HOUSE OF REPRESENTATIVES—Thursday, March 17, 2005

The House met at 10 a.m.

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

In the Book of the Deuteronomy we read:

''The Lord your God has chosen you from all the nations on the face of Earth to be a people especially his own. It was because the Lord loves you and because his fidelity to the oath he has sworn to your fathers that He brought you out with a strong hand from the place of slavery and ransomed you.''

''Understand, then, that the Lord, your God, is God indeed, the faithful God who keeps his merciful covenant to the thousandth generation toward those who love him and keep his commandments.''

Lord, as we prepare for the great feasts of Passover and the Sacred Triduum, Lord our God, breathe forth Your Spirit on all the Members of Congress and the people of this great Nation. Make of us Your own. Recreate us in Your imagine. Convert our hearts that we may long to do Your will and that we may lead others in the world by revealing Your self-giving love in our lives.

You are faithful, O God, 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 gentleman from Georgia (Mr. PRICE) come forward and lead the House in the Pledge of Allegiance.

Mr. PRICE of Georgia 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 5 one-minute speeches per side.

BILL SAVING TERRI SCHIAVO

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

Mr. PITTS. Mr. Speaker, last night when H.R. 1332 was passed by the House this Chamber did a good thing. It offered to the disabled an opportunity to live and it reaffirmed our culture's desire to value the right to life of each and every member of it regardless of disability.

This bill gives Terri Schiavo a right to appeal the ruling of the Florida State courts in Federal court, and it will allow her to challenge the ruling that she is to starve to death.

The bill applies only to medically incapacitated patients, not to convicted criminals. And it is further evidence that the disabled have a place in our culture, that life has a place in our culture.

I commend the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Florida (Mr. WELDON) for taking the lead and I thank the House leadership for expediting action on it. Now the Senate must do the same. Terri deserves to live.

MORALITY LACKING IN REPUBLICAN BUDGET

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

Ms. LEE. Mr. Speaker, I rise today in opposition to the Republican budget. This budget is fiscally reckless, morally irresponsible and represents a failure of leadership.

The budget slashes funding that provides a vital lifeline to our most vulnerable communities. It cuts funding for support of housing for the disabled by 50 percent. Where is the morality in turning our back on the disabled?

This budget will dramatically cut housing opportunities for people living with AIDS. Where is the morality in forcing people living with AIDS to choose between medication and housing?

At the same time, this budget seeks to extend tax cuts to the most wealthy. Where is the morality in turning people out into the streets in order to pay for these tax cuts?

As a person of deep religious conviction, I know that there is nothing moral about balancing the budget on the backs of those who can least afford it. A moral budget does not seek to punish the least of these.

Mr. Speaker, this is an example, a gross example of the moral irresponsibility of the Republican budget.

U.S. TRADE AMBASSADOR PORTMAN

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

Mr. FOLEY. Mr. Speaker, for those who are Irish, those that think they are Irish, and those that wish they were Irish, happy, happy St. Patrick's Day.

I would also like to take a moment to congratulate and commend the President of the United States, George Bush, for his appointment of the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means, as the next United States Trade ambassador.

The gentleman from Ohio (Mr. PORTMAN) is an outstanding, outstanding choice. He is one of the hardest working, most thoughtful members of our panel. He has immersed himself in the details of trade and tax law. He is an extraordinary individual who has served this President in a wonderful way as adviser to the White House and one of the closest confidants he has here on Capitol Hill.

I believe it is an extraordinary opportunity, not only for the gentleman from Ohio (Mr. PORTMAN) and his family but for the United States trade representation around the globe. I urge my colleagues on the other side of the building to quickly dispatch that name forward to the committee of responsibility and urge the passage and allow the gentleman from Ohio (Mr. PORTMAN) to show the great credentials he has displayed in our committee on this floor and ultimately as the next trade ambassador for the country.

SOCIAL SECURITY PRIVATIZATION HARMS AMERICANS

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

Ms. SOLIS. Mr. Speaker, today I rise because the constituents in the 32nd Congressional District are very concerned about the privatization of Social Security.

There are nearly 60,000 Social Security beneficiaries in my district who are very concerned about the risky privatization scheme that the President is proposing. However, other young workers also are very concerned about the future of their retirement security.

To date my office has held well over 25 senior center visits, high school visits, parent centers visits, and health

care facilities visits, and we have spoken to constituents about this proposed privatization plan. We have been asking them to fill out surveys on how they feel about Social Security. We have one in English and one in Spanish.

Overwhelmingly, my constituents are telling me that they are not in agreement with the proposed privatization plan. They would like to see a secure and a structured reform that would truly be available to every single individual that needs and requires Social Security assistance. I would like to tell Members that we have received well over 300 responses through e-mail and direct mail from our constituents who are resoundingly saying that the President should rethink his plan.

COMMENDING HARRY GILMORE

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

Mr. RADANOVICH. Mr. Speaker, I rise today to commend Harry Gilmore, the first American Ambassador to Armenia who is the latest U.S. official to publicly acknowledge the Armenian genocide and call for international recognition.

In an interview with Radio Free Europe/Radio Liberty, the retired diplomat recently said, ''There is no doubt that the Armenian events were genocide.''

Gilmore's comments followed those of the current U.S. Ambassador to Armenia, John Evans, who recently evoked the Armenian Genocide during his first stateside visit to Armenian communities across the country. During a series of public exchanges with Armenians late last month, Evans stated, ''The Armenian genocide was the first genocide of the twentieth century.''

As a proud member of the Congressional Caucus on Armenian Issues and an ardent supporter of Fresno's Armenian American community, I thank the Ambassadors for their statements and pledge to continue my efforts for a full United States affirmation of the Armenian genocide.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. Res. 23

Mr. CLEAVER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.J. Res. 23.

The SPEAKER pro tempore (Mr. CARTER). Is there objection to the request of the gentleman from Missouri?

There was no objection.

SAVE COMMUNITY DEVELOPMENT BLOCK GRANTS

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

Mr. CLEAVER. Mr. Speaker, I rise to express my opposition to the administration's budget proposal.

Although the Community Development Block Grant Program is now on its way out if this is approved, I think it is important for the Nation to know that on August 22, 1974, the Community Development Block Grant Act was signed into law by Republican President Gerald Ford, but it is the brain child of President Richard Nixon.

Today, there is a proposal that would allow for a consolidation of 18 other programs in the Department of Commerce, and the new commerce program would then be funded at a level that is 35 percent lower than the combined fiscal year 2005 appropriated level for all 18 programs.

The pro-rata reduction of CDBG alone would be $1.42 billion. That would devastate a program, Mr. Speaker.

When I was mayor of Kansas City, Missouri, we identified 60,000 homes in need of rehabilitation or repair. We were able to complete 12,000. What will happen to the 48,000 others?

STOP YUCCA MOUNTAIN PROJECT NOW

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

Ms. BERKLEY. Mr. Speaker, for the last 20 years the Nevada delegation, Republican and Democrat, have fought to keep the Yucca Mountain Project from becoming a reality.

What is the Yucca Mountain Project? 77,000 tons of toxic nuclear waste being transported across 43 States to be buried in a hole in the Nevada desert where we have groundwater issues, seismic activity, and volcanic activity.

The President when he approved this said that his decision was based on sound science. Sound science? There were 294 unresolved scientific and technical issues.

There is no canister that can safely store this radioactive waste, and we have a court decision that says that rather than a 10,000-year standard for radiation there should be a 300,000-year standard for radiation.

Now, as of yesterday, the new Secretary of Energy has come forward and disclosed that the scientific documentation for Yucca Mountain has been falsified. It is about time that the rest of the country knew what the Nevada delegation knows and has been saying for 20 years. This is not based on sound science. It is based on sound politics.

I have urged the Secretary of Energy to appoint an independent body to investigate the science. We know now it has been falsified. It is wrong. This is a bad project and I urge the President to rescind his order to Yucca Mountain and stop this project now.

CORPORATE TAX RATE

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

Mr. PRICE of Georgia. Mr. Speaker, more than 260,000 jobs were created last month making February the 21st straight month in which we have seen steady job gains. Companies are hiring more and more these days. More people are now collecting well-earned paychecks rather than unemployment checks. However, companies here in the U.S. are facing competition from around the globe, and to ensure economic prosperity over the long run we must be competitive in the world. To do this we have to address corporate tax rates.

Why do we penalize American companies for keeping their business here in the U.S.? Why are companies leaving America to go overseas? Should we not be trying to attract businesses rather than drive them away?

Mr. Speaker, the U.S. corporate tax rate is a whopping 40 percent. For every $10 a company earns, $4 has to be sent to the IRS. It is no wonder businesses are taking a look at moving out of the country. Our tax code is literally sucking jobs right out of the economy by depriving our businesses of the money that should be invested in hiring.

Only one other country, Japan, taxes its companies more than we, only one other country. Mr. Speaker, clearly that is not the road we want to travel and it is not the way we want to create jobs.

REJECT WOLFOWITZ AS WORLD BANK NOMINEE

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

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I was disappointed to learn that President Bush has nominated the architect of the ongoing war of Iraq, Mr. Paul Wolfowitz, to head the World Bank.

The nominee's intimate relationship with the Iraq policy's gravest failures, phony intelligence, torture, contractor corruption, and incompetent planning, makes his nomination extremely disturbing.

□ 1015

Mr. Wolfowitz may be qualified as an expert in conducting preemptive war, but he is far from qualified to battle global poverty, overcome the AIDS pandemic or to promote gender equity, all World Bank priorities.

The world community deserves a development expert to champion the

World Bank's mission of fighting poverty, a leader who can rally the world's support.

To enhance America's reputation in the world, to ensure that future success of the World Bank and to build a better future for the world's poorest citizens, I urge the World Bank's board of directors to reject this nomination.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 95.

The SPEAKER pro tempore (Mr. CANTOR). Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

The SPEAKER pro tempore. Pursuant to House Resolution 154 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, H. Con. Res. 95.

□ 1016

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, with Mr. SHAW (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 16, 2005, a request for a recorded vote on amendment No. 2 printed in House Report 109–19, offered by the gentleman from Texas (Mr. HENSARLING), had been postponed.

It is now in order to consider amendment No. 1 printed in House Report 109–19.

AMENDMENT NO. 1 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBEY:

In section 101 (relating to recommended levels and amounts for the budget year):

(1) In paragraph (4) (relating to the deficit), the amount of the deficit for fiscal year 2006 shall be reduced by $10,091,000,000.

(2) In paragraph (1) (relating to Federal revenues), the recommended level of Federal revenues for fiscal year 2006 shall be increased by $18,073,000,000 and the amount by which the aggregate level of Federal revenues should be changed shall be increased by $18,073,000,000.

(3) In paragraph (2) (relating to new budget authority), the appropriate level of total new budget authority for fiscal year 2006 shall be increased by $15,800,000,000.

(4) In paragraph (3) (relating to budget outlays), the appropriate level of total budget outlays for fiscal year 2006 shall be increased by $7,982,000,000.

In section 102, for fiscal year 2006:

(1) In paragraph (1) (relating to National Defense (050)), the amount of new budget authority shall be reduced by $1,000,000,000 and the amount of outlays shall be reduced by $678,000,000.

(2) In paragraph (2) (relating to International Affairs (150)), the amount of new budget authority shall be reduced by $423,000,000 and the amount of outlays shall be reduced by $193,000,000.

(3) In paragraph (3) (relating to General Science, Space and Technology (250)), the amount of new budget authority shall be increased by $300,000,000 and the amount of outlays shall be increased by $150,000,000, to fund basic research and development to allow American workers to compete in the international economy.

(4) In paragraph (5) (relating to Natural Resources and Environment (300)), the amount of new budget authority shall be increased by $100,000,000 and the amount of outlays shall be increased by $63,000,000, to provide clean water and open spaces for future generations.

(5) In paragraph (6) (relating to Agriculture (350)), the amount of new budget authority shall be increased by $540,000,000 and the amount of outlays shall be increased by $446,000,000, to improve economic opportunities, infrastructure, and the quality of life for rural Americans.

(6) In paragraph (8) (relating to Transportation (400)), the amount of new budget authority shall be increased by $600,000,000 and the amount of outlays shall be increased by $460,000,000, to improve infrastructure development.

(7) In paragraph (10) (relating to Education, Training, Employment, and Social Services (500)), the amount of new budget authority shall be increased by $8,050,000,000 and the amount of outlays shall be increased by $2,977,000,000, to create opportunities for our children and young adults, and to address the needs of low-income communities and assist the long-term unemployed.

(8) In paragraph (11) (relating to Health (550)), the amount of new budget authority shall be increased by $1,950,000,000 and the amount of outlays shall be increased by $723,000,000, to provide health care for children and others in need, control infectious diseases, foster medical research, and alleviate shortages of nurses and other health professionals.

(9) In paragraph (13) (relating to Income Security (600)), the amounts of new budget authority shall be increased by $1,091,000,000 and the amount of outlays shall be increased by $695,000,000, to help provide housing and energy assistance to the poor and alleviate the impact of refugees on State and local communities.

(10) In paragraph (15) (relating to Veterans Benefits and Services (700)), the amounts of new budget authority shall be increased by $2,903,000,000 and the amount of outlays shall be increased by $2,447,000,000, to maintain quality health care for veterans.

(11) In paragraph (17) (relating to General Government (800)), the amounts of new budget authority shall be decreased by $56,000,000 and the amount of outlays shall be decreased by $44,000,000, which shall include the following changes:

(A) Increase new budget authority by $200,000,000 and outlays by $155,000,000, to ensure corporate responsibility.

(B) Reduce new budget authority by $256,000,000 and outlays by $199,000,000.

(12) To improve our hometown response capabilities, strengthen our borders and ports, and meet our security mandates, amounts of new budget authority and outlays for fiscal year 2006 shall be further modified as follows:

(A) In paragraph (9) (relating to community and regional development (450)), increase new budget authority by $660,000,000 and outlays by $121,000,000.

(B) In paragraph (16) (relating to Administration of Justice (750)), increase new budget authority by $935,000,000 and outlays by $759,000,000.

(C) In paragraph (11) (relating to Health (550)), increase new budget authority by $150,000,000 and outlays by $56,000,000.

In section 201(b) (relating to reconciliation in the House of Representatives), insert "(1)" after "(b)" and add at the end the following new paragraph:

(2) REDUCTION IN TAX CUTS FOR TAXPAYERS WITH INCOMES ABOVE $1,000,000.—The Committee on Ways and Means shall also include in the reconciliation bill reported pursuant to paragraph (1) changes in tax laws sufficient to increase revenues by $25,818,000,000, to be achieved by reducing or offsetting the tax reductions received during 2006 by taxpayers with adjusted gross income above $1,000,000 for taxpayers filing joint returns and comparable amounts for taxpayers with other filing statuses as a result of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth and Tax Relief Reconciliation Act of 2003.

