheunemann—President, Committee for the Liberation of Iraq;

Gary Schmitt—American Enterprise Institute (AEI), US;

Jorge Semprún—Former Minister of Culture of Spain;

André Senik—Philosopher, France

Andrew M. Sessler—Emeritus Director of the Lawrence Berkeley National Laboratory;

Andrzei Seweryn—Theater director, Comédie; Française, France;

Dr. Brendan Simms—Co-President, Henry Jackson; Society, UK;

Robert Singh—Birkbeck College, University of London, UK;

Aleksander Smolar—Historian, France/Poland;

Bart Staes—Member, European Parliament, Belgium;

Konrad Szymanski—Member, European; Parliament, Poland;

Andres Tarand—Member, European Parliament, former Prime Minister of Estonia;

David Trimble—1998 Nobel Peace Laureate;

Prof. Inese Vaidere—Member, European Parliament, Latvia;

Ari Vatanen—Member, European Parliament, France;

Mark von Hagen—Columbia University, US;

Stuart Wheeler—UK;

Richard Wilson—Harvard University, US;

Henryk Wozniakowski—Director, ZNAK, Poland;

Tatiana Yankelevich—Director, Sakharov Program on Human Rights, Harvard University, US;

lIyos Yannakakis—Professor, France.

CONGRATULATING AUGUST PIAZZA AS HE RETIRES FROM THE WYOMING VALLEY WEST SCHOOL DISTRICT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my good friend Mr. August Piazza, of Jenkins Township, Luzerne County, Pennsylvania, upon the occasion of his retirement as superintendent of the Wyoming Valley West School District.

Mr. Piazza received his Bachelor of Science degree from Mansfield University and his Master of Science degree from Wilkes University. His post-graduate work includes principal certification and a superintendent's letter of eligibility from Temple University.

Mr. Piazza began his career with Wyoming Valley West School District in 1971. Over the past 35 years, Mr. Piazza has taught elementary grades ranging from kindergarten through sixth grade in subject areas including mathematics, social studies and reading.

He was an instructional support specialist, head teacher and department chairperson. He served as assistant principal and principal of the Wyoming Valley West Middle School.

Mr. Piazza was appointed as superintendent of schools in the Wyoming Valley West School District. He also holds the position of adjunct professor at Wilkes University Graduate School.

Mr. Piazza currently serves on the Luzerne County Community College Foundation Board of Directors and the Luzerne County Convention Center and Arena Board of Directors.

His service organization affiliations include the Knights of Columbus where he is a Third Degree Knight, and the Wilkes-Barre Chapter of UNICO, an organization where he once served as president. He is also a charter member of the Kingston Kiwanis Club.

Augie and his wife, Corine, have two children, Jeffrey and Maria.

Mr. Speaker, please join me in congratulating Mr. Piazza on a distinguished career in the field of education. His exceptional record of service and dedication to duty is an inspiration to both his peers and to the students for whom he worked tirelessly to prepare for adult life. Mr. Piazza's contribution to the greater Wyoming Valley community has left a lasting mark and has had a positive effect on improving the quality of life.

TRIBUTE TO RICHARD S. ELSTER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. SKELTON. Mr. Speaker, it has come to my attention that a distinguished career at the Naval Postgraduate School will soon come to an end. Mr. Richard Elster has announced his official retirement after 37 years of service.

After receiving his bachelor's degree from the University of Minnesota in 1962, Richard pursued his M.S. in Industrial Relations, and his PhD in Industrial Psychology. By 1967, Richard had finished with school and become a project scientist at Litton Industries.

Dr. Elster became associated with the Naval Postgraduate School in 1969 when he joined the faculty as an assistant professor. During his tenure, he served as an associate professor, professor, Chairman of the Department of Administrative Sciences, Dean of Instruction, and the Provost and Academic Dean.

Throughout his career at Naval Postgraduate School, Dr. Elster served in several high ranking Pentagon positions. Starting in 1975, he served as special advisor to the Secretary of Defense for manpower and reserve affairs. Dr. Elster also held positions as the Deputy Assistant Secretary of the Navy for Manpower, Acting Assistant Secretary of the Navy for Manpower and Reserve Affairs, and Deputy Assistant Secretary of Defense for Resource Management and Support.

Dr. Elster was recognized for meritorious civilian service as Provost and Academic Dean at the Naval Postgraduate School, from July 1995 to December 2005. Because of his leadership, the Naval Postgraduate School attained unprecedented stature in the defense establishment and the academic community. It was recognized in 2005 with the highest score for military value of all Department of Defense education commands by the Education and Training Joint Cross Service Group.

The Naval Postgraduate School is respected as a world class research university due in part to Dr. Elster's leadership, strategic vision, and devotion to public service. Much of the academic work of the school's students and faculty responds directly to real world defense mission needs.

As Dr. Richard S. Elster prepares for retirement, I know the Members of the House will join me in expressing appreciation for his dedication to the Naval Postgraduate School and will wish him well in all the days ahead.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. TIAHRT. Mr. Speaker, on July 12, I was unavoidably detained and missed rollcall vote Nos. 364, 365, 366, 367, 368, and 369.

Rollcall vote No. 364 was on ordering the previous question. Had I been present, I would have voted "yea."

Rollcall vote No. 365 was on agreeing to the resolution. Had I been present, I would have voted "yea."

Rollcall vote No. 366 was on a motion to instruct conferees. Had I been present, I would have voted "nay."

Rollcall vote No. 367 was on the Kanjorski of Pennsylvania substitute amendment. Had I been present, I would have voted "nay."

Rollcall vote No. 368 was on final passage of H.R. 2990, the Credit Rating Agency Duopoly Relief Act. Had I been present, I would have voted, "yea."

Rollcall vote No. 369, was on the motion to suspend the rules and pass, as amended. Had I been present, I would have voted "yea."

CITY OF HICKORY CREEK RANKED IN TOP TEN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize a community within my district for being acknowledged as one of the "Top Ten Best Places to Live in the Dallas-Fort Worth Metroplex" by D Magazine, a regional monthly publication. This top honor went to the town of Hickory Creek for its excellent schools, affordable housing, low crime rates, and its small town ambience.

Every 2 years, the magazine ranks some fifty plus suburbs of the Dallas-Fort Worth region, the State of Texas' largest metropolitan area. The town of Hickory Creek received the number nine spot on the list and is also recognized as a place for "quiet, hassle-free, safe living." Also worth mentioning, the town of Hickory Creek was acknowledged as having the "best value for quality of life." For this, it received the honor of the first spot on list of "Best Deals" in the Dallas-Fort Worth Metroplex as rated by D Magazine.

With a population of 2,400 and an annual growth rate of 1.5 percent, the town of Hickory Creek is the smallest suburb to make the Top Ten. In 1996, the town's annual sales tax revenue was $30,000. Today, that number is closer to $1 million.

Mr. Speaker, I applaud Mayor John Smith and the City Council of Hickory Creek for building the town of Hickory Creek into a distinguished community. I am proud to represent such a vibrant place to live.

LIEUTENANT GENERAL MICHAEL M. DUNN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. SKELTON. Mr. Speaker, it has come to my attention that a distinguished career has come to an end. LTG Michael M. Dunn is retiring from the U.S. Air Force.

Lieutenant General Dunn received his Bachelor of Science degree in astrodynamics from the U.S. Air Force Academy in Colorado Springs, CO, in 1972. After graduating fourth in his class in June 1972, General Dunn flew the F–106 at Castle Air Force Base, CA. Following various duties in Washington, DC, Florida, and Alabama, he transitioned to the F–15, which he flew in the Far East. He is a command pilot with more than 2,500 flying hours.

In 1976, he went to the Squadron Officer School and later received his Master of Science degree in systems management at the University of Southern California in 1981. In 1983, he attended the Air Command and Staff College in Maxwell AFB, AL, and three years later attended the Air War College. In 1989, Lieutenant General Dunn attended the Industrial College of the Armed Forces in Fort Lesley J. McNair, Washington, DC.

Lieutenant General Dunn commanded the 1st Operations Group at Langley Air Force Base, VA. He was the Senior Military Fellow and is currently a member of the Council on Foreign Relations. He has served in four joint tours, including the Headquarters U.S. European Command, the Office of the Deputy Secretary of Defense, the Headquarters United Nations Command and U.S. Forces Korea, and the Joint Staff. In Korea, he was the lead negotiator with the North Korean Army at P'anmunjom.

Most recently, Lieutenant General Dunn served as president of National Defense University. He has provided strong leadership, coordinating the several schools with the National Defense University. During his tenure, the professional military education of our military made great strides forward.

Lieutenant General Dunn's awards and decorations include the Defense Distinguished Service Medal, with oak leaf cluster, Defense Superior Service Medal, Legion of Merit, Meritorious Service Medal, with three oak leaf clusters, and Air Force Commendation Medal, with two oak leaf clusters.

Throughout his career, LTG Michael M. Dunn has served the Nation well. I am certain that my colleagues will join me in wishing Lieutenant General Dunn all the best in all the days ahead.

SUPPORTING INTELLIGENCE AND LAW ENFORCEMENT PROGRAMS TO TRACK TERRORISTS AND TERRORIST FINANCES

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Ms. KILPATRICK of Michigan. Mr. Speaker, last week when we voted on H. Res. 895, a

resolution condemning the disclosure of classified information, and more specifically, the information about our government's monitoring of international financial transactions, I voted in opposition to the measure, and I would like to take this opportunity to explain my position.

I join my colleague from Massachusetts, Mr. FRANK, and others in supporting an alternative resolution, H. Res. 900, which also condemns the unauthorized disclosure of classified information, but does so in a way that is less partisan and more ingenuous. H. Res. 895 contains a number of statements that are passed off as fact but whose veracity is dubious and not substantiated through congressional inquiry.

I regret that the majority saw fit to bring a resolution to the floor which deprived Democrats from providing any input into the framing of the measure. I do think that it was possible to produce a bin behind which both parties could unite, if the majority were interested in reaching a consensus. Obviously, it was not interested in forging a consensus statement, so we debated a political document instead of substantive initiative.

H. Res. 895, as written, states facts, which frankly, are either in substantial dispute or subject to question. For example, did the news media inappropriately and illegally disclose information regarding the SWIFT financial monitoring program, or was this information in the public domain? There are credible people ''in the know'' who claim the information was publicly available if anyone cared to conduct a little research.

According to one former State Department diplomat and U.N. monitor, the information on the SWIFT financial transaction monitoring program was incorporated in a report to the U.N. Security Council in 2002 and is available on the U.N. website. The SWIFT program has been in the public domain for quite some time.

Additionally, the resolution contains a clause that the appropriate committees in Congress were notified of the program. As we heard during the debate on the bill, that is another fact in dispute by Democrats who serve on the Select Committee on Intelligence.

I, therefore, voted against H. Res. 895 and announce my support for the alternative introduced by Mr. FRANK, which the majority has seen fit to deny us the opportunity to consider.

TRIBUTE TO NOAH'S ARK ANIMAL WELFARE ASSOCIATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Noah's Ark Animal Welfare Association. This summer, Noah's Ark Animal Welfare Association celebrates its 40th Anniversary of caring for animals in a sheltered environment.

Eight very kind-hearted women from Morris County started Noah's Ark in 1966 with hopes of curtailing the pet overpopulation problem and promoting animal welfare. Noah's Ark provides homeless animals with a clean and comfortable living environment, food, veterinary care, and lots of warm attention. Under no circumstances are any of the animals taken to Noah's Ark subject to euthanization.

Since 1966, life expectancy for animals has increased significantly thanks to more specialized food and improved health care. Comprehensive spay and neuter operations have expanded dramatically. With these improvements in the quality of life for animals comes an increase in cost of caring for a pet! Noah's Ark continues to be an instrumental resource for those families that can no longer afford to keep their pets.

Thanks to the hospitable residents of Northern Jersey, thousands of animals have been saved in the past 40 years. By selflessly opening their homes to wonderful cats and dogs and generously offering monetary donations, a very supportive network of donors and volunteers have helped Noah's Ark to grow.

Mr. Speaker, I urge you and my colleagues to join me in applauding the impressive efforts of the Noah's Ark Animal Welfare Association over the past 40 years and for their fine example of service to our community.

RECOGNIZING THE HEROIC FEATS OF SPECIALIST TOM HOY, OREGON ARMY NATIONAL GUARD

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. WALDEN of Oregon. Mr. Speaker, the late Arthur Ashe once said, ''True heroism is remarkably sober, very undramatic. It is not the urge to surpass all others at any cost, but the urge to serve others at whatever cost.''

With that in mind, I rise today to recognize a heroic event that took place in the heart of Oregon's 2nd Congressional District on Sunday, July 10, 2006. On that day, a member of our Nation's military gave selfless service to three children in danger—and in the process saved a life.

Specialist Tom Hoy is a member of the Oregon Army National Guard, 1st Squadron, 82nd Cavalry, 41st Infantry Brigade Combat Team. On July 10th, 2006, he was with three fellow soldiers participating in recruiting activities near the Deschutes River in Bend, Oregon.

While near the river, Specialist Hoy observed three children on inner-tubes, with no life jackets, who were floating downstream, dangerously near a spillway.

A spillway creates a perilous setting. A woman was reported as having drowned near this spillway the day before, and another woman had to be pulled from it unconscious several days before that.

What Specialist Hoy saw was at least one of the children appearing to be in distress. The soldiers directed the three children to come to shore, and the two older boys were able to. But the third child, a young girl no older than six or seven years old, was too far out and appeared to be crying and frightened. Specialist Hoy told the girl to grab onto some weeds that were growing out of the water and instructed another soldier to stay on the near side of the river in case she let go and made it near that side. Hoy then ran upstream, crossed a bridge, and ran back down the opposite bank, jumping several fences, until he reached the girl's location. Without any concern for his personal safety, Specialist Hoy entered the waist deep, swift-moving water and was able to have the girl climb onto his back where he carried her to safety. Hoy, the other soldiers, and one civilian then returned the girl to her overjoyed parents.

Specialist Hoy is a resident of Prineville, Oregon, where he resides with his wife, Jennifer, and their children. He remains a dedicated public servant. In addition to his continued role protecting our Nation, he is a reserve police officer with the Prineville Police Department.

I myself am proud to represent Specialist Hoy in the House of Representatives. I urge my colleagues to applaud his selfless act of service as a way of urging others to follow the example set by this real life hero.

RECOGNIZING CAPTAIN VICTOR J. VAN HEEST FOR 27 YEARS OF SERVICE IN THE U.S. NAVY

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. EHLERS. Mr. Speaker, I rise today to recognize and honor Captain Victor J. Van Heest for his service as a member of the United States Navy on the occasion of his retirement after 27 years of military service.

Captain Van Heest is a native of my hometown of Grand Rapids, Michigan, and currently serves as Senior Military Assistant to the Assistant Secretary of Defense for Reserve Affairs. After attending Michigan State University, where he graduated in 1979 with a degree in mechanical engineering, Captain Van Heest was commissioned in the U.S. Navy in August 1979. He was designated a Naval Aviator in 1980 after completing flight school.

He has served in many different posts around the country and world and has been deployed to the Mediterranean Sea and the Persian Gulf during his career. Furthermore, he continued his education, earning a Master of Science in Administration degree from Central Michigan University in 1999, and graduating from the Air War College in 1996. His personal awards include the Legion of Merit, the Meritorious Service Medal (three awards), the Navy Commendation Medal, and the Navy Achievement Medal (three awards).

Upon graduation from the Air War College, he transferred to VR–48, NAF Washington, DC, as the Executive Officer and in April 1997 assumed command of the squadron. During this time, the ''Capital Skyliners,'' who fly the C–20G aircraft, won the Battle 'E' for C–9 and C–20 squadrons.

Following his command tour, he reported to the Director of Air Warfare staff at the Pentagon as the Transport Aircraft Coordinator. One year later, he transferred to the Director of Naval Reserve staff as the Head, Reserve Air Logistics Programs and then fleeted up to Director, Air Programs Management Division.

Assuming command of Fleet Logistics Support Wing in July 2001, he led the Airwing during Operations Noble Eagle, Enduring Freedom and Iraqi Freedom. He relinquished command in July 2003 having accumulated more than 5,700 flight hours in Navy aircraft.

Captain Van Heest and his wife, Anne, reside with their sons, Peter and Andrew, in Annapolis, Maryland. Their oldest son, Kyle, is a Midshipman at the U.S. Naval Academy in Annapolis. Upon his retirement, the Van Heests

plan to move to Holland, Michigan, where, I am told, he will work for Haworth Inc.

I ask my colleagues to join me in offering Captain Victor J. Van Heest our deepest gratitude for his 27 years of service to our Nation and congratulations on his retirement.

HONORING MRS. ALICE FISKE

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. BISHOP of New York. Mr. Speaker, today I rise on behalf of New York's first congressional district to mourn and honor a beloved constituent and treasure of the Long Island community, Mrs. Alice Hench Fiske, who recently passed away at the age of 88.

Born in Youngstown, Ohio, Alice grew up an energetic and ambitious child. She graduated from Mount Holyoke College in 1939, at a time when very few women went to college. Alice was an exemplary student, blessed with intelligence and intellectual curiosity. In 1952, Alice married Mr. Andrew Fiske, the 13th-generation descendant of Nathaniel Sylvester, who had settled Shelter Island 3 centuries earlier.

Together, the 13th Lord of Sylvester and the Lady of the Manor, as Alice came to be known, raised two daughters. As an avid gardener and founder of the Andrew Fiske Memorial Center for Archeological Research at the University of Massachusetts, Alice quite literally dug deep into her role by restoring Sylvester Manor's vast and beautiful gardens to their former glory and by making one of the most significant archeological discoveries in the eastern United States—half a million artifacts dating back to the eighteenth century.

Alice was universally beloved on Shelter Island, and indeed all across Long Island. Her kindness and generosity were infectious, and she could make one smile even on the worst day. According to her lifelong friend and historian, Mac Griswold, ''She'd take your hands in hers and then we'd raise them above our heads and take three deep breaths together . . . If she saw you were upset, she'd say, 'Is it time for three deep breaths?' ''

Alice's tremendous goodwill and devotion to Shelter Island is why she is mourned now and her memory fondly cherished. She was always willing to lend a hand or contribute to a wide range of educational and environmental charities, such as Shelter Island's library, historical society, and of course, its garden club.

On behalf of a grateful community, Mr. Speaker, I thank Alice Fiske for her many enduring contributions to Long Island's East End, where she will always be celebrated and affectionately remembered as the Lady of the Manor.

SUPPORTING INTELLIGENCE AND LAW ENFORCEMENT PROGRAMS TO TRACK TERRORISTS AND TERRORIST FINANCES

SPEECH OF

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. EVERETT. Mr. Speaker. I was unable to vote on Rollcall Vote No. 357 H. Res. 895, a resolution that expresses, support for intelligence programs and condemns the unauthorized leaking of classified information. However, had I been present, I would have voted aye.

Mr. Speaker, leaking classified information is a serious matter. It can expose both our intelligence gathering capabilities and operations. Moreover, divulging sensitive information, regardless of intent, can have grave implications for not only our national security but also our men and women in uniform currently serving in harms way. It is not up to the New York Times or any other media outlet to decide when a highly classified program tied to our national security should be made public.

Mr. Speaker, we are at war. Unauthorized public disclosure of classified programs being used to win this global war on terror jeopardizes our national security. It is my hope that in the future, those in government with knowledge of classified programs and news media organizations treat sensitive information appropriately.

RUSSIA AND THE G–8

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. ISSA. Mr. Speaker, as the G–8 meets in St. Petersburg this weekend to discuss important international issues, we should be mindful that the host nation Russia hardly deserves to be included in this accomplished group. The seven other participating countries are mature democracies with proven market economies that use the rule of law as the basis for civil society and display mutual respect across borders.

Unfortunately, Russia has yet to subscribe to these same principles. Russian President Vladimir Putin has placed energy security at the top of the G–8 agenda. However, with Russia being the dominant supplier of gas to Europe, leaders throughout that continent feel anything but secure. And for good reason. Just this week, Rosneft, the Russian oil company, is seeking validation through a public offering to raise $11 billion from mostly Western investors.

What makes this offering controversial is how Rosneft acquired its assets and that it is a state-owned entity. Rosneft's asset once belonged to the YUKOS Oil Company, a private company that prospered until the Kremlin directed attacks against its chairman, Mikhail Khodorkovsky. Using the pretext of past tax claims the Russian government put Mr. Khodorkovsky and other company of officers in prison and then arranged for the state takeover of the company. The case and subsequent actions were highly controversial and widely reported in the Western media at the time.

My Energy and Resources Subcommittee under the House Committee on Government Reform, recently conducted hearings on energy security and received credible testimony about the extra-legal, if not outright illegality, of the Russian government's actions regarding the YUKOS Company. We should remain concerned about how the Kremlin, which clearly controls almost all oil and gas exports to European and CIS countries, might use energy for political and foreign policy purposes.

My colleague, Mr. Lantos, shares my concerns and this week sent a letter to several U.S. financial institutions that may be contemplating participation in the Rosneft IPO, questioning whether investing in a state entity which has acquired its main assets under other than legitimate circumstances may be in violation of U.S. laws and the Sarbanes-Oxley Act.

For the benefit of my colleagues, I would like to ask that Mr. Lantos' letter be placed in the RECORD at this time.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES
Washington, DC, July 10, 2006.

Mr. JAMES DIMON,
Chairman and CEO, J.P. Morgan Chase,
New York, NY.

DEAR MR. DIMON: I write regarding recent news accounts that J.P. Morgan Chase may serve as an investment advisor or otherwise participate in the initial public offering of Russia's state-owned oil company, OAO Rosneft Oil Company (''Rosneft''). I understand from these news reports that the offering, currently estimated to be $8 billion to $13 billion, is to take place in mid-July 2006.

I am concerned that such transactions may violate federal anti-money laundering laws and the Sarbanes-Oxley Act. According to published reports, the largest portion of Rosneft's assets was acquired in a transaction of questionable legality I question whether financial institutions that have access to the U.S. payments systems should be engaged in transactions involving assets acquired by a state entity under circumstances that are contrary to or in violation of U.S. laws and acceptable market practices.

Given the source of Rosneft's assets, there are questions about whether the proposed IPO would involve prohibited proceeds as specified under 18 U.S.C. 1956 (''laundering of monetary instruments''). Specifically, any financial institution involved in the IPO could be at potential risk of violating federal anti-money laundering laws aimed at preventing the proceeds of theft, corruption or other forms of unlawful activity from entering the payments system.

Rosneft's acquisition of assets from a publicly traded company, OAO NK Yukos Oil Company (''Yukos''), in which Americans had invested through American Depository Receipts traded on the New York Stock Exchange, violated basic principles and norms of free markets. Public accounts of the transaction strongly suggest that Rosneft's senior officers and directors, some of whom are senior officials of the Russian government, personally profited from the theft of these assets through their involvement in a sham transaction. In that transaction, a front-company of unknown ownership acquired the assets at billions of dollars below their market value in a forced auction arranged by these very officials, who in turn secured the prompt transfer of these assets from the front-company to Rosneft—a sequence of events that have raised serious questions of corruption.

Significant financial institutions and analysts have raised ethical and legal concerns about the planned IPO due to the history of the Rosneft assets. As you may know, F&C Asset Management (''F&C''), based in London, on April 27, 2006 publicly announced that the Rosneft IPO raised serious questions of governance and legal risk, which made it impossible for F&C to be a participating investor. According to F&C, the Rosneft IPO is burdened by its lack of transparency and no ''credible assurances that it has identified, and made adequate provisions for any liabilities stemming from the acquisition of its Yuganskneftegaz asset [the assets taken from Yukos].''

Independently, George Soros, an experienced investor in Russia, has also found serious ethical issues pertaining to the Rosneft IPO. As Soros wrote in The Financial Times on April 26, 2006, Rosneft acquired its Yukos assets through non-transparent sale by a front-company that ''won'' a rigged auction of Yukos assets engineered by Russian authorities under circumstances that made it impossible to determine who profited 0 the transaction. As Soros wrote, the assets were ''not acquired directly. The auction was won by unknown Russian company that sold itself within days to Rosneft.'' According to Mr. Soros, ''[t]he unknown owners made an unknown amount of money on the transaction. The question is: 'Should an IPO be allowed to go forward without disclosing the pertinent information?'.''