The Acting CHAIRMAN. Pursuant to House Resolution 154, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. PUTNAM) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this amendment will enable the House to choose between the social Darwinism of the President's budget and a different budget which more accurately reflects the message of the social gospel.

If we take a look at what the President has done, he inherited a $240 billion surplus when he came into office, and yet the budget he presents to the Congress today contains a $290 billion deficit. That deficit does not include the $80 billion that we spent yesterday on the war on Iraq. It does not include the $2 trillion it is estimated will be the cost of borrowing to pay for the personal or private accounts that the President wants to use to blow up Social Security. It does not include dollar one of the $1.2 trillion it is estimated that it will cost to make the President's previously passed tax cuts permanent. So we have a huge deficit as far as the eye can see, under the President's budget.

Then the President tries to reclaim the mantle of fiscal responsibility by making some well-publicized cuts in the domestic discretionary portion of the budget. In plain terms, that is the appropriated part of the budget that goes for programs like education, health care, science, veterans benefits, things like that.

The President's cuts in the domestic arena do not lay a glove on the deficit because the deficit is so large; but I would point out, for instance, that those cuts average only about 5 percent of the over $200 billion cost in this year's budget alone of the President's tax cuts. They are less than 20 percent of the over-$50 billion in costs, for the cost of the supersize tax cuts that the President has given to the top 1 percent of earners in this country. But those cuts are large enough, Mr. Chairman, to do great damage over time in the investments that we need to make in education, health care, science, veterans, community infrastructure and the like.

In real terms, those cuts amount, after you adjust for inflation, to about $16 billion; and if you further adjust them for population growth, that is a real reduction in services of about $19 billion for those programs.

So this amendment does basically three things. It cuts $5 million from some of the President's proposed initiatives, and it combines those cuts with savings on the tax front. What we do on the tax front is to just simply recognize the essential injustice of the fact that right now folks who make more than $1 million in this country this year will on average get a $140,000 tax cut. This amendment would limit that $140,000 tax cut to about $27,000 and save enough money to devote $10 billion to deficit reduction and to use the other $16 billion for the initiatives that we have outlined in the amendment in the area of education, health, science, veterans, homeland security, environment, law enforcement, and community development.

Now, within that framework, we are able to add $2.4 billion to programs that can do real things to reduce the pressures for abortions. Among the critical investments made by this amendment are a cluster of programs that would make it economically easier for low-income and vulnerable women who choose to carry pregnancies to term by providing additional funding for maternal and infant health care, for child care and Head Start and after-school programs, for low-income housing assistance, for the community service block grant, to provide people with the opportunity to get help in the education and training areas, and also to provide additional medical services such as dental care. We also provide additional funding for child abuse and domestic violence prevention programs.

Now, I would simply say that if our concern for life does not stop at the checkbook's edge, then these are initiatives which ought to be supported by everybody in this Chamber.

The reason I offer this amendment is because over the last 30 years something really bad has happened in this country. Thirty years ago, we had the smallest gap between rich and poor of any industrialized country in the world. Today, we have the largest gap between the rich and the poor of any industrialized country.

The wealthiest 1 percent of people in this country control 33 percent of the Nation's wealth. The poorest 40 percent are struggling to hang on to less than 3 percent of the Nation's wealth, and the President's budget makes it worse.

That is why I say that this amendment helps us choose between the social Darwinism of the President's package and values that more accurately reflect the social gospel.

Now, the opposition will say, ''Oh, we do not need these additional education dollars because we have had such a large increase in education the past 2 years!'' Let me point out the Republican majority has been dragged kicking and screaming into supporting those education increases.

If Congress had approved House Republican Labor-H bills for education over the past 10 years, we would be spending $19 billion less on education than we are spending today. On title I, if House Republican bills had passed, we would have spent $2.8 billion less for title I grants to school districts than we are spending today. After-school centers, if the administration's budget request had been passed throughout the years, we would be providing $1 million less to local school districts for help in that program, and the list goes on and on.

So I would ask, Mr. Chairman, do we really want to pay for $140,000 tax cuts for the most well-off people in this society by providing real cuts in the number of grants that the National Institutes of Health will be able to finance research grants into cancer, diabetes, Parkinson's and the like? Do we really want to pay for $120,000 in tax cuts for the most well-off in this society by continuing to mount barriers that prevent people without means to get a college education for their kids?

The College Board last year indicated that the average cost of attendance at a 4-year public university has increased by $2,300 over the past 4 years, biggest 4-year increase in history. The President's answer to that is to toss an extra hundred dollars on the table in the form of Pell grants, and then he pays for it by wiping out Perkins loans and a number of other education initiatives for those same people.

I really think that the issue is very simple. All this amendment does is to prevent real reductions in the kinds of programs that I have just talked about. What it does is to restore our ability to at least keep up with inflation on those programs by saying to the most well-off people in this country, ''Sorry, folks, you are going to have to get along with a tax cut of only $27,000.'' Most of them I think would agree that this is a far more socially just and economically wise set of decisions to make than the budget resolution we have before us.

This applies only for 1 year. We do not get into any games about 5-year or 10-year budgets. This applies only for the next year. This is the priority statement which people will be able to make on appropriated portions of the budget for the coming year; and if they think these priorities are better, I hope they vote for the amendment. If they think they are not, then they have a perfect right to vote against it.

I would urge an ''aye'' vote.

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

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

I rise with great respect for the distinguished ranking member of the Committee on Appropriations and in agreement, frankly, with his final comments about this, his alternative to our budget, laying out a different approach, a different set of priorities for this Nation, and that is the beauty of this deliberative body. Frankly, it was the beauty of the fairness of the rule I believe that was crafted that allowed four separate approaches, four separate sets of priorities in budgeting to be debated and considered on this House floor.

But I must strongly oppose the Obey amendment. It authorizes higher, uncontrolled spending, while at the same time cutting national defense in a time when our soldiers and sailors and Marines and airmen and Guardsmen and Reservists are engaged all around the world, an unacceptable notion.

In addition to cutting our spending on national defense, it raises taxes by an estimated $18 billion for the next fiscal year. It does increase education spending by $8 billion. It increases veterans spending and health care spending as well, but I would add that in a time when we are engaged in an unprecedented war on terror and waging a separate effort against growing budget deficits, that the level of growth laid out by the House Committee on the Budget's spending plan meets our national priorities, continues our commitment to veterans and education.

□ 1030

The Department of Education under the House budgets for the last 10 years, the Department of Education's spending has gone up 146 percent over the last decade. It is hard to argue that is an inadequate rate of growth. Veterans spending continues to grow. Investments in IDEA, the Individuals with

Disabilities Education Act have gone up dramatically higher than in the previous 10 years under a different management of this House.

This budget resolution that comes out of the House committee sets these priorities moving our Nation forward and protecting our homeland, investing in homeland security, investing in national defense and in our personnel who are in harm's way, and it maintains those policies of pro-growth that allows our economy to expand, that allows small businesses, medium businesses, and even large businesses to operate in a climate where they want to grow and hire employees and continue to open up new markets around the world, giving Americans new opportunities to move products and giving Americans the opportunity to achieve the American dream.

Congress has addressed extraordinary spending demands in the last several years. They bring us face to face with the reality that it is an unsustainable rate of spending growth, one that must be slowed. Last year's projected deficit was $521 billion, but we ended the year with a deficit of $412 billion, reducing that deficit by 20 percent. Although that number is staggeringly high, admittedly, this House-passed budget, the committee-passed budget, puts us on track to cut that deficit in half in 5 years. In doing so it makes some tough decisions, which is what we are paid to do around here.

It requires us to prioritize and make tradeoffs while ensuring that those highest priorities are fully funded and met, and in the House budget we identify that highest priority as being national security and homeland security. This amendment, the amendment we are debating today, cuts defense spending and we find that to be unacceptable in today's climate.

The budget slows the growth of mandatory spending by 0.1 percent over 5 years, from its current rate of 6.4 percent to 6.3 percent. I think that is an important fact. While we spend an awful lot of time in this Chamber talking about cuts, what we are doing is slowing the rate of growth. If someone were to offer workers a 6.3 percent pay raise, it would be a pretty good deal. The fact that these programs continue to grow at 6.3 rather than 6.4 percent is not throwing starving children into the streets. It is not taking food out of seniors' mouths. It is not wrecking our ability to be a compassionate and decent society, it is simply recognizing the simple fact that we cannot maintain the dramatic rates of growth we have been engaged in for the past decade and solve the deficit problem.

This budget resolution continues to make homeland and national security major priorities. Since September 11, Congress has spent nearly $1.9 trillion to provide for defense and homeland security, not including supplementals. Like last year's budget, this plan takes into account funding for the ongoing war in Iraq. The resolution budgets $50 billion to provide for the ongoing war against terrorism. The national defense budget continues the multiyear plan to enable our Armed Services both to fight the war against terrorism now and to transform itself to counter unconventional threats in the future. It fully accommodates the President's request for defense.

Mr. Chairman, the last time we made any real effort to rein in spending, that piece of spending in our budget that makes up 55 percent of the budget, was in 1997. That 55 percent is what we call mandatory spending. I know that the gentleman from Wisconsin (Mr. OBEY) is very familiar with this. As an appropriator, he has seen his share of the budget in discretionary shrink over time, and it will continue to without us making important reforms on the mandatory side of the ledger.

This budget, again for the first time since 1997, instructs the authorizing committees, those committees with the greatest expertise in their areas of jurisdiction, through the reconciliation process to find $7.8 billion in savings for next year and $68.6 billion in savings over the next 5 years. What that means is we are putting the people who understand these policy areas best, we are putting them on the trail to find out the ways to help make those programs be the most effective and the most efficient. They know best the successes and failures in the myriad of government programs that are now on autopilot through the mandatory spending process.

It is estimated that if mandatory spending grows at its current pace, by 2015 it will consume 62 percent of the Federal government. I think it is an important piece of our budget that we begin the process of mandatory spending reform. That reform happens through the reconciliation process.

A number of the President's key initiatives supported in this budget include $40 billion for homeland security outside the Department of Defense; an additional $2.5 billion for Project BioShield to secure new vaccines against smallpox, anthrax and other deadly bioterrorist threats. These funds follow on the heels of massive increases over the past several years to make sure our Nation is prepared to deal with the terrorist threats we know are out there.

I support our budget. It is an important, thoughtful, prioritized budget that makes some tough decisions. I appreciate the gentleman's right to offer an alternative vision. That is what this is. This is a clash of visions, a clash of priorities that our Nation faces. Do we grow our way out of the deficit by fostering a climate that encourages people to find work and start businesses and grow existing businesses, or do we take the approach that we should tax our way out of the deficits? Do we fund our priorities? And what are our highest priorities? Our approach is our highest priority in a time of war is national defense, and our high priority in a time of increased threats from terrorism is homeland security.

We believe that it is important to follow the lead of other Presidents, other administrations, other Congresses that have found themselves budgeting in a time of war to make necessary tradeoffs. The New Deal agencies when World War II came about did not continue to receive the same level of funding. In fact, it was President Roosevelt himself who curtailed and even eliminated a number of the agencies he created.

We recognize in our budget that we cannot continue to spend on the domestic side as aggressively as we had at a time of peace when we are at war, and to that end we call for a 0.8 percent reduction in nonsecurity domestic discretionary spending. While it is an important first step and it has not been done since the Reagan administration, it will hardly cause starvation and pandemonium in the streets at a 0.8 percent reduction. Nor will the directed reconciliation process to the authorizing committees do the same.

We make some tough choices. We admit that. We lay out our priorities, and we proudly defend them. And those priorities include investing in defense, caring for those most in need and creating an economic climate that allows people to succeed without raising the burden of taxation on them.

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

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

Mr. Chairman, I appreciate the remarks of the gentleman from Florida (Mr. PUTNAM), but I think he must have been talking about a different amendment. The gentleman refers to significant cuts in national defense. There is only one cut in any program that can be considered at all related to national defense in this amendment, and that is a $1 billion reduction in the Star Wars account because they have had so many technical problems with that program that they cannot in the coming fiscal year spend all of the money that has been provided to them. So the practical impact on the program will be zero. That is the only reduction in defense.

I would point out that this comes on top of a $16 billion increase in the defense budget which is before us right now, and it comes on top of the $80 billion that we added yesterday for Iraq that was not counted in the President's budget. So I would suggest it is a red herring to claim this has any significant negative effect on defense. In fact, I will bet Members that considerably more than a billion dollars remains unspent from that Star Wars account

at the end of the fiscal year because of technical problems that the Pentagon itself has admitted are there.

With respect to tax increases, I know the majority party likes to pretend that Democrats are talking about tax increases for the middle class. The facts are quite to the contrary. The only people who will lose anything by way of tax cuts in this amendment are people who make more than a million dollars a year. Under existing law if we leave things as they are right now, if you make less than $10,000, you average about an $8 tax cut under the President's package. If you make less than $20,000, you will get back the princely sum of $326. If you make $500,000 to $1 million, you will get on average a $27,000 tax cut. And if you make $1 million adjusted gross income or more, on average you will get a tax cut of $140,000.

I do not know many people in that bracket who would not feel that investing in children, investing in homeland security, investing in veterans' benefits is preferable to giving those folks a super-size tax cut. We are not saying they cannot have a tax cut, we are simply limiting the size of their tax cut to $27,000 so we can meet these other investment needs. I think the vast majority of citizens in this country would think that is a better balance and a better set of priorities.

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

Mr. PUTNAM. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, it is a pleasure to be here on the floor once again, this time as a member of the Committee on the Budget. After being absent from this floor for 16 years, some things are comforting, such as the gentleman from Wisconsin (Mr. OBEY) still maintains his skepticism about the anti-missile system. I appreciate that. I appreciate that in terms of his concern about us spending too much money this year in that regard.

With respect to the comments made by some on the other side of the aisle that somehow the Republican budget is immoral, and I heard that during the one-minute speeches, and somehow it does not follow a standard of social justice or the social gospel, I tried to look at the numbers to see what we are talking about, and if one looks at any graph that looks at the mandatory spending, we see the difference between the baseline and what we have placed in this budget is almost indistinguishable.