In amending the Bank Secrecy Act in 20 1 with the USA-PATRIOT Act, the Congress emphasized the policy of ensuring that every financial institution determine the beneficial ownership of the assets involved in a transaction in order to ensure that they are not illicit proceeds. We established a risk-based system for due diligence in which we asked federal regulators to ensure that financial institutions exercise greater due diligence in high risk cases, such as when assets are controlled by political figures, or those close to them, sometimes known as ''politically exposed persons,'' in order to guard against the risk that the financial institution could be used to handle the proceeds of corruption.

I recognize that Bank Secrecy Act and Sarbanes-Oxley compliance has become a continuing focus of all publicly traded U.S. financial institutions and that your institution has policies and procedures in place designed to protect the institution from the risk of handling illicit funds. In recent years, however, federal regulators have repeatedly found cases in which major U.S.-regulated financial institutions failed to undertake risk-based assessments across every area of their business, with the result that some significant risks had not been recognized in a timely fashion.

There is no information publicly available to enable Congress to assess the kind of due diligence that participating U.S. financial institutions have done regarding the underlying assets involved in the Rosneft IPO. We cannot assess ow such institutions have determined that neither corruption nor theft have been involved in Rosneft's acquisition of this property. I recognize the Rosneft IPO is only weeks away, but I urge you to take into account the concerns outlined above, particularly as they relate to the Bank Secrecy Act and Sarbanes-Oxley concerning any transactions you contemplate in this regard.

Sincerely,

TOM LANTOS,
Member of Congress.

TRIBUTE TO GERALD C. BRAUN, ED. D.

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. BOOZMAN. Mr. Speaker, I rise to pay tribute to the late Gerald ''Jerry'' Braun who passed away on July 7, 2006, at his home in Maryland.

Over the last 3 years Dr. Braun has served with distinction as the Deputy Director for Vocational Rehabilitation and Employment at the U.S. Department of Veterans Affairs. He was a consummate professional with unquestioned integrity, who consistently met or exceeded the goals of the vocational rehabitation and employment program.

I first had the privilege of meeting Dr. Braun when he testified before the Subcommittee on Economic Opportunity at the Committee on Veterans' Affairs, which I Chair. I always found him to be an honest, sincere witness who possessed a great knowledge of veterans programs and always exhibited the utmost concern for the veterans enrolled in vocational rehabilitation and employment. He was the VA's institutional memory on the Vocational Rehabilitation Program and his contributions will truly be missed.

Dr. Braun began serving our Nation's veterans in 1972 as a vocational rehabilitation specialist for the blind and visually impaired in St. Paul, MN. He later worked for VA facilities in Chicago and Reno as a counseling psychologist and in Indianapolis as the vocational rehabilitation and employment officer, before finally coming to Washington to serve in the Department's Central Office In addition to his service as a VA counselor, Dr. Braun was a member of the American Legion and the National Rehabilitation Association. He earned Certificates of Appreciation from Vice President Gore, from the Greater Sierra Chapter of the National Multiple Sclerosis Society for Lifetime Contribution, and from the State of Nevada Governor for his contributions to the Governor's Committee of Employment of People with Disabilities.

Dr. Braun was born in Red Wing, MN and graduated from St. Cloud Minnesota State University in 1968 with a degree in Sociology. Upon graduation, he joined the Army and served his country from October 1968 to May 1970. His service included a thirteen month tour of duty in Vietnam. Upon returning, Dr. Braun earned both a master's degree in rehabilitation counseling and a doctorate of education in counseling and guidance.

Dr. Braun is survived by his wife, Debora and his four children, Eric, Kirsten, Rebecca, and Joanna. His family and friends will remember him for his intelligence, wisdom, sense of humor, and generous heart. To his wife and children, we are thankful for his 35 years of service to the Nation, especially to its veterans and to each of them for the support they gave him during what was a rewarding life

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Ms. CARSON. Mr. Speaker, I was unable to record my rollcall votes 370–374.

Had I been present I would have voted ''no'' on votes: roll No. 370, roll No. 371, roll No. 372, roll No. 373.

Had I been present I would have voted ''yes'' on roll No. 374.

TRIBUTE TO MR. DICK CHAMPION OF INDEPENDENCE, MO, PRESIDENT OF THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. CLEAVER. Mr. Speaker, I rise today to congratulate and pay tribute to Mr. Dick Champion, director of the Independence, MO, Water Pollution Control Department.

True to his name, Mr. Champion is exactly that—a ''champion'' for clean water. He is an exceptional leader and public steward dedicated to the improvement of Missouri's and the Nation's environment and public health. It is my pleasure to congratulate Mr. Champion on becoming the new president of the National Association of Clean Water Agencies, NACWA, formerly the Association of Metropolitan Sewerage Agencies, AMSA. Mr. Champion is ideally suited for this national leadership position.

Mr. Champion began his career in water pollution control in 1969. He has been with the city of Independence, MO, Water Pollution Control Department for the past 27 years and has been director of the department since 1983. The Department is responsible for the Sanitary Sewer Utility, the Storm Water Management Program, the Household Hazardous Waste Management Program, and related environmental compliance.

In 2001, he was appointed by the Jackson County executive and legislature to the newly created Jackson County Stormwater Commission, to coordinate regional stormwater policy and planning. Mr. Champion has been serving as vice-chair of the commission throughout his tenure.

Dick has been an active member of NACWA since 1992, was elected to the Board of Directors in 1999, and now serves as NACWA's vice president and chair of the Strategic Planning Committee. Mr. Champion will become NACWA's president later this month—an impressive accomplishment and one that will no doubt help further NACWA's role as the leading advocate for sound water quality policies.

Mr. Champion earned a bachelor of science degree in political science with an emphasis in local government and public administration from Central Missouri State University in 1973. As a student and throughout his career Mr. Champion has demonstrated an unwavering commitment to public service and the improvement of water quality in Missouri. The fish and fishermen of Missouri owe a great deal to his tireless work to guarantee clean water.

With Mr. Champion as President, NACWA will no doubt build on its reputation as the leading advocate for responsible national policies that advance clean water and a healthy environment. Simply stated, when I hear the term ''environmentalist'', I think of public servants like Dick Champion.

Mr. Speaker, I urge my colleagues of the 109th Congress to please join me today in congratulating Mr. Dick Champion on becoming president of NACWA and for his tireless commitment to Independence, the Fifth District, and our country. I am certain the association will continue to flourish under his able leadership.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mrs. JONES of Ohio. Mr. Speaker, on Monday, July 10, 2006, was away from the House on business representing the constituents of the 11th Congressional District. During my absence, the House called rollcall votes Nos. 358, 359 and 360. Had I been present for the rollcall votes, I would have voted: ''nay'' on rollcall vote No. 360; ''yes'' on rollcall vote No. 359; ''yes'' on rollcall vote No. 358.

HONORING THE AMERICAN RED CROSS OF GREATER CHICAGO'S ''READY WHEN THE TIME COMES'' PROGRAM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in honor and recognition of the American Red Cross of Greater Chicago's ''Ready When the Time Comes'' program. This program partners the Red Cross with corporate and community organizations to respond to disasters such as fires, storms, floods, and tornadoes. I would like to acknowledge Grainger, an Illinois-based company which has been the lead corporate sponsor of the Ready When the Time Comes program.

The Ready When the Time Comes program allows Chicago area organizations and businesses to help their community before, during and after a disaster by supplying the Red Cross with volunteers. At the time of a disaster, the Red Cross will notify the company or organization and inform them of the role volunteers will have in the relief effort.

Through Ready When the Time Comes, corporations allow their employees to receive free Red Cross training in disaster relief functions. In return, corporate partners commit to making their trained employees available for disaster service at least one day each year. During a large scale disaster, with a single phone call the Red Cross can deploy as many volunteers as needed. Throughout Chicago, Ready When the Time Comes volunteers have put their training to work responding to flooding, massive fires, heat emergencies, and even the terrorist attacks of September 11.

Since February 2001, Grainger has provided the Chicago Red Cross with almost 200 volunteers for the Ready When the Time Comes program. Following Hurricane Katrina, corporate employees were called upon to staff phone centers in Chicago to answer questions from those seeking support and information. These volunteers also participated in the Chicago Office of Emergency Management and Communications disaster preparedness drill in August 2005.

Mr. Speaker and Colleagues, please join me to honor and recognize the American Red Cross of Greater Chicago's ''Ready When the Time Comes'' program. This program is a model on how easily partnerships can be developed to help safeguard our communities. I support the Red Cross's efforts to afford other organizations the opportunity to partner with them to actively contribute to recovery efforts.

TRIBUTE TO THE BRONX DOMINICAN PARADE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. SERRANO. Mr. Speaker, it gives me great pleasure to rise and pay tribute to the seventeenth annual Bronx Dominican Parade and Festival which will take place Sunday, July 16, 2006. This famed event is eagerly anticipated by both Dominicans and the greater Bronx community every year. It is a wonderful celebration of the spirit and richness of Dominican culture.

Under the leadership of Felipe Febles and Rosa Ayala, the Bronx Dominican Parade, Inc., (La Gran Parada Dominicana de El Bronx) has grown into an important institution that increases the self awareness and pride of the Dominican people in order to promote economic development, education and cultural recognition.

As the second largest Latino community in New York City, Dominicans have made valuable contributions to the city, as well as to the entire nation. Although the highest concentration of Dominican people live in Washington Heights, a significant number have enriched the Bronx with their unique culture and spirit. Dominican culture is characterized by, among other things, diverse multi-culturalism, strong family values, distinctive art, rhythmic and soulful music and unique cuisine. I am grateful that so many Dominicans have made the Bronx their home.

Mr. Speaker, the roots of Dominican New Yorkers lie in a country with a rich history and arresting landscapes bound by water. The Dominican Republic is home to a number of people from various heritages. As a result, the culture is charged with strong African, Taino and European influences. One visit to the Dominican Republic will put to rest any questions one might have as to why Dominicans in America retain such a strong sense of pride in their homeland and never stop missing it.

The achievements and contributions made by the Dominican community has spanned the realms of politics, science, the Armed Forces, literature, public service, and the arts, undoubtedly making them an integral part of American society. The Bronx Dominican Parade and Festival is a great opportunity to celebrate the culture, history, and bright future of the Dominican people.

Mr. Speaker, I ask my colleagues to please join me in honoring the 2006 Bronx Dominican Parade and Festival.

WOMEN LEADERS FOR PEACE: CODE PINK ''TROOPS HOME FAST''

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. RANGEL. Mr. Speaker, I rise to enter into the RECORD a press release and letter to Members of Congress from Troops Home Fast, a new initiative of the peace organization CODEPINK whose members are holding a hunger strike to highlight their call to bring U.S. troops home from Iraq. I pay tribute to the members of CODEPINK who are participating in the Troops Home Fast and praise their creative efforts to assist our troops in Iraq and those wounded at Walter Reed Hospital by many campaigns protesting the continuing occupation of Iraq. One of their peace actions is a Friday night vigil at Walter Reed Hospital to protest the war and thus prevent further casualties. Today I especially want to bring attention to their latest campaign taking place here in the District of Columbia, around the country and around the world—the Troops Home Fast.

While many Americans were celebrating Independence Day with barbeques and fireworks, CODEPINK was launching this new campaign—a fast—calling for independence from war. Among the Washington Fasters are Cindy Sheehan, legendary comedian/civil rights activists Dick Gregory, activist/environmentalist Diane Wilson, former Army colonel Ann Wright, Iraq war veterans, Vietnam veterans, and whistleblower Daniel Ellsberg. They are joined by almost 3,500 others from other countries. Celebrities and other well-known public figures have committed to join including actors Susan Sarandon, Sean Penn and Danny Glover, musicians Graham Nash and Willie Nelson, and more. The group is supported by Gold Star Families for Peace and endorsed by other organizations.