So then I looked at some of the other areas that the gentleman has spoken to, and one is the National Institutes of Health. I thought since I have been gone and since the Republicans have taken over the House of Representatives that reflecting the comments about the Republican attitude toward NIH, that somehow we had denuded NIH in the time since Republicans had taken over. So I went back and checked it out, and under Republican Congresses, NIH spending has doubled between 1999 and the year 2003, rising from $13.6 billion in 1999 to $27.2 billion in the year 2003.

□ 1045

Again I heard a comment about veterans, that somehow Republicans are not concerned about veterans. I went back and checked the numbers since I was last here. Since 1995, total spending on veterans, that is, 1995 since the Republicans took over, total spending on veterans has increased from $38.2 billion to $67.6 billion. That is a 77 percent increase.

I wanted to see how that compared with the previous 10 years, again, most of which I was gone, but during which the Democrats were in control of the House; and I found out that there was a 40 percent increase during the previous 10 years.

I would not on this floor suggest that the Democrats were immoral in their approach to the veterans in their previous 10 years even though their increase for veterans was substantially lower than Republicans'. It is not a question of morality, it is not a question of social justice, it is not a question of social gospel, the words that I heard expressed just a moment ago; but, rather, it is a question as to where we are now. After we have had significant, hefty increases in these particular areas during the time that Republicans have been in control, is it a time for us to slow down that increased rate of growth during a time in which we finally are confronting the fiscal responsibility that is visited upon this House as our obligation and our authority?

During the time I was gone, I was able to observe this House from a distance, and I realized there is a real disconnect. People back home seem to think that we are spending too much. They are not arguing for increased taxes. I understand the gentleman believes that an increase in taxes on some people is not a general increase in taxes. We can always follow that old slogan, Don't tax you, don't tax me, tax that guy behind the tree. It is always that game, I will not call it a game, it is always that approach that can be relevant in debates such as this.

But the fact of the matter is that the gentleman from Wisconsin has with sincerity presented us an amendment that increases taxes and increases spending. That is the long and short of it. The suggestion is that somehow we have been unfaithful to our charge to be concerned about the education of the people of America and the veterans. That charge is just patently false. The fact of the matter is we now have established priorities overall for our spending. We believe we have done this in a responsible way. We believe we have done this in a way that most Americans would support. We believe we have made sure that we are not going to cut defense.

The gentleman has suggested $1 billion less spending in defense. I think most Members would not support that. We can suggest to the appropriators and the authorizing committees where they ought to cut, but we cannot demand that. So the gentleman's desire that they take the $1 billion out of a particular place is not necessarily where it is going to come out of. The only thing we know if we adopt the gentleman's amendment is that we will be spending $1 billion less on national defense at a time when very few Americans would support that.

With all due respect to the gentleman from Wisconsin, I appreciate his approach. It is a consistent approach that he has used; but it is an approach that, yes, increases spending and increases taxes.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes. I find the logic of the gentleman interesting. He says that this amendment will result in cutting defense $1 billion. It will not. It will result in a defense budget increase of $16 billion, not counting the $80 billion add-on that we provided yesterday. All we are doing is eliminating $1 billion of the increase because it cannot be spent because of technical problems in the program. That does not reduce the effective firepower of the United States by one bullet.

Let me also note the gentleman had some interesting comments on mandatories. This amendment does not touch mandatories. All we are dealing with in our amendment is the appropriated side of the budget for 1 year alone. We are not getting into the argument about mandatories. That is in the jurisdiction of another committee. So the gentleman's remarks are interesting, but irrelevant in terms of this amendment.

With respect to NIH, let me simply say, we can talk about how much it has been increased the past few years. If you think it is a good idea for us to have 500 fewer research grants out in the field attacking cancer, attacking Parkinson's, attacking diabetes, then by all means vote against my amendment. If you think we ought to correct that, I would urge you to vote for it. If you think we are spending enough on veterans, then by all means vote against this amendment. If you think we are not, then I would suggest you vote for our amendment which adds $3 billion to the veterans health care budget.

We have a huge hole in the services that we provide veterans. All you have to do to realize that is to talk to some of those soldiers who have come back

missing arms, missing legs, missing eyes. If you are comfortable with the amount that we are providing for the VA now, by all means vote against my amendment. Otherwise, vote for it. If you are comfortable with the fact that the President's budget will make it harder for low-income seniors to keep their houses heated during wintertime, then by all means vote against the amendment.

But do not do what 40 Members of the majority party did last year. After they voted for a budget which required a squeeze on all kinds of domestic programs, then they wrote our committee a letter asking us to increase funding for LIHEAP, increase funding for education, something which we could not do under the budget which the majority imposed on us.

As the gentleman said, this is a question of priorities, and I make no apology for mine.

Mr. PUTNAM. Mr. Chairman, I appreciate the distinguished ranking member's suggestion that if we disagree we should vote against it, and I assure him that we shall.

Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. NUSSLE), chairman of the Budget Committee.

Mr. NUSSLE. Mr. Chairman, I was listening and I heard the very distinguished gentleman from Wisconsin suggest that his cuts to defense were slowing down the rate of growth for defense. It is kind of an interesting argument. I hope that the Members on his side listened to that argument because we are doing the same thing. We are slowing down the rate of growth. All of the mandatory programs will receive increases. All of those automatic spending programs will receive increases. All we are asking for is reform in slowing down the rate of growth. I have enormous respect for the gentleman when it comes to his advocacy for finding savings in defense. We should look for savings in defense. We should look for reforms. I do not think we should do that necessarily today during a war; but when you argue to slow the rate of growth, I think it is a valuable argument. I hope that we hear that more often now. When we hear about these drastic, dramatic cuts to the mandatory programs in the future, I hope they will listen to the very distinguished gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Chairman, I could not resist speaking this morning on this amendment that promotes, in my opinion, family values. The budget instructions call for $4.3 billion in cuts in education. How does that reflect family values? It calls for a $69 billion reduction in health care programs like Medicaid and food stamps. I as a parent and as a Member of this body would hope that the majority would see the wisdom in adopting the Obey amendment.

Mr. PUTNAM. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY), the newest member of the Budget Committee.

Mr. CONAWAY. I thank the gentleman for yielding time.

Mr. Chairman, he did mention I am the newest member, but I am also the only CPA on the committee. I brought that burden to the activities of the committee. It seems that every business that I have ever consulted with, every client that I have ever had, every family that I am aware of has to live within their means. All of us can at one point or another spend more money than we are bringing in, whether it is family or a business; but you cannot do it very long.

The only organization that can do it over an extended amount of time is this body, is the Federal Government here in Washington, DC. Just because it can should not mean that it should. And we should not be doing that. We are leaving debt to our children that they will have to pay off or that they will have to look their children in the eye and say, We're going to pass it on to you. Our grandparents passed it on to us, and we're going to keep passing this thing on.

The issue of living within our means means that you have to make some tough choices and you do have to set some priorities. The Budget Committee hearing on members' day, we sat there all day long and listened to a long litany of amendments just like this one, couched in the phrases that we have already heard, that these are not family values when you, quote-unquote, cut spending; these are not love for the military when you cut spending for veterans and veterans affairs. You can make these arguments that if you vote against mom, apple pie and the girl you left behind, you are a horrible person; but the truth of the matter is all across this Nation, all of us have to make tough decisions on where we spend our money.

I stand in opposition to this amendment. The budget that is going to be proposed later on today does in fact make some of those tough choices, begins to start that process of trying to force this government to live within its means. Tax revenues are going up because the economy that we live in is improving. That is the way that we ought to do it. But we have to hold down spending. Reducing the rate of growth overall in mandatory spending by one-tenth percent from 6.4 percent growth to 6.3 percent growth, I am hard pressed as an accountant and a CPA to understand why that is a cut. It is just a slowdown in the growth of increases.

The other side presents every one of these very good programs as if they are the best they can be, that they are totally efficient, that they are not spending money where they should not. I do not think that is the case. I stand in opposition to this gentleman's amendment.

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

Mr. Chairman, let me simply cite a couple of other specifics. One of my objections to the President's budget is that the President is not asking to slow the rate of increase in education; the President is asking us to cut education funding below last year's level at the same time that we have laid the mother of all mandates on local school districts. Under No Child Left Behind, we have given them a whole set of marching orders. They are very expensive marching orders, but we have fallen more than $9 billion behind the amount that we promised in the authorization that we would be providing to those local school districts if we passed those education mandates. It seems to me we ought to live up to our promise.

Pell grants. Pell grants is the major program that enables young people from poor families to go to college so that ''equal opportunity'' is something other than a slogan in this country. Under the President's budget, the percentage of cost at a 4-year public university that will be paid for by Pell grants will drop from 41 percent to 34 percent. I do not call that progress.

I would also point out that the President's budget requires the imposition of new fees on veterans in order to gain access to the veterans health care system. I do not think we ought to do that.

So the issue before us is very simple. Do you want to insist that we give tax cuts of $140,000 on average to people who make over a million bucks? Or do you want to scale those tax cuts back to $27,000 on average and use that money to invest in more care for our veterans, to invest in better education for our kids, to invest in a stronger homeland defense, to invest in more efforts to protect our parks from encroachment?

The choice is simple. I think it is very clear where the American people come down on this.

I will repeat my assertion. I believe the President's budget adds to the gap between the wealthy and the poor in this country. In that sense, I think it is social Darwinism. I repeat that charge, I stand by it, and I think that this in contrast more nearly recognizes the message of the social gospel, which is that we do need to care about each other.

I would remind you of the words, ''What you do for the least of these, you do for me.'' That is what this amendment is trying to do. I make no apology for it.

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

The gentleman is right. It is simple. His amendment is not a complete substitute for our budget. It is simply reducing the amount of growth in defense, as he clarified for us, and increasing taxes.

□ 1100

He points out the eight-tenths of 1 percent reduction in nonsecurity domestic discretionary spending. Does the gentleman believe that in amongst the stacks of GAO reports that come across his desk as the ranking member of the Committee on Appropriations, our desk in the Committee on the Budget, that there is not eight-tenths of 1 percent? Eight-tenths of 1 percent in one's personal budget they lose on diet Cokes on the way to work every morning. Eight-tenths of 1 percent cannot be found in negotiating a better deal on computer equipment, office supplies, travel, increased financial accounting?

Spending for education, one that he pointed out specifically, has gone up 146 percent over the last 10 years, and now we are talking about shaving eight-tenths of 1 percent off. Pell grants, the President calls for them to go up. Our budget would allow for that. Fees for veterans are not even budgeted for in this. While the gentleman rightly pointed out the President's budget, the President's budget is not up for debate today, and this budget that the House will vote on later does not call for fees on our veterans.

I urge a ''no'' vote on the Obey amendment and support for the underlying House budget.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

I would simply say the gentleman asked whether I thought that we could possibly find places in the budget that are wasteful that we could eliminate in order to meet the limits of the budget resolution. I would ask him how did he vote yesterday on our motion to create a Truman-like committee to investigate the fraud that is going on on the part of a number of military contractors in Iraq? We hear daily stories about how taxpayers are being ripped off. If the gentleman is concerned about taxpayers' money being wasted, why did he not vote for that amendment yesterday instead of voting against it like every other good soldier did over there yesterday? They all voted against it.

So, Mr. Chairman, what we have before us is very simple. We have a choice of sticking with the Committee on the Budget's budget, which will leave in place tax cuts of $140,000 on average for people who make over 1 million bucks or whether they think in the interest of social justice and compassion, we ought to scale back those tax cuts so they have to skimp by on only $27,000. The poor devils. They are going to have to get food stamps to get along, I guess, if they are only getting a $27,000 tax cut.

The question is, are we going to scale back those super-sized tax cuts so we can meet our obligations in the area of education, veterans health care, homeland security, and the other items I have just named? I think economically and morally it is not even a close choice.

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

The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, this 15-minute vote on the Obey amendment will be followed by a 5-minute vote, if ordered, on the Hensarling amendment on which proceedings were postponed last evening.

The vote was taken by electronic device, and there were—ayes 180, noes 242, not voting 12, as follows:

[Roll No. 82]

AYES—180

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—242

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—12

Coble	Diaz-Balart, M.	Larson (CT)
Cubin	Foley	Portman
Delahunt	Forbes	Reynolds
Diaz-Balart, L.	King (NY)	Young (FL)

□ 1133

Messrs. SCHWARZ of Michigan, TERRY, CHOCOLA, DAVIS of Tennessee and FORD changed their vote from ''aye'' to ''no.''

Mr. MURTHA and Mr. BILIRAKIS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FOLEY. Mr. Chairman, on rollcall No. 82 I was unavoidably detained at a meeting at the White House. Had I been present, I would have voted "no."

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HENSARLING

The Acting CHAIRMAN (Mr. GILLMOR). The unfinished business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

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

Amendment No. 2 in the nature of a substitute offered by Mr. HENSARLING:

Strike all after the resolving clause and insert the following:

SECTION. 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2006 is hereby established and that the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010 are hereby set forth.

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

Sec. 1. Concurrent resolution on the budget for fiscal year 2006.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

Sec. 201. Reconciliation in the House of Representatives.
Sec. 202. Submission of report on savings to be used for members of the Armed Forces in Iraq and Afghanistan.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Sec. 301 Rainy Day Fund for nonmilitary emergencies.
Sec. 302 Contingency procedure for surface transportation.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Point of Order Protection.
Sec. 402. Restrictions on advance appropriations.
Sec. 403. Automatic votes on expensive legislation.
Sec. 404. Turn off the Gephardt Rule.
Sec. 405. Restriction on the use of emergency spending.
Sec. 406. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 407. Action pursuant to section 302(b)(1) of the Congressional Budget Act of 1974.
Sec. 408. Changes in allocations and aggregates resulting from realistic scoring of measures affecting revenues.
Sec. 409. Prohibition in using revenue increases to comply with budget allocation and aggregates.
Sec. 410. Application and effect of changes in allocations and aggregates.
Sec. 411. Entitlement safeguard.
Sec. 412. Budget Protection Mandatory Account.
Sec. 413. Budget Protection Discretionary Account.

TITLE V—SENSE OF THE HOUSE

Sec. 501. Sense of the House on spending accountability.
Sec. 502. Sense of the House on entitlement reform.
Sec. 503. Sense of the House regarding the abolishment of obsolete agencies and Federal sunset proposals.
Sec. 504. Sense of the House regarding the goals of this concurrent resolution and the elimination of certain programs.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2005 through 2010:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: $1,483,971,000,000.
Fiscal year 2006: $1,589,905,000,000.
Fiscal year 2007: $1,693,266,000,000.
Fiscal year 2008: $1,824,251,000,000.
Fiscal year 2009: $1,928,663,000,000.
Fiscal year 2010: $2,043,903,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2005: $53,000,000.
Fiscal year 2006: $16,622,000,000.
Fiscal year 2007: $24,414,000,000.
Fiscal year 2008: $4,927,000,000.
Fiscal year 2009: $8,570,000,000.
Fiscal year 2010: $9,063,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: $2,070,357,000,000.
Fiscal year 2006: $2,125,130,000,000.
Fiscal year 2007: $2,185,198,000,000.
Fiscal year 2008: $2,291,682,000,000.
Fiscal year 2009: $2,404,965,000,000.
Fiscal year 2010: $2,497,636,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2005: $2,052,551,000,000.
Fiscal year 2006: $2,143,613,000,000.
Fiscal year 2007: $2,192,270,000,000.
Fiscal year 2008: $2,275,421,000,000.
Fiscal year 2009: $2,377,265,000,000.
Fiscal year 2010: $2,476,988,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2005: $568,580,000,000.
Fiscal year 2006: $553,708,000,000.
Fiscal year 2007: $499,004,000,000.
Fiscal year 2008: $451,170,000,000.
Fiscal year 2009: $448,602,000,000.
Fiscal year 2010: $433,085,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2005: $4,685,000,000,000.
Fiscal year 2006: $5,060,705,000,000.
Fiscal year 2007: $5,374,742,000,000.
Fiscal year 2008: $5,626,285,000,000.
Fiscal year 2009: $5,865,547,000,000.
Fiscal year 2010: $6,074,877,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2005: $7,958,232,000,000.
Fiscal year 2006: $8,623,729,000,000.
Fiscal year 2007: $9,249,860,000,000.
Fiscal year 2008: $9,839,054,000,000.
Fiscal year 2009: $10,438,512,000,000.
Fiscal year 2010: $11,029,815,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2005 through 2010 for each major functional category are as follows:

(1) National Defense (050):

Fiscal year 2005:
(A) New budget authority, $500,621,000,000.
(B) Outlays, $497,196,000,000.
Fiscal year 2006:
(A) New budget authority, $441,562,000,000.
(B) Outlays, $475,603,000,000.
Fiscal year 2007:
(A) New budget authority, $465,260,000,000.
(B) Outlays, $460,673,000,000.
Fiscal year 2008:
(A) New budget authority, $483,730,000,000.
(B) Outlays, $471,003,000,000.
Fiscal year 2009:
(A) New budget authority, $503,763,000,000.
(B) Outlays, $489,220,000,000.
Fiscal year 2010:
(A) New budget authority, $513,904,000,000.
(B) Outlays, $505,908,000,000.

(2) Homeland Security (100):

Fiscal year 2005:
(A) New budget authority, $30,896,000,000.
(B) Outlays, $25,830,000,000.
Fiscal year 2006:
(A) New budget authority, $29,323,000,000.
(B) Outlays, $28,186,000,000.
Fiscal year 2007:
(A) New budget authority, $29,673,000.
(B) Outlays, $30,029,000,000.
Fiscal year 2008:
(A) New budget authority, $30,081,000,000.
(B) Outlays, $31,244,000,000.
Fiscal year 2009:
(A) New budget authority, $32,910,000,000.
(B) Outlays, $31,200,000,000.
Fiscal year 2010:
(A) New budget authority, $31,404,000,000.
(B) Outlays, $31,703,000,000.

(3) International Affairs (150):

Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(4) General Science, Space, and Technology (250):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(5) Energy (270):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(6) Natural Resources and Environment (300):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(7) Agriculture (350):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(8) Commerce and Housing Credit (370):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(9) Transportation (400):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(10) Community and Regional Development (450):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(11) Education, Training, Employment, and Social Services (500):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(12) Health (550):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(13) Medicare (570):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(14) Income Security (600):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(15) Social Security (650):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(16) Veterans Benefits and Services (700):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(17) Administration of Justice (750):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(18) General Government (800):
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2010:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(19) Net Interest (900):
Fiscal year 2005:
(A) New budget authority, $276,942,000,000.
(B) Outlays, $276,942,000,000.
Fiscal year 2006:
(A) New budget authority, $310,247,000,000.
(B) Outlays, $310,247,000,000.
Fiscal year 2007:
(A) New budget authority, $358,951,000,000.
(B) Outlays, $358,951,000,000.
Fiscal year 2008:
(A) New budget authority, $395,414,000,000.
(B) Outlays, $395,414,000,000.
Fiscal year 2009:
(A) New budget authority, $423,169,000,000.
(B) Outlays, $423,169,000,000.
Fiscal year 2010:
(A) New budget authority, $448,789,000,000.
(B) Outlays, $448,789,000,000.
(20) Allowances (920):

Fiscal year 2005:
(A) New budget authority, $1,325,002,000,000.
(B) Outlays, $1,315,687,000,000.
Fiscal year 2006:
(A) New budget authority, $1,399,360,000,000.
(B) Outlays, $1,384,939,000,000.
Fiscal year 2007:
(A) New budget authority, $1,394,577,000,000.
(B) Outlays, $1,407,005,000,000.
Fiscal year 2008:
(A) New budget authority, $1,477,937,000,000.
(B) Outlays, $1,444,052,000,000.
Fiscal year 2009:
(A) New budget authority, $1,505,999,000,000.
(B) Outlays, $1,493,927,000,000.
Fiscal year 2010:
(A) New budget authority, $1,566,983,000,000.
(B) Outlays, $1,553,407,000,000.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 2005:
(A) New budget authority, −$54,104,000,000.
(B) Outlays, −$54,104,000,000.
Fiscal year 2006:
(A) New budget authority, −$55,362,000,000.
(B) Outlays, −$55,362,000,000.
Fiscal year 2007:
(A) New budget authority, −$63,263,000,000.
(B) Outlays, −$64,388,000,000.
Fiscal year 2008:
(A) New budget authority, −$65,480,000,000.
(B) Outlays, −$66,292,000,000.
Fiscal year 2009:
(A) New budget authority, −$60,876,000,000.
(B) Outlays, −$60,251,000,000.
Fiscal year 2010:
(A) New budget authority, −$63,447,000,000.
(B) Outlays, −$62,822,000,000.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS PROVIDING FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE IN MANDATORY PROGRAMS.—(1) Not later than July 15, 2005, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $893,000,000 in outlays for fiscal year 2006 and $5,959,000,000 in outlays for the period of fiscal years 2006 through 2010.

(B) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $2,128,000,000 in outlays for fiscal year 2006 and $21,803,000,000 in outlays for the period of fiscal years 2006 through 2010.

(C) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $1,419,000,000 in outlays for fiscal year 2006 and $30,725,000,000 in outlays for the period of fiscal years 2006 through 2010.

(D) COMMITTEE ON FINANCIAL SERVICES.—The House Committee on Financial Services shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $30,000,000 in new budget authority for fiscal year 2006 and $270,000,000 in new budget authority for the period of fiscal years 2006 through 2010.

(E) COMMITTEE ON GOVERNMENT REFORM.—The House Committee on Government Reform shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $268,000,000 in outlays for fiscal year 2006 and $3,164,000,000 in outlays for the period of fiscal years 2006 through 2010.

(F) COMMITTEE ON HOUSE ADMINISTRATION.—The House Committee on House Administration shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $57,000,000 in outlays for fiscal year 2006 and $2,673,000,000 in outlays for the period of fiscal years 2006 through 2010.

(G) COMMITTEE ON INTERNATIONAL RELATIONS.—The House Committee on International Relations shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $45,000,000 in outlays for fiscal year 2006 and $504,000,000 in outlays for the period of fiscal years 2006 through 2010.

(H) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $144,000,000 in outlays for fiscal year 2006 and $826,000,000 in outlays for the period of fiscal years 2006 through 2010.

(I) COMMITTEE ON RESOURCES.—The House Committee on Resources shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $114,000,000 in outlays for fiscal year 2006 and $1,598,000,000 in outlays for the period of fiscal years 2006 through 2010.

(J) COMMITTEE ON SCIENCE.—The House Committee on Science shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $303,000,000 in outlays for fiscal year 2006 and $3,864,000,000 in outlays for the period of fiscal years 2006 through 2010.

(K) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $65,000,000 in outlays for fiscal year 2006 and $690,000,000 in outlays for the period of fiscal years 2006 through 2010.

(L) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $155,000,000 in outlays for fiscal year 2006 and $798,000,000 in outlays for the period of fiscal years 2006 through 2010.

(M) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $6,534,000,000 in outlays for fiscal year 2006 and $52,391,000,000 in outlays for the period of fiscal years 2006 through 2010.

(N) SPECIAL RULE.—The chairman of the Committee on the Budget may take into account legislation enacted after the adoption of this resolution that is determined to reduce the deficit and may make applicable adjustments in reconciliation instructions, allocations, and budget aggregates and may also make adjustments in reconciliation instructions to protect earned benefit programs.

(b) SUBMISSION PROVIDING FOR CHANGES IN REVENUE.—The House Committee on Ways and Means shall report a reconciliation bill not later than June 24, 2005, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $17,700,000,000 for fiscal year 2006 and by not more than $105,900,000,000 for the period of fiscal years 2006 through 2010.

(c)(1) Upon the submission to the Committee on the Budget of the House of a recommendation that has complied with its reconciliation instructions solely by virtue of section 310(b) of the Congressional Budget Act of 1974, the chairman of that committee may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(2) Upon the submission to the House of a conference report recommending a reconciliation bill or resolution in which a committee has complied with its reconciliation instructions solely by virtue of this section, the chairman of the Committee on the Budget of the House may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(3) Allocations and aggregates revised pursuant to this subsection shall be considered to be allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of such Act.

SEC. 202. SUBMISSION OF REPORT ON DEFENSE SAVINGS.

In the House, not later than May 15, 2005, the Committee on Armed Services shall submit to the Committee on the Budget its findings that identify $2,000,000,000 in savings from (1) activities that are determined to be of a low priority to the successful execution of current military operations; or (2) activities that are determined to be wasteful or unnecessary to national defense. Funds identified should be reallocated to programs and activities that directly contribute to enhancing the combat capabilities of the U.S. military forces with an emphasis on force protection, munitions, and surveillance capabilities. For purposes of this subsection, the report by the Committee on Armed Services shall be inserted in the Congressional Record by the chairman of the Committee on the Budget not later than May 21, 2005.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

SEC. 301. RAINY DAY FUND FOR NON-MILITARY EMERGENCIES.

In the House of Representatives and the Senate, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority (and outlays flowing therefrom) for nonmilitary emergencies, then the chairman of the Committee on the Budget of that House shall make the appropriate revisions to the allocations and other levels in this resolution by the amount provided by that measure for that purpose, but the total adjustment for all measures considered under this section shall not exceed $20,000,000,000 in new budget authority for fiscal year 2006 and outlays flowing therefrom.

SEC. 302. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or

portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2005: $42,806,000,000,

(2) for fiscal year 2006: $45,899,100,000,

(3) for fiscal year 2007: $47,828,700,000,

(4) for fiscal year 2008: $49,715,400,000, or

(5) for fiscal year 2009: $51,743,500,000,

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2005 and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2006, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $42,792,000,000 for fiscal year 2006 for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. POINT OF ORDER PROTECTION.

(a) IN GENERAL.—(1) A report by the Committee on Rules on a rule or order that would waive section 302(f) or 303(a) (other than paragraph (2)) of the Congressional Budget Act of 1974 may not be called up for consideration (over the objection of any Member) except when so determined by a vote of a majority of the Members duly chosen and sworn, a quorum being present.

(2) A question of consideration under this paragraph shall be debatable for 20 minutes equally divided by a proponent and opponent of the question but shall otherwise be decided without intervening motion except one that the House adjourn.

(3) This paragraph does not apply to any rule providing for consideration of any legislation the title of which is as follows: ''A bill to preserve Social Security.''

(b) WAIVER PROHIBITION.—The Committee on Rules may not report a rule or order proposing a waiver of subsection (a).

SEC. 402. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be provided for fiscal year 2007 and fiscal years 2008 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading 'Accounts Identified for Advance Appropriations' in an aggregate amount not to exceed $23,568,000,000 in new budget authority.

(c) DEFINITION.—In this section, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006.

SEC. 403. AUTOMATIC VOTES ON EXPENSIVE LEGISLATION.

In the House, the yeas and nays shall be considered as ordered when the Speaker puts the question on passage of a bill or joint resolution, or on adoption of conference report, which authorizes or provides new budget authority of not less $50,000,000. The Speaker may not entertain a unanimous consent request or motion to suspend this section.

SEC. 404. TURN OFF THE GEPHARDT RULE.

Rule XXVII shall not apply with respect to the adoption by the Congress of a concurrent resolution on the budget for fiscal year 2006.

SEC. 405. EMERGENCY SPENDING.

(a) EXEMPTION OF OVERSEAS CONTINGENCY OPERATIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes supplemental appropriations for fiscal year 2006 for contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, and 401 of the Congressional Budget Act of 1974 for the provisions of such measure that are designated pursuant to this subsection as making appropriations for such contingency operations.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that designates a provision as an emergency requirement pursuant to this section, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974.

(c) DESIGNATIONS.—

(1) GUIDANCE.—In the House, if a provision of legislation is designated as an emergency requirement under subsection (b), the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (2). If such legislation is to be considered by the House without being reported, then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(2) CRITERIA.—

(A) IN GENERAL.—Any such provision is an emergency requirement if the underlying situation poses a threat to life, property, or national security and is—

(i) sudden, quickly coming into being, and not building up over time;

(ii) an urgent, pressing, and compelling need requiring immediate action;

(iii) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(iv) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(d) ENFORCEMENT.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, amendment or conference report that contains an emergency designation unless that designation meets the criteria set out in subsection (c)(2).

(e) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (d).

(f) DISPOSITION OF POINTS OF ORDER IN THE HOUSE.—As disposition of a point of order under subsection (d) or subsection (e), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order. A question of consideration under this section shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent of the point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

SEC. 406. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 407. ACTION PURSUANT TO SECTION 302(b)(1) OF THE CONGRESSIONAL BUDGET ACT.

(a) COMPLIANCE.—When complying with Section 302(b)(1) of the Congressional Budget Act of 1974, the Committee on Appropriations of each House shall consult with the Committee on Appropriations of the other House to ensure that the allocation of budget outlays and new budget authority among each Committee's subcommittees are identical.

(b) REPORT.—The Committee on Appropriations of each House shall report to its House when it determines that the report made by the Committee pursuant to Section 302(b) of the Congressional Budget Act of 1974 and the report made by the Committee on Appropriations of the other House pursuant to the same provision contain identical allocations of budget outlays and new budget authority among each Committee's subcommittees.