The Fast ceremony began at Gandhi's Statue at Massachusetts Avenue and Q St., NW in Washington DC with a brief Rally and a March to Lafayette Park in front of the White House. The fasters in DC which included co-founders of CODEPINK Medea Benjamin, Jodie Evans, Gael Murphy and Cindy Sheehan were present as were other fasters including comedian and social activist Dick Gregory who has fasted for many causes.

On July 10, 2006, I received a letter sent tall members of Congress from Troops Home Fast calling themselves a ''group of concerned citizens who are conducting an open-ended fast in front of the White House calling for our troops to come home from Iraq. . .'' and asking for each member's help in this cause.

Troops Home Fast asks for the following: Legislation to set a time line for the withdrawal of U.S. military forces from Iraq and bring he troops home. In the opinion of the Troops Home Fast Congress is moving ''far too slowly.''

Troops Home Fast believes as I do and as Congressman MURTHA has repeatedly stated that the American people are way ahead of Congress. The polls show that a solid majority of the American people now want a time table and a quick end to our involvement in Iraq. They want American troops home.

According to a recent poll, 87 percent of Iraqis want their government to set a timetable for U.S. withdrawal from Iraq. Iraq's president, vice resident and national security advisor have all called for such a timeline. General Casey, the commander of American troops in Iraq has established a time table. It is only the President and his supporters in Congress who will not follow the will of the American people ho elected them, or the will of the Iraqi people who have spoken and whose democratic government has spoken for them who continue to refuse to hear anything but their own slog:

"Stay the Course" or "We will never give up until we have achieved victory" or the least excusable "we will stay and achieve victory so that our men and women who have died in Iraq will not have died in vain."

I honor those who are fasting as Gandhi did to bring about the change they believe is essential to preserve the character of this nation and to save the lives of Americans and Iraqis. I wish them great strength and pray with them for peace in Iraq.

JULY 11, 2006.

DEAR REPRESENTATIVE, We are a group of concerned citizens who are conducting an open-ended fast in front of the White House calling for our troops to come home from Iraq, and we are asking for your support via the attached form.

The fast, called Troops Home Fast, was initiated by CODEPINK and Gold Star Families for Peace, and endorsed by dozens of organizations. It began on July 4, 2006, and more than 3,500 people in the U.S. and around the world are participating, with hundreds more joining every day. (Additional information about the fast is available at the website www.troopshomefast.org.)

You have the power to enact legislation to achieve the goal of this fast: set a timeline for the withdrawal of U.S. military forces from Iraq and bring the troops home. We deeply appreciate the efforts of members of the House and the Senate who have already been working to end this war.

But Congress is moving far too slowly. Every day, more American soldiers die, more Iraqis die, and more federal funds are squandered which could be used to alleviate a whole host of problems here in the United States.

We all know that a solid majority of the American people now want to bring our military involvement in Iraq to a quick conclusion and bring our troops home. Iraqis are even more adamant about ending the war quickly. A remarkable 87 percent of Iraqis want their government to set a timetable for U.S. withdrawal. Iraq's president, vice president and national security advisor have all called for such a timeline.

Americans who want to end this war have gone through all the traditional methods of petitioning the President and you, our members of Congress, to urge you to act. We have marched, done vigils, written letters, lobbied our representatives, and formed broad-based coalitions in an effort to bring this war to end. Yet the war goes on without end.

That's why we're here now in front of the White House, fasting. Fasting is a time-honored way to move people to action, from Gandhi's nonviolent liberation of India to Mitch Snyder's fasts for the homeless right here in Washington D.C.

We hope you will support our efforts and work with us to bring our troops home—FAST. Attached is a form to record your support. We thank you in advance.

Sincerely,

MEDEA BENJAMIN, JODIE EVAN AND GAEL MURPHY,
On behalf of Troops Home Fast.

PRESS RELEASE
July 4, 2006.

Cindy Sheehan, Diane Wilson, Dick Gregory, Iraq veterans and Iraqi citizens gather in front of the White House on July 4th, their first day without food.

After eating their final meal in front of the White House yesterday, participants in the "Troops Home Fast"—a historic hunger fast organized by CODEPINK: Women for Peace and Gold Star Families for Peace—will spend their first day without food on the Fourth of July. They will gather at the White House at 10 a.m. and plan to hold a spiritual ceremony, send a message of peace to the Independence Day parade, and remain outside the White House with their message to bring the troops home from Iraq now.

Among the Washington fasters are Cindy Sheehan, legendary comedian/civil rights activist Dick Gregory, environmentalist Diane Wilson, former army colonel Ann Wright, Iraq war veterans, Iraqis and Pentagon whistleblower Daniel Ellsberg. They are joined by almost 3,000 others from around the United States and 18 other countries. Celebrities and other well-known public figures have committed to join the fast, including Susan Sarandon, Sean Penn and Danny Glover, musicians Graham Nash and Willie Nelson, writer Alice Walker, and more.

"While others are enjoying their barbecues and fireworks today, we will be going hungry for the most noble cause of all: peace," said Gold Star mother Cindy Sheehan, who began an open-ended fast today. "We are the true American patriots today. Our founding fathers cautioned future generations against engaging in wars of aggression for empire and economic gain, lest we lose our national soul. And the war in Iraq is exactly the kind of war our Nation's leaders once cautioned against."

The hunger strike will continue throughout the summer. "This fast has obviously touched a chord with the public," said CODEPINK cofounder Medea Benjamin. "We thought there might be 3 or 4 of us fasting, and it is more like 3,000. Every day hundreds of new people are signing up for the fast. Some communities are doing rolling fasts, each person taking a day. This is sparking a new level of commitment to get out of Iraq."

For more information, please see www.troopshomefast.org or meet the fasters in front of the White House at 10–11 a.m. or 5–7 p.m.

Support War Resisters! For the first time in the Iraq war, an officer in the U.S. Military, Lt. Ehren Watada, has publicly refused orders and will be brought to court-martial this summer. Click here for ways to show your solidarity and here to read a letter from Carolyn, Ehren's mom, and find out more about his case. You can also support Army Specialist Suzanne Swift, who suffered sexual harassment at the hands of her commanding officers and refused to return to Iraq. Click here for more info.

Declaration of Peace! We urge you to sign The Declaration of Peace, a pledge to take action against the war during September 21–28 if a peace plan is not established by that time. Declaration signers will take part in nonviolent action, marches, rallies, demonstrations, interfaith services, candlelight vigils and other creative ways to declare peace at the US Capitol and in cities across the US. Click here to sign the Declaration and learn more.

Mothers Declare Peace on Mother's Day! CODEPINK's 24–hour Mother's Day peace vigil was an amazing soulful, painful and joyful gathering. Cindy Sheehan, Susan Sarandon, Patch Adams, Dick Gregory, and Iraqi and Iranian mothers joined with mothers and others from all over the country to create a magical pink presence at the White House. Click here to see the media coverage & video, read our blogs and see the most beautiful photos imaginable! And click here to see reports from solidarity events that happened around the country.

CODEPINK Takes Out Ads in Iraqi papers! On Monday, May 15, CODEPINK placed ads in 8 Iraqi newspapers calling for Americans and Iraqis to work together, in a non-violent fashion, to end the occupation and bloodshed in Iraq. People in 99 cities generously funded this ad campaign. The Iraqi response has been tremendous, with hundreds of Iraqis calling the newspapers saying how excited they are to see this ad and how it gives them great hope. Click here to see the ad. Click here to see the Arabic website Esteklal (which means independence). To see the press release about this ad, click here.

Stop Nuclear War With Iran! We weren't able to stop the last war, but we must stop the next one . . . NOW! The United Nations, which is mandated to uphold international law, must speak out against the Bush Administration's plans. Let's send a collective letter to Secretary General Kofi Annan imploring him to denounce this threat and call for a diplomatic solution. Click here to sign on and/or send your own, and pass it to friends and family around the world. Let's let the Bush administration and Kofi Annan know that the world is demanding an end to this madness!

Support Iraqi Women: The US invasion of Iraq has moved Iraq from a secular to a more religious—and violent—society where women's rights are being curtailed. Read our report Iraqi Women Under Siege and recent articles about women in Iraq. Click here to see the blogs, photos and media articles of the Iraqi Women's Tour to the US. Donate to our efforts to support Iraqi women.

Women—& Male Allies—Say NO To War! Sign here to join women and men from around the world who are coming together to SAY NO TO WAR. We are creating a massive movement crossing generations, races, ethnicities, religions, and borders to pressure our governments, the United Nations, the Arab League, and other international leaders to negotiate a political settlement to the war in Iraq.

Bring Our Guard Home Now! With over 70 000 National Guard troops deployed to Iraq, our homefront has been left vulnerable in the face of natural disasters like Hurricane Katrina. In response, CODEPINK is working with a coalition of peace groups to seek the immediate withdrawal of all National Guard troops from Iraq. At least twelve states are petitioning their governors to bring home our Guard! Click here to find out how you can join this effort and start a working group in your state!

Hurricane Katrina CODEPINK is now in New Orleans, working with the Common Ground Collective, the People's Institute for Survival & Beyond, various grassroots organizations and local neighborhood groups. We are part of an active movement to rebuild and revision the city, standing in solidarity with residents to strengthen their communities and take their cities back! We invite you to come down to participate in this massive and historic effort to rebuild this beautiful city from the bottom up and the inside out. Click here for more info, join our upcoming work brigade this summer and read Dana Balicki's blogs from New Orleans!

THE NEED FOR AN INCREASED NATIONAL FOCUS ON RAIL AND TRANSIT SECURITY

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. CUMMINGS. Mr. Speaker, the terrible events of 9/11 brought intense scrutiny to security on our nation's aviation system and led Congress to enact significant measures to strengthen security both on airplanes and throughout airports. However, this same level of scrutiny has simply not been extended to the other transportation modes in our nation, particularly railroads and public transit systems.

Even though transit and rail systems throughout the world have been the targets of deadly terror attacks, including the London subway system a year ago this month and the rail system in Bombay, India, just yesterday, the Bush Administration seems guilty of the same lack of anticipatory thinking that plagued our approach to aviation security prior to 9/11.

In fact, as has happened so often in our nation's history, public voices calling attention to the inadequate security provided for railroads and public transit appear to be warning of a problem in plain sight that is essentially being ignored by officials whose basic plan is apparently to hope that nothing happens.

In July of last year, the Secretary of the Department of Homeland Security articulated the Bush Administration's general indifference to security on transit systems when he announced that our nation's public transit systems should expect to bear most of the costs of funding security improvements themselves. At that time, the Secretary dismissed the idea that a terror strike on a transit system could produce "catastrophic consequences" by saying "a bomb in a subway car may kill 30 people."

Under pressure, Secretary Chertoff backed away from his statement. However, the Bush Administration appears to have continued its policy of essentially leaving to public transit systems and to railroads much of the financial burden associated with providing any security enhancements on these systems.

Thus, in fiscal year 2006, the federal government appropriated just $150 million in security grants to be divided among transit intercity passenger rail, and freight rail systems. This is the same amount provided in fiscal year 2005.

In fact, federal grants for transit and railroad security since 9/11 have totaled just over $550 million. By comparison, the Congressional Research Service reports that the federal government has spent nearly $20 billion on aviation security since September 11, 2001. As evidenced by this funding disparity, national focus has been almost exclusively on aviation security despite the fact that almost 7 times more people use public transportation on a daily basis than fly on airplanes.

Perhaps not surprisingly given the lack of focus, the inadequacy of federal funding has been accompanied by repeated failures on the part of the Department of Homeland Security to develop comprehensive risk assessments and mode-specific security plans as documented by several GAO studies and now by a study written by the Democratic Members of the Committee on Homeland Security.

I strongly support the Rail and Public Transportation Security Act of 2006, H.R. 5714, as well as other measures that would strength rail and transit security in our Nation. It is simply incomprehensible to me that Congress has not yet considered and passed these measures that would close gaping holes in our transit security system and significantly increase funding for security grant programs.