(c) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report providing new discretionary budget authority for Fiscal Year 2006 allocated to the Committee on Appropriations unless and until the Committee on Appropriations of that House has made the report required under paragraph (b) of this Section.

SEC. 408. CHANGES IN ALLOCATIONS AND AGGREGATES RESULTING FROM REALISTIC SCORING OF MEASURES AFFECTING REVENUES.

(a) Whenever the House considers a bill, joint resolution, amendment, motion or conference report, including measures filed in

compliance with section 201(b) or 201(c), that propose to change federal revenues, the impact of such measure on federal revenues shall be calculated by the Joint Committee on Taxation in a manner that takes into account—

(1) the impact of the proposed revenue changes on—

(A) Gross Domestic Product, including the growth rate for the Gross Domestic Product;

(B) total domestic employment;

(C) gross private domestic investment;

(D) general price index;

(E) interest rates; and

(F) other economic variables;

(2) the impact on Federal Revenue of the changes in economic variables analyzed under subpart (1) of this paragraph.

(b) the Chairman of the Committee on the Budget may make any necessary changes to allocations and aggregates in order to conform this concurrent resolution with the determinations made by the Joint Committee on Taxation pursuant to paragraph (a) of this Section.

SEC. 409. PROHIBITION ON USING REVENUE INCREASES TO COMPLY WITH BUDGET ALLOCATIONS AND AGGREGATES.

(a) For the purpose of enforcing this concurrent resolution in the House, the Chairman of the Committee on the Budget shall not take into account the provisions of any piece of legislation which propose to increase revenue or offsetting collections if the net effect of the bill is to increase the level of revenue or offsetting collections beyond the level assumed in this concurrent resolution.

(b) Paragraph (a) of this section shall not apply to any provision of a piece of legislation that proposes a new or increased fee for the receipt of a defined benefit or service (including insurance coverage) by the person or entity paying the fee.

SEC. 410. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 411. ENTITLEMENT SAFEGUARD.

(a) It shall not be in order in the House of Representatives to consider an direct spending legislation that would increase an on-budget deficit or decrease an on-budget surplus as provided by paragraph (e) for any applicable time period.

(b) For purposes of this clause, the term ''applicable time period'' means any of the following periods:

(1) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(2) The period of the 5 fiscal years following first 5 years covered in the most recently adopted concurrent resolution on the budget.

(c) For purposes of this section and except as provided in paragraph (d), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) For purposes of this section, the term ''direct-spending legislation'' does not include—

(1) any legislation the title of which is as follows: ''A bill to preserve Social Security.''; or

(2) any legislation that would cause a net increase in aggregate direct spending of less than $100,000,000 for any applicable time period.

(e) If direct spending legislation increases the on-budget deficit or decreases an on-budget surpluses when taken individually, it must also increase the on-budget deficit or decrease the on-budget surplus when taken together with all direct spending legislation enacted since the beginning of the calendar year not accounted for in the baseline assumed for the most recent concurrent resolution on the budget, except that direct spending effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(f) This section may be waived by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(g) For purposes of this section, the levels of budget authority and outlays for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget.

(h) The Committee on Rules may not report a rule or order proposing a waiver of paragraph (a).

SEC. 412. BUDGET PROTECTION MANDATORY ACCOUNT.

(a)(1) The chairman of the Committee on the Budget shall maintain an account to be known as the ''Budget Protection Mandatory Account''. The Account shall be divided into entries corresponding to the allocations under section 302(a) of the Congressional Budget Act of 1974 in the most recently adopted concurrent resolution on the budget, except that it shall not include the Committee on Appropriations.

(2) Each entry shall consist only of amounts credited to it under subsection (b). No entry of a negative amount shall be made.

(b)(1) Upon the engrossment of a House bill or joint resolution or a House amendment to a Senate bill or joint resolution (other than an appropriation bill), the chairman of the Committee on the Budget shall—

(A) credit the applicable entries of the Budget Protection Mandatory Account by the amounts specified in subparagraph (2); and

(B) reduce the applicable 302(a) allocations by the amount specified in subparagraph (2).

(2) Each amount specified in subparagraph (A) shall be the net reduction in mandatory budget authority (either under current law or proposed by the bill or joint resolution under consideration) provided by each amendment that was adopted in the House to the bill or joint resolution.

(c)(1) If an amendment includes a provision described in subparagraph (2), the chairman of the Committee on the Budget shall, upon the engrossment of a House bill or joint resolution or a House amendment to a Senate bill or joint resolution, other than an appropriation bill, reduce the level of total revenues set forth in the applicable concurrent resolution on the budget for the fiscal year or for the total of that first fiscal year and the ensuing fiscal years in an amount equal to the net reduction in mandatory authority (either under current law or proposed by a bill or joint resolution under consideration) provided by each amendment adopted by the House to the bill or joint resolution. Such adjustment shall be in addition to the adjustments described in subsection (b).

(2)(A) The provision specified in subparagraph (1) is as follows: ''The amount of mandatory budget authority reduced by this amendment may be used to offset a decrease in revenues.''

(B) All points of order are waived against an amendment including the text specified in subparagraph (A) provided the amendment is otherwise in order.

(d) As used in this rule, the term—

(1) ''appropriation bill'' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2006 or any subsequent fiscal year, as the case may be.

(2) ''mandatory budget authority'' means any entitlement authority as defined by, and interpreted for purposes of, the Congressional Budget Act of 1974.

(e) During the consideration of any bill or joint resolution, the chairman of the Committee on the Budget shall maintain a running tally, which shall be available to all Members, of the amendments adopted reflecting increases and decreases of budget authority in the bill or joint resolution.

SEC. 413. BUDGET DISCRETIONARY ACCOUNTS.

(a)(1) The chairman of the Committee on the Budget shall maintain an account to be known as the ''Budget Protection Discretionary Account'';. The Account shall be divided into entries corresponding to the allocation to the Committee on Appropriations, and the committee's suballocations, under section 302(a) and 302(b) of the Congressional Budget Act of 1974.

(2) Each entry shall consist only of amounts credited to it under subsection (b). No entry of a negative amount shall be made.

(b)(1) Upon the engrossment of a House appropriations bill, the chairman of the Committee on the Budget shall—

(A) credit the applicable entries of the Budget Protection Discretionary Account by the amounts specified in subparagraph (2).

(B) reduce the applicable 302(a) and (b) allocations by the amount specified in subparagraph (2).

(2) Each amount specified in subparagraph (A) shall be the net reduction in discretionary budget authority provided by each amendment adopted by the House to the bill or joint resolution.

(c)(1) If an amendment includes a provision described in subparagraph (2), the chairman of the Committee on the Budget shall, upon the engrossment of a House appropriations bill, reduce the level of total revenues set forth in the applicable concurrent resolution on the budget for the fiscal year or for the total of that first fiscal year and the ensuing fiscal years in an amount equal to the net reduction in discretionary budget authority

provided by each amendment that was adopted by the House to the bill or joint resolution. Such adjustment shall be in addition to the adjustments described in subsection (b).

(2)(A) The provision specified in subparagraph (1) is as follows: ''The amount of discretionary budget authority reduced by this amendment may be used to offset a decrease in revenues.''

(B) All points of order are waived against an amendment including the text specified in subparagraph (A) provided the amendment is otherwise in order.

(d) As used in this rule, the term ''appropriation bill'' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2006 or any subsequent fiscal year, as the case may be.

(e) During the consideration of any bill or joint resolution, the chairman of the Committee on the Budget shall maintain a running tally, which shall be available to all Members, of the amendments adopted reflecting increases and decreases of budget authority in the bill or joint resolution.

TITLE V—SENSE OF THE HOUSE

SEC. 501. SENSE OF THE HOUSE ON SPENDING ACCOUNTABILITY.

It is the sense of the House that—

(1) authorizing committees should actively engage in oversight utilizing—

(A) the plans and goals submitted by executive agencies pursuant to the Government Performance and Results Act of 1993; and

(B) the performance evaluations submitted by such agencies (that are based upon the Program Assessment Rating Tool which is designed to improve agency performance);in order to enact legislation to eliminate waste, fraud, and abuse to ensure the efficient use of taxpayer dollars;

(2) all Federal programs should be periodically reauthorized and funding for unauthorized programs should be level-funded in fiscal year 2006 unless there is a compelling justification;

(3) committees should submit written justifications for earmarks and should consider not funding those most egregiously inconsistent with national policy;

(4) the fiscal year 2006 budget resolution should be vigorously enforced and legislation should be enacted establishing statutory limits on appropriations and a PAY-AS-YOU-GO rule for new and expanded entitlement programs; and

(5) Congress should make every effort to offset nonwar-related supplemental appropriations.

SEC. 502. SENSE OF THE HOUSE ON ENTITLEMENT REFORM.

(a) FINDINGS.—The House finds that welfare was successfully reformed through the application of work requirements, education and training opportunity, and time limits on eligibility.

(b) SENSE OF THE HOUSE.—It is the sense of the House that authorizing committees should—

(1) systematically review all means-tested entitlement programs and track beneficiary participation across programs and time;

(2) enact legislation to develop common eligibility requirements for means-tested entitlement programs;

(3) enact legislation to accurately rename means-tested entitlement programs;

(4) enact legislation to coordinate program benefits in order to limit to a reasonable period of time the Government dependency of means-tested entitlement program participants;

(5) evaluate the costs of, and justifications for, nonmeans-tested, nonretirement-related entitlement programs; and

(6) identify and utilize resources that have conducted cost-benefit analyses of participants in multiple means- and nonmeans-tested entitlement programs to understand their cumulative costs and collective benefits.

SEC. 503. SENSE OF HOUSE REGARDING THE ABOLISHMENT OF OBSOLETE AGENCIES AND FEDERAL SUNSET PROPOSALS.

(a) The House finds the following:

(1) The National Commission on the Public Service's recent report, ''Urgent Business For America: Revitalizing The Federal Government For The 21st Century,'' states that government missions are so widely dispersed among so many agencies that no coherent management is possible. The report also states that fragmentation leaves many gaps, inconsistencies, and inefficiencies in government oversight and results in an unacceptable level of public health protection.

(2) According to the Commission, there are: more than 35 food safety laws administered by 12 different federal agencies; 541 clean air, water, and waste programs in 29 federal agencies; 50 different programs to aid the homeless in eight different Federal agencies; and 27 teen pregnancy programs operated in nine Federal agencies; and 90 early childhood programs scattered among 11 Federal agencies.

(3) According to the General Accounting Office (GAO), there are 163 programs with a job training or employment function, 64 welfare programs of a similar nature, and more than 500 urban aid programs.

(4) GAO also indicates 13 agencies coordinate 342 economic development programs, but there is very little or no coordination between them. This situation has created a bureaucracy so complex that many local communities stop applying for economic assistance. At the same time, the GAO reports that these programs often serve as nothing more than funnels for pork, have ''no significant effect'' on the economy, and cost as much as $_____ to create each job.

(5) In 1976, Colorado became the first state to implement a sunset mechanism. Today, about half of the Nation's States have some sort of sunset mechanism in effect to monitor their legislative branch agencies. On the Federal level, the United States Senate in 1978 overwhelmingly passed legislation to sunset most of the Government agencies by a vote of 87–1.

(6) In Texas, ''sunsetting'' has eliminated 44 agencies and saved the taxpayers $_____ million compared with expenditures of $ million for the Sunset Commission. Based on these estimates, for every dollar spent on the Sunset process, the State has received about $ in return.

(b) It is the Sense of the House that legislation providing for the orderly abolishment of obsolete Agencies and providing a federal sunset for government programs should be enacted during this Congress.

SEC. 504. SENSE OF THE HOUSE REGARDING THE GOALS OF THIS CONCURRENT RESOLUTION AND THE ELIMINATION OF CERTAIN PROGRAMS.

(a) The House of Representatives finds the following:

(1) The concurrent resolution on the budget for fiscal year 2006 should achieve the following key goals:

(A) Ensure adequate funding is available for essential government programs, in particular defense and homeland security.

(B) Foster greater economic growth and increased domestic employment by eliminating those provisions in the tax code that discourage economic growth and job creation and by extending existing tax relief provisions so as to prevent an automatic tax increase.

(C) Bring the Federal budget back into balance as soon as possible.

(2) The Government spends billions of dollars each year on programs and projects that are of marginal value to the country as a whole.

(3) Funding for these lower priority programs should be viewed in light of the goals of this concurrent resolution and whether or not continued funding of these programs advances or hinders the achievement of these goals.

(4) This concurrent resolution assumes that funding for many lower priority programs will be reduced or eliminated in order increase funding for defense and homeland security while at the same time controlling overall spending.

(b) It is the Sense of the House of Representatives that the following programs should be eliminated:

(1) Title X Family Planning.

(2) Corporation for Public Broadcasting.

(3) National Endowment for the Arts.

(4) Legal Services Corporation.

(5) the Advanced Technology Program.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 102, noes 320, not voting 12, as follows:

[Roll No. 83]

AYES—102

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Cannon
Cantor
Case
Chabot
Chocola
Cole (OK)
Conaway
Cox
Deal (GA)
Diaz-Balart, M.
Drake
Duncan
English (PA)
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goodlatte
Gutknecht
Harris
Hayworth
Hensarling
Herger
Hoekstra
Hostettler
Inglis (SC)
Istook
Jenkins
Jindal
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kline
Kuhl (NY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Pombo
Price (GA)
Radanovich
Reynolds
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Sodrel
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walden (OR)
Wamp
Weller
Westmoreland
Wilson (SC)

NOES—320

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert

Bonilla
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
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)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—12

Coble
Cubin
Delahunt
Diaz-Balart, L.
Foley
Forbes
Jefferson
King (NY)
Larson (CT)
Melancon
Portman
Young (FL)

□ 1141

Mr. FITZPATRICK of Pennsylvania changed his vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FOLEY. Mr. Chairman, on rollcall No. 83 I was unavoidably detained at a meeting at the White House. Had I been present, I would have voted "no."

Mr. NUSSLE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. GILLMOR, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, had come to no resolution thereon.

EXPRESSING GRAVE CONCERN OF CONGRESS REGARDING OCCUPATION OF REPUBLIC OF LEBANON BY SYRIAN ARAB REPUBLIC

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 32, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 32, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 1, answered ''present'' 4, not voting 10, as follows:

[Roll No. 84]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)

Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Paul

ANSWERED ''PRESENT''—4

Hinchey
Kucinich
McDermott
McKinney

NOT VOTING—10

Coble
Cubin
Delahunt
DeLay
Foley
Forbes
King (NY)
Portman
Tiberi
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 1159

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: ''A concurrent resolution expressing the grave concern of Congress regarding the occupation of the Lebanese Republic by the Syrian Arab Republic.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOLEY. Mr. Chairman, on rollcall No. 84 I was unavoidably detained at a meeting at the White House. Had I been present, I would have voted "aye."

PROVIDING FOR FINAL PERIOD OF GENERAL DEBATE ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

Mr. NUSSLE. Mr. Speaker, I have a unanimous consent request that has been worked out between both sides. I ask unanimous consent that during further consideration of H. Con. Res. 95 in the Committee of the Whole, a final period of general debate shall be in order at the conclusion of consideration of the concurrent resolution for amendment, which shall not exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

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

There was no objection.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

The SPEAKER pro tempore. Pursuant to House Resolution 154 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, H. Con. Res. 95.

□ 1159

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, with Mr. GILLMOR (Acting Chairman) in the chair.

The Clerk read the title of the concurrent resolution.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 2 printed in House Report 109–19, offered by the gentleman from Texas (Mr. HENSARLING), had been disposed of.

Pursuant to the order of the House of today, there shall be a final period of general debate at the conclusion of consideration of the concurrent resolution for amendment, which shall not exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

It is now in order to consider amendment No. 3 printed in House Report 109–19.

AMENDMENT NO. 3 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WATT

Mr. WATT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Acting CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment No. 3 in the nature of a substitute offered by Mr. WATT:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006.

The Congress declares that the concurrent resolution on the budget for fiscal year 2006 is hereby established and that the appropriate budgetary levels for fiscal years 2007 through 2010 are set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2006 through 2010:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2006: $1,643,962,000,000.
Fiscal year 2007: $1,757,771,000,000.
Fiscal year 2008: $1,878,285,000,000.
Fiscal year 2009: $2,002,315,000,000.
Fiscal year 2010: $2,115,768,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 2006: $36,300,000,000.
Fiscal year 2007: $38,500,000,000.
Fiscal year 2008: $42,100,000,000.
Fiscal year 2009: $46,100,000,000.
Fiscal year 2010: $49,400,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2006: $2,167,892,000,000.
Fiscal year 2007: $2,234,617,000,000.
Fiscal year 2008: $2,347,844,000,000.
Fiscal year 2009: $2,462,004,000,000.
Fiscal year 2010: $2,567,326,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2006: $2,173,159,000,000.
Fiscal year 2007: $2,227,030,000,000.
Fiscal year 2008: $2,333,346,000,000.
Fiscal year 2009: $2,439,718,000,000.
Fiscal year 2010: $2,545,019,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2006: $−529,197,000,000.
Fiscal year 2007: $−469,259,000,000.
Fiscal year 2008: $−455,061,000,000.
Fiscal year 2009: $−437,403,000,000.
Fiscal year 2010: $−429,251,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2006: $8,602,000,000,000.
Fiscal year 2007: $9,188,000,000,000.
Fiscal year 2008: $9,767,000,000,000.
Fiscal year 2009: $10,333,000,000,000.
Fiscal year 2010: $10,896,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2006: $5,039,000,000,000.
Fiscal year 2007: $5,313,000,000,000.
Fiscal year 2008: $5,555,000,000,000.
Fiscal year 2009: $5,760,000,000,000.
Fiscal year 2010: $5,941,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2006 through 2010 for each major functional category are:

(1) National Defense (050):

Fiscal year 2006:

(A) New budget authority, $434,862,000,000.
(B) Outlays, $471,148,000,000.
Fiscal year 2007:
(A) New budget authority, $444,650,000,000.
(B) Outlays, $437,735,000,000.
Fiscal year 2008:
(A) New budget authority, $455,521,000,000.
(B) Outlays, $450,234,000,000..
Fiscal year 2009:
(A) New budget authority, $466,677,000,000.
(B) Outlays, $460,789,000,000.
Fiscal year 2010:
(A) New budget authority, $478,016,000,000.
(B) Outlays, $471,926,000,000.
(2) International Affairs (150):
Fiscal year 2006:
(A) New budget authority, $32,718,000,000.
(B) Outlays, $35,571,000,000.
Fiscal year 2007:
(A) New budget authority, $34,580,000,000.
(B) Outlays, $33,231,000,000.
Fiscal year 2008:
(A) New budget authority, $35,281,000,000.
(B) Outlays, $32,424,000,000.
Fiscal year 2009:
(A) New budget authority, $35,984,000,000.
(B) Outlays, $32,560,000,000.
Fiscal year 2010:
(A) New budget authority, $36,706,000,000.
(B) Outlays, $32,686,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2006:
(A) New budget authority, $25,235,000,000.
(B) Outlays, $24,149,000,000.
Fiscal year 2007:
(A) New budget authority, $25,670,000,000.
(B) Outlays, $25,040,000,000.
Fiscal year 2008:
(A) New budget authority, $26,203,000,000.
(B) Outlays, $25,512,000,000.
Fiscal year 2009:
(A) New budget authority, $26,727,000,000.
(B) Outlays, $26,019,000,000.
Fiscal year 2010:
(A) New budget authority, $27,256,000,000.
(B) Outlays, $26,532,000,000.
(4) Energy (270):
Fiscal year 2006:
(A) New budget authority, $3,147,000,000.
(B) Outlays, $2,027,000,000.
Fiscal year 2007:
(A) New budget authority, $2,971,000,000.
(B) Outlays, $1,479,000,000.
Fiscal year 2008:
(A) New budget authority, $3,031,000,000.
(B) Outlays, $1,113,000,000.
Fiscal year 2009:
(A) New budget authority, $2,811,000,000.
(B) Outlays, $1,352,000,000.
Fiscal year 2010:
(A) New budget authority, $2,747,000,000.
(B) Outlays, $1,451,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2006:
(A) New budget authority, $30,563,000,000.
(B) Outlays, $32,306,000,000.
Fiscal year 2007:
(A) New budget authority, $31,660,000,000.
(B) Outlays, $32,394,000,000.
Fiscal year 2008:
(A) New budget authority, $32,494,000,000.
(B) Outlays, $33,420,000,000.
Fiscal year 2009:
(A) New budget authority, $34,118,000,000.
(B) Outlays, $34,556,000,000.
Fiscal year 2010:
(A) New budget authority, $34,896,000,000.
(B) Outlays, $35,317,000,000.
(6) Agriculture (350):
Fiscal year 2006:
(A) New budget authority, $29,780,000,000.
(B) Outlays, $28,733,000,000.
Fiscal year 2007:
(A) New budget authority, $27,324,000,000.
(B) Outlays, $26,190,000,000.
Fiscal year 2008:
(A) New budget authority, $25,576,000,000.
(B) Outlays, $24,545,000,000.
Fiscal year 2009:
(A) New budget authority, $26,073,000,000.
(B) Outlays, $25,195,000,000.
Fiscal year 2010:
(A) New budget authority, $26,012,000,000.
(B) Outlays, $25,220,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2006:
(A) New budget authority, $11,772,000,000.
(B) Outlays, $5,629,000,000.
Fiscal year 2007:
(A) New budget authority, $12,124,000,000.
(B) Outlays, $6,245,000,000.
Fiscal year 2008:
(A) New budget authority, $12,151,000,000.
(B) Outlays, $5,938,000,000.
Fiscal year 2009:
(A) New budget authority, $12,235,000,000.
(B) Outlays, $5,143,000,000.
Fiscal year 2010:
(A) New budget authority, $12,326,000,000.
(B) Outlays, $4,810,000,000.
(8) Transportation (400):
Fiscal year 2006:
(A) New budget authority, $70,157,000,000.
(B) Outlays, $70,455,000,000.
Fiscal year 2007:
(A) New budget authority, $70,638,000,000.
(B) Outlays, $72,176,000,000.
Fiscal year 2008:
(A) New budget authority, $70,911,000,000.
(B) Outlays, $73,730,000,000.
Fiscal year 2009:
(A) New budget authority, $71,556,000,000.
(B) Outlays, $74,668,000,000.
Fiscal year 2010:
(A) New budget authority, $72,180,000,000.
(B) Outlays, $75,619,000,000.
(9) Community and Regional Development (450):
Fiscal year 2006:
(A) New budget authority, $15,679,000,000.
(B) Outlays, $18,727,000,000.
Fiscal year 2007:
(A) New budget authority, $15,537,000,000.
(B) Outlays, $16,668,000,000.
Fiscal year 2008:
(A) New budget authority, $15,754,000,000.
(B) Outlays, $15,257,000,000.
Fiscal year 2009:
(A) New budget authority, $16,056,000,000.
(B) Outlays, $14,295,000,000.
Fiscal year 2010:
(A) New budget authority, $16,357,000,000.
(B) Outlays, $14,061,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2006:
(A) New budget authority, $115,878,000,000.
(B) Outlays, $100,398,000,000.
Fiscal year 2007:
(A) New budget authority, $117,983,000,000.
(B) Outlays, $112,710,000,000.
Fiscal year 2008:
(A) New budget authority, $120,075,000,000.
(B) Outlays, $116,968,000,000.
Fiscal year 2009:
(A) New budget authority, $122,075,000,000.
(B) Outlays, $119,556,000,000.
Fiscal year 2010:
(A) New budget authority, $124,711,000,000.
(B) Outlays, $121,907,000,000.
(11) Health (550):
Fiscal year 2006:
(A) New budget authority, $263,151,000,000.
(B) Outlays, $262,872,000,000.
Fiscal year 2007:
(A) New budget authority, $277,813,000,000.
(B) Outlays, $276,036,000,000.
Fiscal year 2008:
(A) New budget authority, $298,412,000,000.
(B) Outlays, $296,301,000,000.
Fiscal year 2009:
(A) New budget authority, $321,498,000,000.
(B) Outlays, $317,159,000,000.
Fiscal year 2010:
(A) New budget authority, $342,449,000,000.
(B) Outlays, $340,349,000,000.
(12) Medicare (570):
Fiscal year 2006:
(A) New budget authority, $331,181,000,000.
(B) Outlays, $330,944,000,000.
Fiscal year 2007:
(A) New budget authority, $372,132,000,000.
(B) Outlays, $372,353,000,000.
Fiscal year 2008:
(A) New budget authority, $395,766,000,000.
(B) Outlays, $395,759,000,000.
Fiscal year 2009:
(A) New budget authority, $420,916,000,000.
(B) Outlays, $420,450,000,000.
Fiscal year 2010:
(A) New budget authority, $449,089,000,000.
(B) Outlays, $449,346,000,000.
(13) Income Security (600):
Fiscal year 2006:
(A) New budget authority, $349,218,000,000.
(B) Outlays, $355,125,000,000.
Fiscal year 2007:
(A) New budget authority, $356,381,000,000.
(B) Outlays, $361,033,000,000.
Fiscal year 2008:
(A) New budget authority, $370,455,000,000.
(B) Outlays, $373,930,000,000.
Fiscal year 2009:
(A) New budget authority, $381,030,000,000.
(B) Outlays, $383,313,000,000.
Fiscal year 2010:
(A) New budget authority, $392,106,000,000.
(B) Outlays, $393,720,000,000.
(14) Social Security (650):
Fiscal year 2006:
(A) New budget authority, $15,891,000,000.
(B) Outlays, $15,891,000,000.
Fiscal year 2007:
(A) New budget authority, $17,704,000,000.
(B) Outlays, $17,704,000,000.
Fiscal year 2008:
(A) New budget authority, $19,768,000,000.
(B) Outlays, $19,768,000,000.
Fiscal year 2009:
(A) New budget authority, $21,743,000,000.
(B) Outlays, $21,743,000,000.
Fiscal year 2010:
(A) New budget authority, $24,029,000,000.
(B) Outlays, $24,029,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2006:
(A) New budget authority, $73,351,000,000.
(B) Outlays, $71,594,000,000.
Fiscal year 2007:
(A) New budget authority, $72,849,000,000.
(B) Outlays, $71,561,000,000.
Fiscal year 2008:
(A) New budget authority, $77,093,000,000.
(B) Outlays, $76,029,000,000.
Fiscal year 2009:
(A) New budget authority, $78,864,000,000.
(B) Outlays, $77,734,000,000.
Fiscal year 2010:
(A) New budget authority, $80,676,000,000.
(B) Outlays, $79,461,000,000.
(16) Administration of Justice (750):
Fiscal year 2006:
(A) New budget authority, $41,840,000,000.
(B) Outlays, $43,013,000,000.
Fiscal year 2007:
(A) New budget authority, $41,551,000,000.
(B) Outlays, $42,249,000,000.
Fiscal year 2008:
(A) New budget authority, $42,635,000,000.
(B) Outlays, $42,926,000,000.

Fiscal year 2009:
(A) New budget authority, $43,741,000,000.
(B) Outlays, $43,575,000,000.
Fiscal year 2010:
(A) New budget authority, $44,880,000,000.
(B) Outlays, $44,599,000,000.
(17) General Government (800):
Fiscal year 2006:
(A) New budget authority, $18,017,000,000.
(B) Outlays, $18,308,000,000.
Fiscal year 2007:
(A) New budget authority, $18,442,000,000.
(B) Outlays, $18,080,000,000.
Fiscal year 2008:
(A) New budget authority, $18,549,000,000.
(B) Outlays, $18,290,000,000.
Fiscal year 2009:
(A) New budget authority, $19,135,000,000.
(B) Outlays, $18,673,000,000.
Fiscal year 2010:
(A) New budget authority, $19,755,000,000.
(B) Outlays, $19,275,000,000.
(18) Net Interest (900):
Fiscal year 2006:
(A) New budget authority, $308,584,000,000.
(B) Outlays, $308,584,000,000.
Fiscal year 2007:
(A) New budget authority, $355,775,000,000.
(B) Outlays, $355,775,000,000.
Fiscal year 2008:
(A) New budget authority, $391,505,000,000.
(B) Outlays, $391,505,000,000.
Fiscal year 2009:
(A) New budget authority, $419,077,000,000.
(B) Outlays, $419,077,000,000.
Fiscal year 2010:
(A) New budget authority, $444,335,000,000.
(B) Outlays, $444,335,000,000.
(19) Allowances (920):
Fiscal year 2006:
(A) New budget authority, $52,050,000,000.
(B) Outlays, $33,050,000,000.
Fiscal year 2007:
(A) New budget authority, $2,098,000,000.
(B) Outlays, $12,761,000,000.
Fiscal year 2008:
(A) New budget authority, $2,146,000,000.
(B) Outlays, $5,990,000,000.
Fiscal year 2009:
(A) New budget authority, $2,206,000,000.
(B) Outlays, $4,113,000,000.
Fiscal year 2010:
(A) New budget authority, $2,246,000,000.
(B) Outlays, $3,199,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2006:
(A) New budget authority, −$55,362,000,000.
(B) Outlays, −$55,362,000,000.
Fiscal year 2007:
(A) New budget authority, −$63,263,000,000.
(B) Outlays, −$64,388,000,000.
Fiscal year 2008:
(A) New budget authority, −$65,480,000,000.
(B) Outlays, −$66,292,000,000.
Fiscal year 2009:
(A) New budget authority, −$60,876,000,000.
(B) Outlays, −$60,251,000,000.
Fiscal year 2010:
(A) New budget authority, −$63,447,000,000.
(B) Outlays, −$62,822,000,000.