Mr. Speaker, while it will not be possible to protect our transit and rail systems from every possible terror threat, we are not yet doing all that we can to make these systems as safe as possible. Our failure to anticipate the unthinkable before 9/11 led to the tragic death of 3,000 innocent Americans. It is past time that we act to secure our public transit and rail systems before another unthinkable act leads to the deaths of more innocent Americans.

PERMITTING USE OF CAPITOL ROTUNDA FOR CEREMONY TO COMMEMORATE THE 75TH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mrs. JONES of Ohio. Madam Speaker, this week H. Con. Res. 427 passed the House of Representatives by voice vote. This bill would permit the use of the rotunda of the Capitol for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs. I would like to lend my voice to this memorable event.

Madam Speaker, in 1930 President Hoover signed Executive Order 5398 which established the Veterans Administration a ultimately led to the formation of the Department of Veteran Affairs. The VA (as it has affectionately become known) has strived to both honor and serve the men and women who protect one of our Nation's most treasured ideals—liberty. For 75 years, the VA has helped ensure that those who choose to enter the armed services are not forgotten after they honorably serve their country.

For this reason, we should celebrate the concept and accomplishments of the VA. Indeed, the VA is a vital cabinet level department, which oversees an honorable and necessary function of the U.S. Government.

The VA has three branches, which aim to provide a smooth transition for veterans when they return home from active duty. These branches—the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration—should be roundly applauded for their service to America's former servicemen and servicewomen.

Beginning in 1946, the VA's health unit, now known as the Veterans Health Administration, has sought to provide adequate health care to injured veterans returning from war, starting with World War II. Throughout the latter half of the 20th century, the VHA expanded into a leading health care provider and now has over 150 medical centers across the country. According to the VA, provided care to more than 5.3 million individuals in 2005.

In addition to providing health care services, the VA, through its Veterans Benefits Administration branch, has provided educational services to veterans, beginning with the passage of the GI Bill in 1944. According to the VA, 7.8 million World War II veterans, alone, benefited from educational opportunities that the bill offered. I also applaud the VA for assisting the families of our fallen heroes, the men and women of our armed services who died in combat fighting for liberty. The VA's National Cemetery Administration should be praised for providing memorials to those veterans who died for our liberty.

Madam Speaker, it is an honor for me to have the opportunity to recognize the VA for what is has and will continue to do for our veterans. As a member of the House of Representatives, I always look to support legislation that honors our veterans. On June 27, 2006, the House of Representatives agreed to H.R. 4843, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006. H.R. 4843 increases compensation rates to veterans with service-oriented disabilities, and the House of Representatives should be proud of this great legislation.

But, Madam Speaker, on July 19, 2006, when we commemorate the VA's 75th Anniversary, let us not forget that much more needs to be done to pay homage to our veterans, particularly those who are coming home from Afghanistan and Iraq.

Madam Speaker, the VA reported in August 2005 that almost 23 percent of homeless men and women are veterans. Madam Speaker this percentage is far too high and far too shameful.

On a bi-partisan basis, Congress must work with the Veterans Affairs to right this seemingly forgotten atrocity. The men and women who honorably serve our great Nation deserve not only to be treated as heroes in war; they deserve to be treated as heroe when they return home.

The men and women of the U.S. armed services make it possible for us to debate. Madam Speaker, let us not debate the honor veterans deserve.

GLOBAL WARMING: PARTICULARLY HARMFUL TO PEOPLE OF COLOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. RANGEL. Mr. Speaker, I rise today to introduce into the CONGRESSIONAL RECORD a letter that I received from the United Church of Christ which I believe is worth our contemplation because of its sincere efforts to generate greater awareness and understanding in the international and domestic communities disproportionately affected by current environmental problems.

The earth's climate has changed over the last century. This change has had deleterious effects on the world community, but more so on poor communities who have high concentrations of people of color. Communities of color are burdened with poor air quality and are twice as likely to be uninsured than whites. Yet these communities will become even more vulnerable to climate-change related respiratory ailments, heat-related illness and death, and illness from insect-carried diseases. A study conducted by the Congressional Black Caucus substantiated his claim by pointing out that in every single one of the 44 major metropolitan areas in the U.S., Blacks are more likely than Whites to be exposed to higher air toxic concentrations.

Although people of color are less responsible for climate change, ironically they will be made to suffer the most from it. We should not avoid the issue of race, class and gender when it comes to serious discussions about the environment. The inclusion of race, class and gender doesn't take us away from the issue, but helps make the issue more comprehensive and complete.

The impact of climate change has not been addressed or assessed specifically for people of color. As we continue to seek solutions to this ever growing and changing problem, we must seek to ensure that the rights of all peoples are met regardless of race, class or gender. I enter into the RECORD this letter written

by the United Church of Christ on this important issue. As we continue to strive or a cleaner world and environment, we must also strive to protect those most vulnerable to hurt.

[From Witness for Justice #274, June 26, 2006]

GLOBAL WARMING: HARMFUL TO ALL, BUT SOME MORE THAN OTHERS

(By C.J. Correa Bernier)

The international dimensions of environmental problems are becoming the center of attention as they gain center-stage in debates concerning the future of our planet. The range of issues being discussed is extensive, but global warming seems to be a common subject in most conversations. The coexistence of environmentalism and economic development and the need for cooperation, fairness and equity among countries seems to be one of the major questions.

In the midst of our global environmental conversations we must keep in mind that the activities of human society, on a broad scale, are harmful to all, but to some more than others. In the case of global warming, we suffer along with the planet but for island nations that will disappear, or for indigenous communities, it is not an ''environmental problem,'' it is the literal destruction of their environment, history, legacy and lives.

In the United States, communities of color are also drastically affected. A recent report notes the disproportionate corelation between African Americans in the U.S. and climate change. The report argues that African Americans are less responsible for climate change, but suffer more from the health impacts.

In 1987 the existence of a nationwide pattern of disproportionate environmental risk based on race was demonstrated for the U.S. This evidence challenged the U.S. environmental movement to recognize its tendency to ignore issues of race, class and gender when setting agendas for social action. Today the mainstream environmental community is involved in serious discussions about how to frame the eco-justice issues along with those dealing with environment justice or environmental racism, but, to look at the issue of global warming as one that is in opposition to those confronted by the environmental justice movement will be a mistake.

The global environmental justice movement compels us to rethink our understanding of global environmental problems and existing proposals to solve them. Justice is an essential demand, in the aftermath of historic, systematic discrimination and disproportionate environmental degradation of those on the margins.

If we look at global warming as an issue of human rights and environmental justice we will be able to see the connection between the local and the global. Rising temperatures are already affecting the lives of millions of humans, particularly in people of color, low-income, and indigenous communities. The health of many has been already compromised, their financial reality has become a burden, and their social and cultural lives have been disrupted. As we dialogue, research and seek solutions to our climate and energy problems we must seek to ensure the right of all people to live, work, play, and pray in safe, healthy, and clean environments. We must envision a transition to a future that protects the most vulnerable from the impacts of climate.

CONDEMNING THE ATTACKS ON ISRAEL BY HEZBOLLAH AND HAMAS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise today to condemn the terrorist groups Hezbollah and Hamas and their continuing brutal attacks against the people of Israel.

Hezbollah took the lives of eight Israeli Defense Forces soldiers and captured two others on the Israel-Lebanon border earlier this week. This is the same terrorist group which took the lives of 257 Americans in the bombing of the U.S. Embassy and Marine barracks in Beirut 26 years ago.

The contrast between Lebanon and Israel is stark. Lebanon not only tolerates terrorists, it harbors and supports them. Lebanon has blatantly and purposefully disregarded U.N. Resolutions and diplomatic requests to disarm Hezbollah and to bring to justice the terrorist leaders. On the other hand, Israel has complied with the U.N. charter, and has had its forces withdrawn from Lebanon since May 2000. This latest attack was completely unprovoked; in fact, Hezbollah leaders claimed that it had been planned for months. Clearly, the purpose of this latest attack is to perpetuate the violence in the region.

An estimated 100 million dollars per year in weaponry and other support is sent from Tehran through Damascus to supply Hezbollah. The government of Lebanon takes a hands-off approach towards this continued violence. The Syrian and Iranian governments should be condemned for their support of the Hezbollah and Hamas terrorist organizations.

It is time for the world community to take action against Hezbollah and the nations that support it. The United States must also not allow the Iranian government to use this latest bloodshed as a diverting tactic against U.S. attention from their unrestricted nuclear program.

With the killing of Israeli soldiers and the kidnapping of Cpl. Gilad Shalit by Hamas, the timing of Hezbollah's incursion and kidnapping raises grave suspicions and increases the existing tension in the region.

Israel is in a difficult position, for it must deal with state-sponsored terrorism involving the Palestinian, Lebanese, Iranian and Syrian governments. In response to these brutal attacks, Israel clearly has the right to defend herself. Like every sovereign nation, Israel is clearly justified in taking the actions necessary to safeguard its territory and its people.

My thoughts are prayers are with the families/and loved ones of the kidnapped Israeli soldiers at this difficult time.

CELEBRATING A LONG AND WONDERFUL LIFE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to offer my sincerest regards to Ms. Ruth Johns McCluskey in Knoxville, Tennessee. Ms. McCluskey will be celebrating her 100th birthday on July 28, 2006.

Ms. McCluskey, born in Smyrna, Tennessee, attended grade school at the Greenwood School in Old Jefferson Community. After graduating from Smyrna High School she attended Tennessee Normal School for Women—now Middle Tennessee State University. After receiving her degree she embarked upon the field of education and taught grades 1–8 in Crossville, Tennessee. It was during this time that she met her future husband, Rev. Joe McCluskey, a fellow teacher. During their marriage they had two children: Ruth and Joe.

Today, Ms. McCluskey stays active and engaged by reading the daily paper, magazines, and as many books as she can get her hands on. Ever the extrovert she enjoys playing bridge and cards with her friends and family.

I wish Ms. McCluskey the best, and may God continue to bless her.

ABA LAW STUDENT TAX CHALLENGE—NORTHERN ILLINOIS UNIVERSITY COLLEGE OF LAW STUDENTS PLACE SECOND

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. MANZULLO. Mr. Speaker, I rise today to recognize two Northern Illinois University, NIU, law students, Mary Riley and Cathryn Streeter, who placed second in the Nation at the 2005 Law Student Tax Challenge. This event was sponsored by the Young Lawyers Forum of the American Bar Association's Section of Taxation. Coached by Northern Illinois Law Professor Dan Schneider, the third-year law students researched a real-life, tax-planning problem and submitted their analysis and solution for judging. After being selected as semi-finalists from a pool of 36 entries, Ms. Riley and Ms. Streeter traveled to San Diego to present both oral and written arguments in front of a panel of distinguished tax lawyers, which included the Chief Counsel of the Internal Revenue Service.

Established in 1895 by an act of the Illinois General Assembly, Northern Illinois State Normal School opened its doors to students in September 1899. In July 1957, after 58 years of physical growth and expansion in academic programs, Northern Illinois State College became Northern Illinois University by action of the 70th General Assembly. In August of 1979 the university was authorized to acquire the College of Law, which had originally been founded in 1975 by Lewis University.

Today Northern Illinois University offers pro!ams to more than 23,000 students in the basic disciplines, the arts, and the professions through courses conducted on the main campus in DeKalb and at regional sites throughout Northern Illinois. The university's academic work is organized under the College of Business, Education, Engineering and Engineering Technology, Health and Human Sciences, Law, Liberal Arts and Sciences, and Visual and Performing Arts, in addition to the Graduate School.

As the only public law school in the greater Chicago area, NIU Law has previously ranked first in the Nation for government placement,

according to U.S. News and World Report. Nearly one-third of its graduates choose a career in public interest, including more than 50 alumni in the judiciary—a truly remarkable accomplishment for a law school with less than 3,000 graduates. In honor of its commitment to public service, NIU law received the 2001 Excellence in Pro Bono and Public Interest Service Award.

Mr. Speaker, I wish to congratulate NIU for its outstanding performance at the Law Student Tax Challenge. NIU should be extremely proud of this tremendous accomplishment, and I am honored to recognize its students and faculty here today.

INTRODUCTION OF THE FOLSOM SOUTH CANAL COST DEFERRAL BILL

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today I am introducing the Folsom South Canal Cost Deferral bill, to prevent California water customers from having to shoulder the costs of unused capacity in the Folsom South Canal, a Bureau of Reclamation, Bureau, water conveyance.