The Acting CHAIRMAN. Pursuant to House Resolution 154, the gentleman from North Carolina (Mr. WATT) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

□ 1200

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

I am honored to stand here as the Chair of the Congressional Black Caucus for the 109th Congress and to offer as this substitute amendment the Congressional Black Caucus' budget for this year.

We believe that a budget is a statement of priorities and in that respect Members should know where the money is coming from that is being budgeted and how the money is being spent.

Mr. Chairman, I yield 6½ minutes to the gentleman from Virginia (Mr. SCOTT), who has led the task force for the Congressional Black Caucus to put together the budget.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding me this time.

The Congressional Black Caucus is offering an alternative budget proposal that differs from both the President's budget and the House majority's budget by putting America and Americans first. Its focus is to reduce disparities that exist in America's communities by investing in the priorities and challenges that Americans face today. It also provides significant support for our troops in Iraq. At the same time, the CBC budget alternative accomplishes these goals in a manner that is much more fiscally responsible than the Republican budget, so much so, as this chart shows, the budget deficit each year is much less, a total of a $167 billion deficit reduction over 5 years, so much so that it saves just in interest cost alone $27.5 billion over 5 years.

The Congressional Black Caucus alternative builds for America's future and addresses the domestic challenges our country faces. The bulk of the CBC budget has been applied to a comprehensive approach to education and training. With the intention of closing achievement and opportunity gaps in education, the CBC budget dramatically increases funding for education and training programs by $23.9 billion over the proposed Republican budget next year alone.

The CBC budget supports public education by fully funding No Child Left Behind, provides critical funding for Head Start, TRIO, IDEA, and elementary and secondary school counseling. To address the education needs of our military families, the CBC budget allocates more funding for Impact Aid. Millions of at-risk students are hoping to succeed in high school and enroll in college, and to make that dream a reality the CBC alternative allocates funding for the GEAR–UP program, raises the maximum amount for Pell Grants, increases funding for historically black colleges and universities and Hispanic-serving institutions. In addition, the CBC budget funds for the Perkins student loan program, as well as job training, adult education, and vocational education programs that are critical in today's global economy.

In order to close the existing economic disparities in the United States and to help entrepreneurs realize the American dream, the CBC alternative funds job creation programs under the Small Business Administration. It supports community development programs, including community development block grants, child nutrition programs, and health programs such as Community Health Centers.

The budget also addresses disparities in housing, and believes that everyone in the United States is entitled to a safe and comfortable home. It supports HOPE VI, section 8 housing programs, housing for the disabled and elderly, and low income energy assistance. The budget also provides funding for Amtrak and public transportation.

The CBC recognizes that advancements in technology and science are necessary to maintain America's competitiveness in today's global economy. The budget supports funding for research and development, particularly in aeronautics and NASA, and increases funding for the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy, as well as measures for space shuttle safety.

The Congressional Black Caucus budget alternative also recognizes the importance of adding to the safety of our communities by funding initiatives such as juvenile crime prevention programs and prisoner reentry programs.

The funding for these important domestic needs comes from rolling back tax cuts for an individual's adjusted gross income that is over $200,000, and eliminating several abusive tax loopholes, including corporate incentives to move jobs overseas. Moreover, the Congressional Black Caucus budget does not adopt the new tax cuts included in the Republican budget. The CBC revenues are used for the domestic and deficit reduction portions of the alternative budget.

The CBC budget is also committed to making America more secure. The funding for urgent homeland security needs, veterans programs and benefits, and additional support for defense and our troops in Iraq comes from a $7.8 billion reduction in ballistic missile defense, leaving $1 billion in the program for continued research.

It is a priority of the CBC to provide American soldiers with the equipment necessary to return home from Iraq in a safe, quick and successful manner. To that end, a portion of these funds have been reallocated to protect our troops in Iraq by providing them with body armor, vehicle armor, and other personal support equipment, as well as for the construction and maintenance of our Navy vessels, which will preserve jobs.

The CBC understands that providing homeland security requires appropriate funding to meet the many pressing

needs in homeland security; and, therefore, we have substantial funding for port security grants and rail security grants as well as funding for first responders, Federal air marshals and border patrol agents.

The remainder of these funds are used to restore cuts in veterans' programs and benefits. The CBC understands that today's soldiers are tomorrow's veterans who deserve our respect and sacrifices, not just in word but in deed and in budget. Thus, the alternative budget makes critical increases in veterans' programs and benefits, a substantial portion of which is health care.

It also supports funding for long-term care initiatives, medical and prosthetic research, and mental health care, among others. We believe that the sum of these initiatives will make us more secure as a Nation.

The CBC is committed to reducing disparities in all of America's communities. At the same time, our budget recognizes that we cannot place the burden on our children and grandchildren. A top priority of the CBC is to address the exploding deficit problem, and that is why our budget reduces the deficit by $167 billion and saves $27 billion in interest payments compared to the House majority's budget.

Members of the CBC have worked tirelessly to create a budget that is fiscally responsible, supports our troops and recognizes the need of American individuals and American communities around the country. We believe this is a sound budget that will reduce disparities in America's communities and promote and protect the best that America and Americans have to offer.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the gentleman from North Carolina (Mr. WATT) and his colleagues for bringing forth an alternative budget. We know how difficult it is to put together a budget of this magnitude. As the gentleman said, this is a substitute budget, a true alternative budget to what was passed out of the committee. It highlights the differences between the Democrats' strategy and the Republican budgeting strategy. The Democrats seem to love spending increases and tax increases, and that is exactly what this alternative budget does.

It increases spending compared to the committee budget that is on the floor. It increases spending by $32.5 billion in budget authority and also $18.9 billion increased spending in the year 2006. That is just in 1 year. It also increases spending by $173 billion in budget authority over 5 years and $149 billion in outlays in the next 5 years. It also massively increases taxes by $35.1 billion in fiscal year 2006 alone and $169 billion over the next 5 years as opposed to the budget that was passed by the Committee on the Budget.

Again, these tax increases are above and beyond, on top of enormous spending increases. But that is not the only problem that we have with this budget alternative. It also decreases defense spending. Again, while the Nation is at war, this alternative budget cuts defense spending by $10.7 billion in budget authority and $7 billion in outlays just in fiscal year 2006. Again, during fiscal years 2006 through 2010, this alternative budget would reduce defense spending by $149.5 billion in budget authority and $129 billion in outlays. So we have very clear differences that have been illustrated by these two budgets.

Once again, I commend the gentleman for doing the hard work and putting an alternative budget together that is being discussed right now. Again these two budgets obviously highlight the difference. This budget that they are proposing increases taxes and cuts spending on defense in a time of war.

Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MCHENRY), a member of the Committee on the Budget who has done an incredible job and shown incredible leadership on this issue.

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

First, I commend the gentleman from North Carolina (Mr. WATT) for offering a budget alternative. I know that the gentleman and his staff, along with the other members of the Congressional Black Caucus, worked very hard to put this budget together. Working on the Committee on the Budget this year, I realize how difficult it is to get agreement on the type of budget we need. Even to get a small group of people to agree on a budget is very difficult, so I commend the chairman of the Congressional Black Caucus for putting this together and I certainly respect what the gentleman has done.

But on so many issues we have disagreement on the content of the budget. First, I do not think we need to raise taxes at a time when our economy is trying to get its footing back. And at a time of war, we need to fully fund defense and homeland security. We have so many needs in this country that we have to fund and so many priorities that we must fund. I think our budget that we produced out of the Committee on the Budget is well balanced. I think it is appropriate for the time we are living, the time of war, the time of very strong homeland security needs, and we need to properly fund those items, which I believe our House budget that we produced out of the Committee on the Budget does.

So I am very proud of the work that the gentleman from Iowa (Mr. NUSSLE) has done to get a balanced approach for our budgeting.

I would like to talk more about the qualities of our House budget that we have on the floor today. I think that is why we need to pass that budget unamended. First, our House budget fully funds the defense budget request of our President. There is a 4.8 percent increase, which totals $419 billion in defense spending, and a net increase of 2.3 percent in nonmilitary appropriated accounts for homeland security, including $32.5 billion for the Department of Homeland Security.

But furthermore, I think it is important that we talk about what it does for veterans. With veterans I have a chart here today discussing, showing our increase in veterans programs and the spending we have increased in veterans programs. There is a rapid increase in veterans spending especially during this time of war. We are funding veterans programs appropriately in this Congress. We are funding more veterans health care programs. We are doing more for those serving to defend our country. The current House budget we have will increase veterans program spending to $67 billion. I think that is a move in the right direction.

Furthermore, spending per veteran has increased to $2,700 per veteran. I think it is appropriate to notice the rapid rise in veterans spending. So we are funding priorities. This budget, although restraining nondefense, nonhomeland security discretionary spending, and taking on mandatory government programs and finding savings, although slight, we are finding savings in those programs that will enable us to keep continuing to cut taxes and enable us to avoid raising taxes at the same time.

Mr. Chairman, as I said, I thank the gentleman from North Carolina (Mr. WATT) for offering this budget alternative. I respect what the gentleman is trying to do, but we have different ways of achieving the same result of funding the priorities and helping the American people.

□ 1215

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

Mr. Chairman, I thank the gentlemen for their kind words. If you listened to them, it would make it sound like we have the same budget, but I want to assure you and our colleagues that that is not the case. And I want to assure you that by the end of this debate, you are going to know what the differences are.

We set out at the beginning of this Congress to set an agenda for the Congressional Black Caucus. Our agenda is about closing disparities that exist between African American citizens and other citizens in this country and have persisted over time. They involve closing the achievement and opportunity

gaps in education, closing the gaps in health care for every American, closing the gaps in employment and economic security in wealth and business opportunity in our country, closing the gaps that continue to exist in our justice system, closing the gaps that continue to exist in retirement security for our citizens, and closing the inequities that have persisted throughout our history in foreign policy.

Is it true that we have a different set of priorities? You bet we do. To close these disparities, we have set a different course, and we decided that it was more important to devote resources to closing these gaps and closing these disparities than it was to give a tax cut to people who make above $200,000 a year. We decided that these priorities were more important than continuing to fund a ballistic missile defense program that has already failed every single test that it has undergone. We believe that the education of our children is more important than tax cuts for people over $200,000.

I am not here to make any excuses about that. I want every Member of this Congress to understand that that is a choice that we have made and that is a choice that we are calling on this Congress to make. The people in my district who make over $200,000 a year have told me that they would rather educate our children and fully fund No Child Left Behind than they would have a tax cut. So this is a question of what your priorities are, no ifs, ands, buts about it. That is what you will be voting on today.

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

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself 15 seconds.

There are differences in the two budgets. The budget that we passed out of committee funds our essential services without raising taxes, without cutting defense, without hurting our economy. Unfortunately, this proposed alternative raises taxes and thoroughly cuts defense suspending in a time of war.

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

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) and the gentleman from Virginia (Mr. SCOTT). Their budget and our budget really is the compassionate budget that is fiscally responsible.

I have comments from the American Legion, from the national legislative director of AMVETS, from the national legislative director of the Disabled American Veterans, from the Veterans of Foreign Wars. I just want to paraphrase what they said:

We think cutting veterans benefits, talking about the majority budget, is, and I paraphrase, unacceptable, especially at a time when American soldiers, sons and daughters, are being wounded and killed every day in Iraq.

In addition, it appears that this pattern of shortchanging veterans medical care continues in the 109th Congress. American veterans and their families deserve better.

Let me just give a few examples of how we strengthen one national defense. I will put all of it in the RECORD; but clearly in this House, in closing, only the big dogs eat in this House.

I rise strongly to support the Congressional Black Caucus Budget. We are truly the conscience of this Congress.

This budget represents true compassion with fiscal responsibility. It includes increases in programs that the American people believe in and that the Republicans just give lip service to. Our budget includes increased funding for: education programs, school construction, job creation programs, child nutrition programs, community health centers, and Amtrak, which 800,000 American's use to get to work, and whose budget got Zeroed out by this foolish Administration.

And unlike the Republican's, it doesn't balance the budget on the backs of the veterans, the homeless, seniors, and the poor.

In the Republican's House, the Big Dogs Eat first, and everyone else has to get in line.

Do the right thing for the American people. Support the Congressional Black Caucus Budget.

I would like to thank Mr. WATT and Mr. SCOTT for their hard work on putting the CBC alternative budget together.

If we do not take care of our veterans now, we will not have the boots on the ground in the future to respond to any attack against us or our allies.

This budget straightens our priorities to include both defending our country and the freedom it cherishes and giving our veterans the chance they need to succeed once they leave the service.

All of the funds reduced from Ballistic Missile Defense are reallocated within various functions to provide for additional support for the troops in Iraq and other defense items necessary to maintain our military strength and jobs ($1.1 billion), homeland security needs ($2.05 billion), and veterans programs and benefits ($4.65 billion). All calculations are for changes above/below proposed Fiscal Year 2006 levels included in the Republican budget.

National Defense:	
Body armor, personal support equipment, and other protective gear for troops, and vehicle armor	$75 million.
Ammunition for Marine Corps	$10 million.
Small Arms for Army	$10 million.
Building/Maintenance of Navy ships	$1 billion.
To study instances of waste, fraud and abuse within DoD business processes and implement specific GAO recommendations for reform	$5 million.
Veterans: +$4.65 billion	
Veterans Health Care	$1 billion.
Survivor Benefit Plan	$100 million.
Disabled Veterans Tax [''concurrent receipt'']	$2.5 billion.
Fund long-term care initiatives for veterans	$400 million.
Remove proposed $250 enrollment fee on Priority 7&8 veterans	$300 million.
Remove proposed increases in co-payments for Priority 7&8 veterans	$150 million.
Prosthetic needs for veterans	$100 million.
VA Medical and Prosthetic Research	$50 million.
Mental Health Care for Veterans	$50 million.
Allowances (all for purposes of Homeland Security): +$2.05 billion	
Rail Security	$100 million.
Port Security, including air cargo screening, preventing nuclear/radiological weapons in cargo containers, research and development, and grants	$500 million.
Centers for Disease Control	$250 million.
First Responders	$900 million.
Interoperable communications systems for first responders	$85 million.
Federal air marshals	$65 million.
Internal Customs Enforcement/Border Patrol Agents	$150 million.
Total Defense Funds Used, All of Which Are Reallocated to Defense, Homeland Security Needs, and Veterans Programs and Benefits	$7.8 billion.