The Folsom South Canal was authorized by Congress in 1965 to include five water conveyance segments or ''reaches.'' The canal was intended to deliver water from the Auburn Dam and related facilities to municipal and industrial water and irrigation users in the Sacramento area and on south to irrigated agriculture in the planned East Side Division.

The first two reaches—a total of 26 miles of the canal were built to the Sacramento-San Joaquin County line. They were designed and constructed to accommodate enough water to meet anticipated demand in Sacramento and in the East Side Division. However, the East Side Division was never authorized and, thus, has not been developed. As a result, the remaining three reaches have been reclassified by the Bureau as ''Construction in Abeyance.''

Because the canal project, as originally designed, was not fully developed, Central Valley Project, CVP, water customers that today take delivery of water from the completed reaches are now shouldering the entire capital cost of the canal, plus interest. This does not seem fair, since they had no control over the design or construction of the project and bear no responsibility for the fact that the East Side Division did not materialize.

My bill authorizes the Secretary of the Interior to defer that portion of the capital costs and interest that corresponds to the unused capacity of the canal. This will prevent current municipal and industrial and irrigation water customers from having to pay costs associated with an oversized canal. In the next few years, the question of the Auburn Dam may be revisited and other water users may seek allocations of CVP water. My bill does not permanently settle the issue of the excess capital costs—it merely defers those costs until other decisions about the future of the CVP are made. The bill also authorizes the Secretary, during the deferral period, to periodically review and adjust, as appropriate, the amount of the unused capacity of the canal and the amount of reimbursable capital and interest of the canal.

TRIBUTE TO DR. WALTER MEYERHOF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Mr. LANTOS. Mr. Speaker, I rise today to celebrate the life of Dr. Walter Meyerhof, an extraordinary physicist who fled the horrors of Nazi occupied Europe and made his mark in the world as an American citizen. Dr. Meyerhof died in Los Altos, California on Saturday, May 27, 2006 at the age of 84.

Walter Meyerhof was born on April 22, 1922, in Kiel, Germany, into a family of German-Jewish intellectuals. Walter's father Otto received a Nobel Prize in Medicine in 1922. The elder Meyerhof sought to protect his family from rising anti-Semitism in Germany which accompanied the growing political power of the Nazi party. In 1936, the family fled Germany and went to England for three years, and then in 1939 they moved to France, which was attacked by Nazi German military forces not long after their arrival.

In 1941 when France was under Nazi occupation, the Meyerhof family came into contact with Varian Fry, a United States consular official in France during this turbulent period who played a critical role in saving Jewish intellectuals, scholars, and others from Nazi death camps. Fry was a Harvard-educated academic who was not Jewish, but who recognized his obligation to save Jews who were under the threat of death by viciously anti-Semitic Nazi thugs. Fry successfully helped save the lives of more then 2000 Jews, including some of the 20th Centuries leading intellectuals and artists. Fry saved the lives of artists Marc Chagall and Max Ernst, writer Hannah Arendt, sculptor Jacques Lipchitz, the Otto Meyerhof family, and many others.

Mr. Speaker, Walter Meyerhof never forgot the efforts of his rescuer and dedicated himself to honor Varian fry by establishing and directing a foundation in memory of this man who saved his life. Through the efforts of Meyerhof and the foundation he created, Varian Fry was given the Croix du Chevalier of the French Legion of Honor as well as the United States Holocaust Memorial Museum Eisenhower Liberation Medal. Also, thanks in part to Meyerhof's efforts, Fry became the first American to be honored as one of the ''Righteous among the Nations'' by the state of Israel at the Yad Vashem Holocaust memorial. Perhaps the Varian Fry foundation's greatest achievement was the production of the film about Fry entitled Assignment: Rescue. The film, which has been distributed to over 35,000 schools, is educating hundreds of thousands of students about the horror of the Holocaust and the extraordinary courage exhibited by Varian Fry and others who fought the Nazis.

After arriving in the United States, Walter Meyerhof became a leading professor and educator. After receiving his doctorate from the University of Pennsylvania, he taught briefly at the University of Illinois and then accepted an appointment at Stanford University. He had a distinguished career at Stanford, served as head of Stanford's physics department, and wrote two textbooks which are still in use today. In 1977, Walter Meyerhof was given the Dinkelspiel Award, an honor given each year to the top Stanford professor in the teaching of undergraduate students.

Mr. Speaker, I invite my colleagues to join me in paying tribute to the remarkable legacy of Walter Meyerhof, whose scholarship made an important contribution to contemporary physics, whose excellence in teaching helped mold the minds of some of our Nation's brightest students, and whose unswerving commitment to Varian Fry, the man who saved his life during the Holocaust, established a legacy of remembrance that is a beacon to all of us who respect human dignity and human rights. We join Miriam, his wife of 59 years, his two sons, Michael and David, and his grandson, Matthew in mourning the passing of Walter Meyerhof.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 5441, Department of Homeland Security Appropriations.

The House passed H.R. 9—Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

Senate

Chamber Action

Routine Proceedings, pages S7451–S7544

Measures Introduced: Eleven bills and three resolutions were introduced, as follows: S. 3651–3661, S. Res. 528–529, and S. Con. Res. 109. **Page S7511**

Measures Reported:

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, with an amendment in the nature of a substitute. (S. Rept. No. 109–280)

S. 3660, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2007. (S. Rept. No. 109–281)

S. 418, to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products, with an amendment in the nature of a substitute. (S. Rept. No. 109–282)

H.R. 1036, To amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, with an amendment. **Page S7511**

Measures Passed:

Homeland Security Appropriations: By a unanimous vote of 100 yeas (Vote No. 203), Senate passed H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, after taking action on the following amendments proposed thereto: **Pages S7455–S7504**

Adopted:

Gregg (for Allard) Amendment No. 4633, to require the Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security to submit a report on the costs and need for establishing a sub-office in Greeley, Colorado. **Pages S7470–72**

Gregg (for Murray) Amendment No. 4640, to direct funds to construct radiological laboratories at the Pacific Northwest National Laboratory. **Pages S7470–72**

Gregg (for Landrieu) Amendment No. 4648, to require a report on the location of Coast Guard facilities and assets in the Federal City Project in New Orleans, Louisiana. **Pages S7470–72**

Gregg (for Murray) Amendment No. 4639, to provide that funds appropriated for United States Coast Guard Acquisition, Construction, and Improvement may be used to acquire law enforcement patrol boats. **Pages S7470–72**

Gregg (for Levin) Amendment No. 4617, to ensure that methodologies and technologies used by the Bureau of Customs and Border Protection to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport. **Pages S7470–72**

Gregg (for Voinovich) Modified Amendment No. 4594, to increase appropriations for emergency management performance grants. **Pages S7470–72**

Gregg (for Lott) Modified Amendment No. 4570, to require the Secretary of Homeland Security Inspector General to investigate the conduct of insurers

in settling certain claims resulting from Hurricane Katrina. **Pages S7470–72**

Feinstein Amendment No. 4556, to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country and to direct the United States Sentencing Commission to modify the sentencing guidelines to account for such prohibition. **Pages S7455, S7470–72**

Gregg (for Stabenow) Amendment No. 4657, to provide collections and expenditures for the Customs User Fee Account. **Pages S7475–78**

Gregg (for Obama) Modified Amendment No. 4573, to assist individuals displaced by a major disaster in locating family members. **Pages S7475–78**

Gregg (for Dodd/DeWine) Modified Amendment No. 4626, to increase appropriations for firefighter assistance grants. **Pages S7475–78**

Gregg (for Cantwell) Amendment No. 4636, to provide for interoperable communications systems planning in connection with the 2010 Olympics. **Pages S7475–78**

Gregg (for Lautenberg/Menendez) Amendment No. 4653, to require the Secretary of Homeland Security to submit a classified report to Congress on the security vulnerabilities of the bridges and tunnels connecting New Jersey to New York City. **Pages S7475–78**

Reed Amendment No. 4613, to limit the reduction in operations within the Civil Engineering Program of the Coast Guard. **Page S7488**

Dayton Amendment No. 4663, to increase the amount appropriated for United States Customs and Border Protection salaries and expenses by $44,000,000 to place an additional 236 border patrol agents along the Northern Border and to fully offset that amount with corresponding reductions in the appropriations for administrative travel and printing. **Pages S7488–89**

Gregg (for Dayton) Amendment No. 4618, to prohibit the use of appropriated funds to take an action that would violate Executive Order 13149 (relating to greening the government through Federal fleet and transportation efficiency). **Pages S7494–96**

Gregg (for Durbin) Amendment No. 4616, to provide funding for mass evacuation exercises. **Pages S7494–96**

Gregg (for Warner) Amendment No. 4578, to increase funding for the Office of National Capital Region Coordination. **Pages S7494–96**

Gregg (for Feingold) Amendment No. 4592, to require the Under Secretary of Transportation for Transportation Security to assist in the coordination of the voluntary provision of emergency services during commercial flights. **Pages S7494–96**

Gregg (for Boxer) Modified Amendment No. 4638, to direct the Director of the Federal Emergency Management Agency in conjunction with the Director of the National Institute of Standards and Technology to submit a record outlining Federal earthquake response plans for high risk earthquake regions in the United States. **Pages S7494–96**

Gregg (for Pryor) Modified Amendment No. 4642, to increase funding for technical assistance. **Pages S7494–96**

Gregg (for Durbin) Modified Amendment No. 4619, to require the Secretary of Homeland Security to establish procedures for expeditiously clearing individuals whose names have been mistakenly placed on the Transportation Security Administration Watch List. **Pages S7494–96**

Gregg (for Carper) Modified Amendment No. 4635, to provide airlines with technical assistance for coordinating reservations and ticketing with the Transportation Security Administration Watch List. **Pages S7494–96**

Gregg (for Specter/Mikulski) Modified Amendment No. 4550, to address funding for high-threat nonprofit organizations. **Pages S7494–96**

Gregg (for Obama/Coburn) Modified Amendment No. 4624, to provide that none of the funds appropriated or otherwise made available for expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act may be used to enter into non-competitive contracts based upon the unusual and compelling urgency exception under Federal contracting law unless the contract is limited in time, scope, and value as necessary to respond to the immediate emergency. **Pages S7494–96**

Gregg (for Lautenberg) Modified Amendment No. 4661, to provide, with an offset, an additional $5,000,000 for Operating Expenses for the Coast Guard for the National Capital Region Air Defense mission of the Coast Guard. **Pages S7494–96**

Gregg (for Baucus) Amendment No. 4669, to express the sense of the Senate that Customs and Border Protection should continue to focus on reporting and analysis of trade flows to prevent the spread of methamphetamine. **Pages S7496–97**

Gregg (for Kyl) Amendment No. 4670, to increase the total number of Department of Homeland Security additional detention bed spaces by 1,700 beds in fiscal year 2007. **Pages S7496–97**

Gregg (for Schumer) Amendment No. 4671, to require the Secretary of Homeland Security to submit a report to Congress addressing its compliance with the recommendations from the July 6, 2006 Inspector General Report "Progress in Developing the National Asset Database". **Pages S7496–97**

Gregg (for Grassley/Nelson (FL)) Amendment No. 4672, to require the Inspector General of the Department of Homeland Security to review each Secure Border Initiative contract valued at more than $20,000,000 and to report the findings of such reviews to the Secretary of Homeland Security and to Congress. **Pages S7496–97**

Gregg (for Levin/Stabenow) Amendment No. 4673, to provide that, of the amount appropriated by title VI for Customs and Border Protection for air and marine interdiction, operations, maintenance, and procurement, such funds as are necessary may be available for the final Northern border air wing site in Michigan. **Pages S7496–97**

By 84 yeas to 16 nays (Vote No. 202), Vitter Modified Amendment No. 4615, to prohibit the confiscation of a firearm during an emergency or major disaster if the possession of such firearm is not prohibited under Federal or State law.

Pages S7455, S7458, S7489–94, S7497

Gregg (for Biden/Carper) Amendment No. 4608, to require passenger and baggage screeners at New Castle Airport in Wilmington, Delaware as long as commercial air service is provided at that airport.

Pages S7497–98

Gregg (for Coleman/Schumer) Modified Amendment No. 4574, to provide funding for an integrated scanning system for ports. **Pages S7497–98**

Boxer Amendment No. 4674, to prohibit the use of certain funds for travel by officers or employees of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled "Progress in Developing the National Asset Database", dated June 2006. **Page S7498**

Gregg (for Domenici) Modified Amendment No. 4598, to expand the responsibilities of the National Infrastructure Simulation and Analysis Center in the Department of Homeland Security. **Page S7498**

Gregg (for Chambliss) Modified Amendment No. 4649, to require the Secretary of Homeland Security and Measurements (NCRP) in preparing guidance and recommendations for protecting emergency responders, recovery networks, and the general public from radiological terrorism, threats, and events.

Pages S7498–99

Clinton Modified Amendment No. 4582, to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft. **Pages S7474, S7475, S7499**

Rejected:

By 36 yeas to 64 nays (Vote No. 198), Menendez Modified Amendment No. 4634, to provide that appropriations under this Act may not be used for the purpose of providing certain grants, unless all such grants meet certain conditions for allocation.

Pages S7455, S7464–70, S7472, S7484–85, S7485–86, S7487

By 29 yeas to 71 nays (Vote No. 200), Sessions/Ensign Modified Amendment No. 4659, to appropriate an additional $1,829,400,000 to construct double-layered fencing and vehicle barriers along the southwest border and to offset such increase by reducing all other discretionary amounts on a pro-rata basis. **Pages S7478, S7478–83, S7485**

By 34 yeas to 66 nays (Vote No. 201), Sessions/Ensign Modified Amendment No. 4660, to appropriate an additional $85,670,000 to enable the Secretary of Homeland Security to hire 800 additional full time active duty investigators to investigate immigration laws violations and to offset such increase on a pro-rata basis.

Pages S7478, S7483, S7484, S7485, S7487–88

Withdrawn:

Thune/Talent Amendment No. 4610, to establish a program to use amounts collected from violations of the corporate average fuel economy program to expand infrastructure necessary to increase the availability of alternative fuels. **Pages S7455, S7483–84**

During consideration of this measure today, the Senate also took the following action:

By 38 yeas to 62 nays (Vote No. 197), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, as made effective by Section 7035(a) of P.L. 109–234, with respect to Dodd/Stabenow Amendment No. 4641, to fund urgent priorities for our Nation's firefighters, law enforcement personnel, emergency medical personnel, and all Americans by reducing the tax breaks for individuals with annual incomes in excess of $1,000,000. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell.

Pages S7458–62

Chair sustained a point of order against Kyl Amendment No. 4643, to increase the number of Department of Homeland Security detention bed spaces by 6,700 beds in FY 2007, as being in violation of rule XVI of the Standing Rules of the Senate which prohibits legislation on appropriations matters, and the amendment thus fell.

Pages S7456–58, S7463

Chair sustained a point of order against Santorum/Kyl Amendment No. 4575, to increase the number of border patrol agents to 2,500 agents, and offset by increasing the availability of reverse mortgages for seniors, as being in violation of rule XVI of the

Standing Rules of the Senate which prohibits legislation on appropriations matters, and the amendment thus fell. **Pages S7455–56**

By 46 yeas to 54 nays (Vote No. 199), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 402 of H. Con. Res. 95, Congressional Budget Resolution for Fiscal Year 2006, with respect to the emergency designation provision in Schumer Amendment No. 4600, to increase appropriations for disaster relief. Subsequently, a point of order that the emergency designation provision would violate section 402 of H. Con. Res. 95 was sustained and the provision was stricken. Also, the Chair sustained a point of order that the amendment would exceed the subcommittee's 302(b) allocation, as made effective by section 7035(a) of P.L. 109–234, and the amendment thus fell.

Pages S7472–74, S7474–75, S7486–87

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Gregg, Cochran, Stevens, Specter, Domenici, Shelby, Craig, Bennett, Allard, Byrd, Inouye, Leahy, Mikulski, Kohl, Murray, Reid, and Feinstein. **Page S7504**

Historically Black Colleges and Universities: Senate agreed to S. Res. 528, designating the week beginning on September 10, 2006, as "National Historically Black Colleges and Universities Week". **Pages S7538–39**

National Summer Learning Day: Senate agreed to S. Res. 529, designating July 13, 2006, as "National Summer Learning Day". **Page S7539**

Commending Canada: Senate agreed to S. Con. Res. 109, commending the Government of Canada for its renewed commitment to Afghanistan. **Pages S7539–40**

Improving Outcomes for Children Affected by Meth Act: Senate passed S. 3525, to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, after agreeing to the following amendment proposed thereto: **Pages S7540–43**

Frist (for Grassley/Baucus) Amendment No. 4675, to make certain revisions to the bill. **Page S7540–43**

Public Health Service Act Amendment—House Message: Senate concurred in the amendment of the House of Representatives to S. 655, to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention, clearing the measure for the President. **Page S7531**

Carl D. Perkins Career and Technical Education Improvement Act—House Message: Senate disagreed to the House amendments to S. 250, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, agreed to the House request for a conference, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Enzi, Gregg, Frist, Alexander, Burr, Isakson, DeWine, Ensign, Hatch, Sessions, Roberts, Kennedy, Dodd, Harkin, Mikulski, Jeffords, Bingaman, Murray, Reed, and Clinton. **Pages S7531–38**

Stem Cell Research Legislation—Agreement: A unanimous-consent-time agreement was reached providing that at 12:30 p.m. on Monday, July 17, 2006, Senate begin consideration of S. 3504, to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, S. 2754, to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos, and H.R. 810, to amend the Public Health Service Act to provide for human embryonic stem cell research; that the time until 8:30 p.m. rotate every half hour between the majority and minority; provided further, that on Tuesday, July 18, 2006, Senate continue consideration of the bills at 10 a.m. until 3:45 p.m., when the Senate will proceed to three consecutive votes as provided under the order of June 29, 2006. **Page S7531**

Nominations Received: Senate received the following nominations:

Christopher A. Padilla, of the District of Columbia, to be an Assistant Secretary of Commerce.

Calvin L. Scovel, of Virginia, to be Inspector General, Department of Transportation.

Richard W. Graber, of Wisconsin, to be Ambassador to the Czech Republic.

Cindy Lou Courville, of Virginia, to be Representative of the United States of America to the African Union, with the rank of Ambassador.

Sara Elizabeth Lioi, of Ohio, to be United States District Judge for the Northern District of Ohio.

Nora Barry Fischer, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania. **Pages S7543–44**

Messages From the House: **Page S7509**

Measures Referred: **Page S7509**

Measures Placed on Calendar: **Page S7509**

Executive Communications: **Pages S7509–11**

Executive Reports of Committees: **Page S7511**

Additional Cosponsors: Pages S7512–13

Statements on Introduced Bills/Resolutions: Pages S7513–25

Additional Statements: Pages S7507–09

Amendments Submitted: Pages S7525–30

Notices of Hearings/Meetings: Page S7530

Authorities for Committees to Meet: Pages S7530–31

Privileges of the Floor: Page S7531

Record Votes: Seven record votes were taken today. (Total—203)

Pages S7462, S7486, S7487, S7487–88, S7497, S7504

Adjournment: Senate convened at 9 a.m., and adjourned at 7:51 p.m., until 9:45 a.m., on Friday, July 14, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7543.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Appropriations: Committee ordered favorably reported the following bills:

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, with an amendment in the nature of a substitute; and

An original bill (S. 3660), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2007.

HAMDAN V. RUMSFELD

Committee on Armed Services: Committee concluded a hearing to examine military commissions in light of the Supreme Court decision in *Hamdan* v. *Rumsfeld,* after receiving testimony from Major General Scott C. Black, USA, Judge Advocate General, and Major General Thomas J. Romig, USA (Ret.), former Judge Advocate General, both of the U.S. Army; Rear Admiral James E. McPherson, USN, Judge Advocate General, and Rear Admiral John D. Hutson, USN (Ret.), former Judge Advocate General, both of the U.S. Navy; Major General Jack L. Rives, USAF, Judge Advocate General of the Air Force; and Brigadier General Kevin M. Sandkulher, USMC, Staff Judge Advocate to the Commandant of the Marine Corps.

BUSINESS MEETING

Committee on the Budget: Committee ordered favorably reported the nomination of Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget.

UNMANNED AIRCRAFT SYSTEMS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine unmanned aerial systems in Alaska and the Pacific regions as a framework for the United States, after receiving testimony from Vice Admiral Conrad C. Lautenbacher, Jr., USN (Ret.), Under Secretary of Commerce for Oceans and Atmosphere, Administrator, National Oceanic and Atmospheric Administration; Nicholas Sabatini, Associate Administrator for Aviation Safety, Federal Aviation Administration, Department of Transportation; Rear Admiral Wayne Justice, Assistant Commandant for Response, U.S. Coast Guard, Department of Homeland Security; and John W. Madden, Alaska Department of Homeland Security, Anchorage.

REFINERY PERMIT PROCESS SCHEDULE ACT

Committee on Energy and Natural Resources: Committee concluded a hearing to examine H.R. 5254, to set schedules for the consideration of permits for refineries, after receiving testimony from Robert J. Meyers, Associate Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency; Glenn McGinnis, Arizona Clean Fuels Yuma, LLC, Phoenix; and S. William Becker, on behalf of the State and Territorial Air Pollution Program Administrators, and the Association of Local Air Pollution Control Officials, and Bob Slaughter, National Petrochemical and Refiners Association, both of Washington, D.C.

PARTICULATE MATTER AIR QUALITY STANDARDS

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety concluded a hearing to examine the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards, after receiving testimony from William Wehrum, Acting Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency; Bebe Heiskell, Commissioner, Walker County, Georgia; John A. Paul, Regional Air Pollution Control Agency, Dayton, Ohio, on behalf of the Association of Local Air Pollution Control Officials and the State and Territorial Air Pollution Program Administrators; Larry J. Gould, Lenawee County Board of Commissioners, Adrian, Michigan; Harry C. Alford, National Black Chamber of Commerce, Washington, D.C.; Conrad

G. Schneider, Clean Air Task Force, Boston, Massachusetts; and William F. Christopher, Alcoa, Pittsburgh, Pennsylvania.

NOMINATION

Committee on Finance: Committee concluded a hearing to examine the nomination of Eric Solomon, of New Jersey, to be an Assistant Secretary of the Treasury for Tax Policy, after the nominee testified and answered questions in his own behalf.

IRAQ

Committee on Foreign Relations: Committee concluded a hearing to examine the current situation relative to Iraq, after receiving testimony from Zalmay Khalilzad, Ambassador to Iraq, Department of State.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget, after the nominee testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

H.R. 1036, to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, with an amendment; and

The nominations of Neil M. Gorsuch, of Colorado, to be United States Circuit Judge for the Tenth Circuit, Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit, Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit, Gustavo Antonio Gelpi, to be United States District Judge for the District of Puerto Rico, Daniel Porter Jordan III, to be United States District Judge for the Southern District of Mississippi, and Martin J. Jackley, to be United States Attorney for the District of South Dakota, and Brett L. Tolman, to be United States Attorney for the District of Utah, both of the Department of Justice.

VOTING RIGHTS ACT

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Property Rights concluded a hearing to examine renewing the temporary provisions of the Voting Rights Act relating to legislative options after LULAC v. Perry, after receiving testimony from Roger Clegg, Center for Equal Opportunity, Sterling, Virginia; Sherrilyn A. Ifill, University of Maryland School of Law, Baltimore; Nina Perales, Mexican American Legal Defense and Educational Fund, San Antonio, Texas; Michael A. Carvin, Jones Day, Washington, D.C.; Joaquin G. Avila, Seattle University School of Law, Seattle, Washington; and Abigail Thernstrom, The Manhattan Institute, Lexington, Massachusetts, on behalf of U.S. Commission on Civil Rights.

VETERANS CLAIMS

Committee on Veterans' Affairs: Committee concluded hearings to examine challenges facing the U.S. Court of Appeals for Veterans Claims, focusing on efforts to address the backlog of cases, after receiving testimony from William P. Greene, Jr., Chief Judge, and Norman Y. Herring, Clerk of the Court, both of the United States Court of Appeals for Veterans Claims; James P. Terry, Chairman, Board of Veterans' Appeals, and R. Randall Campbell, Assistant General Counsel, Professional Staff Group VII, both of the Department of Veterans Affairs; and Joseph A. Violante, Disabled American Veterans, Washington, D.C.

MEDICAID

Special Committee on Aging: Committee concluded a hearing to examine Medicaid spending growth and options for controlling costs, focusing on the impact of seniors on health care costs in the United States, after receiving testimony from Arizona Governor Janet Napolitano, Phoenix; Donald B. Marron, Acting Director, Congressional Budget Office; and G. Richard Wagoner, Jr., General Motors Corporation, Detroit, Michigan.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 26 public bills, H.R. 5782–5807; and 4 resolutions, H. Con. Res. 446–448 and H. Res. 914, were introduced. **Pages H5222–23**

Additional Cosponsors: **Pages H5223–24**

Reports Filed: Reports were filed today as follows:

S. 1496, to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps (H. Rept. 109–556);

H.R. 854, to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe, with an amendment (H. Rept. 109–557);

H.R. 4294, to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, with an amendment (H. Rept. 109–558);

H.R. 4376, to authorize the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College, with an amendment (H. Rept. 109–559);

H.R. 5094, to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina (H. Rept. 109–560);

H.R. 5340, to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, with an amendment (H. Rept. 109–561);

S. 260, to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program (H. Rept. 109–562); and

H.R. 4014, to reauthorize the Millennium Challenge Act of 2003, and for other purposes, with an amendment (H. Rept. 109–563). **Page H5222**

Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006: The House passed H.R. 9, to amend the Voting Rights Act of 1965, by a recorded vote of 390 ayes to 33 noes, Roll No. 374, after ordering the previous question. **Pages H5143–H5207**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. **Page H5177**

Rejected:

Norwood amendment (No. 1 printed in H. Rept. 109–554) which sought to update the formula in section 4 of the Voting Rights Act (VRA) that determines which states and jurisdictions will be covered under Section 5 of the VRA. This updated formula would be a rolling test based off of the last three presidential elections. Any state would be subject to Section 5 if it currently has a discriminatory test in place or voter turnout of less than 50% in any of the three most recent presidential elections (by a recorded vote of 96 ayes to 318 noes, Roll No. 370); **Pages H5178–86, H5204–05**

Gohmert amendment (No. 2 printed in H. Rept. 109–554) which sought to make the reauthorization period 10 years, rather than the 25 years proposed in H.R. 9 (by a recorded vote of 134 ayes to 288 noes, Roll No. 371); **Pages H5186–91, H5205**

King of Iowa amendment (No. 3 printed in H. Rept. 109–554) which sought to strike sections 7 and 8 of the bill. These sections relate to multilingual ballots and use of American Community Survey census data, and they would automatically expire in 2007 (by a recorded vote of 185 ayes to 238 noes, Roll No. 372); and **Pages H5191–98, H5205–06**

Westmoreland amendment (No. 4 printed in H. Rept. 109–554) which sought to provide for an expedited, proactive procedure to bail out from coverage under the preclearance portions of the Voting Rights Act, by requiring the Department of Justice to assemble a list of all jurisdictions eligible for bailout and to notify the jurisdictions. The Department of Justice is then required to consent to the entry of a declaratory judgment allowing bailout if a jurisdiction appears on the list. Adds a three-year initial time period (and annually thereafter) for assembly of the bailout list by the Department of Justice (by a recorded vote of 118 ayes to 302 noes, Roll No. 373). **Pages H5198–H5204, H5206–07**

H. Res. 910, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question without objection. **Pages H5133–43**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, July 17th, for Morning-Hour Debate.

Page H5209

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, July 19th. Page H5209

Senate Message: Message received from the Senate today appears on page H5133.

Senate Referrals: S. Con. Res. 108 was referred to the Committee on House Administration, and S. Con. Res. 96 was referred to the Committee on the Judiciary. Pages H5220–21

Quorum Calls—Votes: Five recorded votes developed during the proceedings of today and appear on pages H5204–04, H5205, H5205–06, H5206–07, and H5207. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:40 p.m.

Committee Meetings

OVERSIGHT—CHESAPEAKE BAY RESTORATION PROGRAM

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held an oversight hearing on the Chesapeake Bay Restoration Program. Testimony was heard from Benjamin H. Grumbles, Assistant Administrator, Office of Water, EPA; and Anu K. Mittal, Director, Natural Resources and Environment Team, GAO.

MEDICAL LIABILITY SOLUTIONS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Innovative Solutions to Medical Liability.'' Testimony was heard from public witnesses.

SECURITY CLEARANCE INVESTIGATIONS—FOREIGN INFLUENCE FACTORS

Committee on Government Reform: Held a hearing entitled ''Can You Clear Me Now?: Weighing 'Foreign Influence' Factors in Security Clearance Investigations.'' Testimony was heard from Robert Andrews, Deputy Under Secretary, Counterintelligence and Security, Department of Defense; J. William Leonard, Director, Information Security and Oversight Office, National Archives and Records Administration; and public witnesses.

NEW YORK 9/11 ASSISTANCE FRAUD

Committee on Homeland Security: Subcommittee on Management, Integration, and Oversight, to continued hearings entitled ''Federal 9/11 Assistance to New York: Lessons Learned in Fraud Detection, Prevention, and Control.'' Part 2, ''Recovery.'' Testimony was heard from Ruth Ritzema, Special Agent in Charge for New York, Office of Inspector General, Department of Housing and Urban Development; Eric Thorson, Inspector General, SBA; Douglas Small, Deputy Assistant Secretary, Employment and Training, Department of Labor; Leroy Frazer, Bureau Chief, Special Prosecutions Bureau, District Attorney's Office, New York County; and public witnesses.

The Subcommittee concluded hearings on this subject, focusing on Part 3, ''Rebuilding.'' Testimony was heard from the following officials of the Department of Transportation: Bernard Cohen, Lower Manhattan Recovery Office, Federal Transit Administration; and Todd J. Zinser, Acting Inspector General; Michael Nestor, Director, Office of Investigations, Port Authority of New York and New Jersey; and a public witness.

VENEZUELA AND INTERNATIONAL TERRORISM

Committee on International Relations: Subcommittee on International Terrorism and Nonproliferation held a hearing on Venezuela: Terrorism Hub of South America? Testimony was heard from the following officials of the Department of State: Frank C. Urbancic, Jr., Principal Deputy Coordinator, Office of the Coordinator for Counterterrorism; and Charles Shapiro, Principal Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs.

OVERSIGHT—ABANDONED MINE LANDS

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on Opportunities for Good Samaritan Cleanup of Hard Rock Abandoned Mine Lands. Testimony was heard from Brent Fewell, Deputy Assistant Administrator, Office of Water, EPA; Joseph Pizarchik, Director, Bureau of Mining and Reclamation, Department of Environmental Protection, State of Pennsylvania; and public witnesses.

OVERSIGHT—WORKING RANCHES/OPEN SPACES

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Working Ranches, Healthy Range and Maintaining Open Space, focusing on the importance of federal grazing programs and working ranches to the landscape. Testimony was heard from Joel Holtrop, Deputy Chief, National Forest System, Forest Service, USDA; the following officials of the Department of the Interior: Ed Shepard, Assistant Director, Renewable Resources and Planning, Bureau of Land Management; and Kenneth McDermond, Deputy Manager, California-Nevada Operations, U.S. Fish and Wildlife Service;

Anette Rink, Laboratory Supervisor, Animal Disease and Food Safety Laboratory, State of Nevada; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks held a hearing on the following bills: H.R. 383, Ice Age Floods National Geologic Trail Designation Act of 2005; H.R. 4581, Easement Owners Fair Compensation Claims Act of 2005; and H.R. 5132, River Raisin National Battlefield Study Act. Testimony was heard from Representatives Dingell and Akin; Christopher Jarvi, Associate Director, Partnerships, Interpretation and Education, Volunteers, and Outdoor Recreation, National Park Service, Department of the Interior; and public witnesses.

SMALL MANUFACTURERS REGULATORY REFORM

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing entitled ''An Update on Administration Action To Reduce Unnecessary Regulatory Burdens on America's Small Manufacturers.'' Testimony was heard from Steve Aitken, Acting Administrator, Office of Information and Regulatory Affairs, OMB; Richard D. Otis, Jr., Deputy Associate Administrator, Policy, Economics, and Innovation, EPA; Veronica Vargas Stidvent, Assistant Secretary, Policy, Department of Labor; and public witnesses.

VETERAN-OWNED SMALL BUSINESS PROMOTION ACT

Committee on Veterans' Affairs: Ordered reported, as amended, H.R. 3082, Veteran-Owned Small Business Promotion Act of 2005.

MEDICARE REIMBURSEMENT OF PHYSICIAN-ADMINISTERED DRUGS

Committee on Ways and Means: Subcommittee on Health held a hearing on Medicare reimbursement of physician-administered drugs. Testimony was heard from the following officials of the Department of Health and Human Services: Herb B. Kuhn, Director, Centers for Medicare and Medicaid Services; and Robert A. Vito, Regional Inspector General, Evaluations and Inspections; Bruce Steinwald, Director, Health Care, Economic and Payment Issues, GAO; and Mark Miller, Executive Director, Medicare Payment Advisory Commission; and public witnesses.

TAX ADVICE PATENTING ADVICE

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on issues relating to the patenting of tax advice. Testimony was heard from James Toupin, General Counsel, U.S. Patent and Trademark Office, Department of Commerce; Mark Everson, Commissioner, IRS, Department of the Treasury; and public witnesses.

BRIEFING—GLOBAL UPDATES/HOTSPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Global Updates/Hotspots. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JULY 14, 2006

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:45 a.m., Friday, July 14

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, July 17

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Bishop, Timothy H., N.Y., E1409
Boozman, John, Ark., E1410
Brown-Waite, Ginny, Fla., E1401
Burgess, Michael C., Tex., E1407
Capito, Shelley Moore, W.Va., E1399, E1400
Carson, Julia, Ind., E1410
Clay, Wm. Lacy, Mo., E1402
Cleaver, Emanuel, Mo., E1410
Coble, Howard, N.C., E1404
Cummings, Elijah E., Md., E1412
Davis, Danny K., Ill., E1399, E1399
Davis, Lincoln, Tenn., E1414
DeLauro, Rosa L., Conn., E1403
Edwards, Chet, Tex., E1405
Ehlers, Vernon J., Mich., E1408
Everett, Terry, Ala., E1409
Frank, Barney, Mass., E1401
Frelinghuysen, Rodney P., N.J., E1408
Goode, Virgil H., Jr., Va., E1401
Issa, Darrell E., Calif., E1409
Johnson, Sam, Tex., E1401
Johnson, Timothy V., Ill., E1399, E1400
Jones, Stephanie Tubbs, Ohio, E1411, E1413
Kanjorski, Paul E., Pa., E1406
Kilpatrick, Carolyn C., Mich., E1407
Kucinich, Dennis J., Ohio, E1401
Lantos, Tom, Calif., E1415
Lungren, Daniel E., Calif., E1415
Manzullo, Donald A., Ill., E1414
Meek, Kendrick B., Fla., E1414
Miller, Jeff, Fla., E1404
Moran, Jerry, Kans., E1404
Norton, Eleanor Holmes, D.C., E1403
Oberstar, James L., Minn., E1404
Pence, Mike, Ind., E1399, E1405
Rangel, Charles B., N.Y., E1411, E1413
Ruppersberger, C.A. Dutch, Md., E1403
Schakowsky, Janice D., Ill., E1411
Serrano, José E., N.Y., E1411
Skelton, Ike, Mo., E1407, E1407
Tiahrt, Todd, Kans., E1407
Walden, Greg, Ore., E1408
Weldon, Dave, Fla., E1400
Wicker, Roger F., Miss., E1405
Wilson, Joe, S.C., E1400

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