THE AMERICAN LEGION,
Washington, DC, March 17, 2005.

Hon. JIM NUSSLE,
Chairman, Committee on Budget, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The American Legion is deeply troubled with and cannot support your Committee's proposed budget resolution, H. Con. Res. 95, with regard to funding for the Department of Veterans Affairs (VA), especially the reconciliation instructions targeted at earned Veterans' benefits. Reducing mandatory appropriations for veterans' disability compensation, pensions, and educational benefits at a time of war is inconsistent with the thanks of a grateful Nation.

The American Legion believes VA's own admission that the cost of doing business increases annually about 13–14 percent because of Federal pay increases and inflation in the health care arena. The President's budget request is ''scrubbed'' by the Office of Management and Budget, so VA's true fiscal requirements to meet the health care needs of America's veterans are somewhat skewed. During the 108th Congress, former VA Secretary Principi reported to your colleagues that The FY 2005 proposed budget was $1.2 billion short of what he had actually requested. It appears this pattern of short-changing VA medical care continues in the 109th Congress. America's veterans and their families deserve better.

The American Legion recognizes and appreciates the Bradley Amendment adopted by the Committee, but believes it falls well short of the total funding needed in VA medical care. Unfortunately, the Committee rejected the Edwards Amendment that would have provided VA with adequate resources to maintain current services.

The American Legion would encourage adoption of one of the amendments to be offered by Representatives Spratt or Obey with regard to increasing VA funding. Clearly, both of these amendments are in the best interest of veterans and their families. Without adoption of one of these two amendments, The American Legion cannot support this budget resolution.

The American Legion appreciates your leadership and the hard work of your colleagues on behalf of America's veterans and their families.

Sincerely,

THOMAS P. CADMUS,
National Commander.

THE INDEPENDENT BUDGET,
March 17, 2005.

Hon. JIM NUSSLE,
Chairman, House Budget Committee, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE NUSSLE: As you know, the President's fiscal year 2006 budget would provide an appropriation for veterans' medical care that is less than one-half of one percent above the FY 2005 appropriation. Because this amount would not begin to cover employee wage increases and other inflationary costs, it amounts to a substantial cut in funding and thus would unavoidably result in a reduction of critical medical care services for our Nation's sick and disabled veterans. Although we appreciate the adoption of the Bradley amendment which added $229 million to the President's recommendation for veterans' medical care, this is still grossly inadequate.

In addition, we understand that H. Con. Res. 95 includes instructions to cut spending on mandatory veterans' programs, such as disability compensation, by $798 million. We think cutting veterans' benefit programs is unconscionable, especially at a time when America's son and daughters are being wounded and killed every day in Iraq.

The four major veterans organizations of The Independent Budget, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars of the United States, therefore strongly urge support for amendments offered by Representatives Spratt and Obey to increase funding for veterans' programs. Passage of these amendments is crucial if the VA is to maintain an adequate level of health care and other services.

Sincerely,

RICK JONES,
National Legislative Director, AMVETS.

RICHARD B. FULLER,
National Legislative Director, Paralyzed Veterans of America.

JOSEPH A. VIOLANTE,
National Legislative Director, Disabled American Veterans.

DENNIS CULLINAN,
National Legislative Director, Veterans of Foreign Wars of the United States.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, I do want to respond to only the big dogs eat in this House. I am a small dog, and I think I am doing just fine.

Ms. CORRINE BROWN of Florida. Mr. Chairman, will the gentleman yield?

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

Ms. CORRINE BROWN of Florida. It is not you; it is your policy. When I say ''big dog,'' I am talking about those huge tax cuts to the rich while we cut veterans programs, programs for health care, programs for the people that need it the most.

Mr. MCHENRY. Mr. Chairman, reclaiming my time, this is an interesting chart on the rapid increase in veterans spending per veteran. I think this is very important. We are spending $2,773 per veteran. We are fully funding our veterans' needs. That is a priority of this Congress. As a small fellow, I must admit, I do think it is important that we keep our taxes low so that we can create economic growth and development which will help us fully fund our programs going forward. A strong economy is what is going to move our Nation forward, not tax increases.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I want to thank the chairman of the Congressional Black Caucus, the gentleman from North Carolina (Mr. WATT), for his steadfast support of the development of this CBC budget alternative and also the gentleman from Virginia (Mr. SCOTT) for his leadership. I appreciate and applaud their steady stream of ideas and positions on issues we all care about.

This Republican budget proposal clearly ignores the needs of my State and all working Americans. The $2.57 trillion budget for fiscal year 2006 that President Bush laid before Congress is more out of touch than all the rest that he has submitted. It fails to include huge costs that taxpayers will have to bear, and its priorities do not match the needs of millions of people. It is, in short, a budget in need of a thorough congressional overhaul.

The level of funding proposed in the President's budget for research and development, especially basic research, is far from adequate. I believe that Federal investments in science and technology make sense. Americans have funded groundbreaking research into disease prevention and amazing new medical breakthroughs, cutting-edge business technology, energy efficiency and educational tools that help our children learn in new ways. But in this budget, funding for the National Science Foundation would struggle to keep up with inflation and programs at most other major agencies are cut.

There is a direct connection between investments in research and development today and economic prosperity and world leadership tomorrow. That is why the CBC budget plan would continue to invest in the National Science Foundation, in NASA, research at schools and universities and new energy technologies to give business consumers more affordable, cleaner energy. Just this week, EPA issued a statement that really rolls us back in protecting our air. We have no clean air in Texas. I do not know about anyplace else.

As lawmakers, we do have the responsibility to ensure that all Americans, including minorities, are able to move ahead to achieve the American Dream. Life, liberty, and the pursuit of happiness meant all people.

Mr. Chairman, it is up to the Congress to inject a dose of realism into this budget debate. Only then will the country get a budget that makes sense.

Mr. Chairman, I want to thank the Chairman of the Congressional Black Caucus, Mr. WATT, for his steadfast support of the development of this CBC budget alternate. I also want to thank Mr. SCOTT for his leadership. I appreciate and applaud their steady stream of ideas and positions on issues we all care about. I also would like to thank all of the members of the CBC and their staff for their help in completing this very worthwhile project.

The Republican budget proposal clearly ignores the needs of Texas and of all working Americans. The $2.57 trillion budget for fiscal 2006 that President Bush laid before Congress is more out of touch than most. It fails to include huge costs that taxpayers will have to bear, and its priorities don't match the needs of millions of people. It is, in short, a

budget in need of a thorough congressional overhaul.

Mr. Chairman, the level of funding proposed in the President's budget for research and development, especially basic research, is far from adequate. I believe that federal investments in science and technology make sense. Americans have funded groundbreaking research into disease prevention and amazing new medical breakthroughs, cutting-edge business technology, energy efficiency, and educational tools that help our children learn in new ways. But in this budget package, funding for the National Science Foundation (NSF) would struggle to keep up with inflation, and programmes at most other major agencies are cut.

Bush's science and technology budget would drop from an estimated $61.7 billion in fiscal year 2005 to $60.8 billion in 2006. The science and technology includes programs such as space exploration, renewable energy, and agricultural research, as well as technology-related research and development at the National Institute of Standards and Technology (NIST).

There is a direct connection between investments in research and development today, and economic prosperity and world leadership tomorrow. That's why CBC budget plan would continue to invest in the National Science Foundation, NASA, research at schools and universities; and new energy technologies to give business and consumers more affordable, cleaner energy.

As lawmakers, we have the responsibility to ensure that all Americans, including minorities, are able to move ahead to achieve the American dream: life, liberty and the pursuit of happiness.

Mr. Chairman, it is up to Congress to inject a dose of realism into the budget debate. Only then will the country get a budget that makes sense.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I am full of charts today, my friends.

I do want to address our funding for health and for research. Under a Republican-controlled Congress, we have doubled funding for NIH, the National Institutes of Health. I think it is important to note what we are doing in health research as an American government, and the American people need to know that we are fully funding these programs to look at innovative ways to solve pressing medical issues in our country. We have doubled the funding for NIH over the last 6 years.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, more needs to be done to address the ongoing global challenges of health, poverty, disease, and disasters so that we can end the inequities in foreign policy. Therefore, the CBC budget increases funding for these core development accounts with the overall goals of reducing poverty disparities and improving quality of life.

There is $3.7 billion in the CBC budget for global AIDS, which is $500 million more than the President's budget. That is an increase of $900 million from last year and will support prevention, care and treatment for thousands more people.

Foreign aid to Africa and the Caribbean is increased by $250 million in the Congressional Black Caucus budget to allow developing countries to participate in the global economy. These funds support strategic priorities in the Caribbean region, improve good governance and reduce corruption, increase economic growth and free trade and reduce narcotics trafficking.

Public health and preventable illness initiatives is increased by $250 million in the CBC budget. More than one-third of the children in Africa are malnourished. In the last 10 years, approximately 2 million children have been killed in armed conflicts.

AFRICA

Overall disparity—Nearly 1.3 billion people around the world live in poverty and do not have safe drinking water; more than one-third of the world's children are malnourished; within the last ten years, approximately two million children have been killed in armed conflicts, many after being forced to be child soldiers; many poor countries spend 30%–40% of their annual budgets on repaying their foreign-held debt (often more than they spend on health and education combined); and horrific conditions can lead individuals to become more disaffected and susceptible to recruitment by terrorist organizations.

ERADICATING HUNGER, POVERTY, AND DISEASES MUST BE A PRIORITY

HIV/AIDS Solution—AIDS is a global humanitarian disaster that demands robust leadership from the United States. According to the need based numbers advanced by UNAIDS, The Stop TB Partnership, and Roll back Malaria, we believe the US should provide $6.7 billion next year. And at least $1.5 billion in funding this year for the Global Fund to operate efficiently and effectively.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself 30 seconds.

Again, what we have not heard from the sponsors of this amendment is part of what is in their amendment. Again, their amendment has massive increases in spending. It also has massive tax increases on the American people. And it also has massive reductions in defense spending in a time of war. Those are huge differences. I just want to make sure that everybody understands what the differences are.

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

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, the CBC budget is sane, rational, logical, serious. It recognizes the tremendous need that exists in our country to assist those 2 million people who are currently in jails and prisons and the 650,000 who return home every year. Therefore, it increases juvenile justice programs by $300 million, $100 million for the weed and seed drug elimination program, and $300 million for prisoner reentry programs, and it does not raise taxes. It rolls back the tax breaks that were given in 2001 and 2003 to those individuals with adjusted gross incomes of more than $200,000. People in my community say, provide the services, don't give to the rich.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself 1½ minutes.

The gentleman from North Carolina (Mr. MCHENRY) mentioned the fact that our budget does not increase taxes and the alternative budget that we are discussing today does increase taxes.

Does the gentleman know how many jobs are created because of this Republican Congress cutting taxes in the last year?

Mr. Chairman, I yield to the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, I think I may have a chart on that.

Payroll jobs have rebounded because of tax cuts. With a weakness of the economy going into the Bush administration from the Clinton years and with the advent of 9/11, we had a weakening of the economy.

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But once the tax cuts took hold, we have rebounded. We have got over 3 million jobs because of this.

Beyond that, there has been reference to the fact that tax cuts have created the deficit. That is not true. Actually, that is borne out with statistical proof here. The largest cause of deficits between 2001 and 2004 was the economy. And the best way to address the economy and get the economy to rebound is by cutting taxes, spurring growth, reducing regulations, empowering small businesses and businesses all across the country to create more jobs, to increase earnings.

So what we see here, the largest cause, 49 percent of the cause of the deficit, was the economy. And because of that, we have been able to rebound. Because of the tax cuts and because of the rebound in the economy, we are reducing the deficit. We are taking on this, and we are going to further cut taxes in order to keep spurring the economy.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong support of the Congressional Black Caucus's budget that is being presented here today. This budget is more responsible certainly than the President's budget, certainly than the Republican budget, and it has taken into consideration the real needs of the people of this country. I want to talk a little bit about CDBG; that is, the Community Development Block grant.

By formula, every city, town, State in America receives funds from this Community Development Block Grant program. This money is block granted to these entities in order to assist these cities with everything from infrastructure development, assistance with housing so that people can get into homes, being assisted with down payments, with rental assistance; with 501(c)(3)s, nonprofit organizations, that are providing services for at-risk youth, for seniors, for the kinds of programs that these cities and towns could never fund without this block grant.

In many ways this money that is going to the cities is the last of the moneys to deal with poverty, to deal with the lack of resources because of the inability of these cities and towns to be able to raise the kind of revenue that could help them with the very basic needs of their cities.

This President decided to cut this particular block grant by 35 percent. I think that amounts to about $1.9 billion. The good thing about what this President has done is he has brought together from both sides of the aisle Representatives who know the value of this program and who are going to work together and support the kind of funding that has been put back into this budget by the CBC budget. The CBC funds CDBG to the 2005 level, and that is the way it should be.

I would urge support for the Congressional Black Caucus's very thoughtful and well developed budget.

Mr. Chairman, I rise in strong support of the CBC substitute budget. The CBC budget rejects the failed budget policies of the Bush Administration and would return us to a policy of investing in education, job training, housing, veterans and community development programs that millions of people depend on. It would reduce the deficit and restore fiscal responsibility to a budget process that has run amuck.

Mr. Chairman, because the CBC believes that education is the greatest legacy that we can provide to our children, the CBC's budget fully funds No Child Left Behind. We also provide an additional $2.5 billion for school construction and an additional $450 million for Pell Grants which will help thousands more students attend college. We also increase funding for Head Start by $2 billion over the Republican budget so that we can ensure that more low-income children are properly prepared to enter the first grade.

The CBC budget substitute recognizes the vital role that the Community Development Block Grant (CDBG) program plays in improving our communities. The Republican budget proposes to cut CDBG by at least $800 million and the cuts could end up as high as the $1.9 billion cut proposed by the President. These cuts to the CDBG program will leave a huge hole in the budgets of our local governments, a hole they cannot and will not be able to fill with their own resources.

The CBC budget substitute rejects these cuts, and instead provides an increase of $1.2 billion more than the Republican budget for CDBG.

We also reject the $286 million in cuts proposed for the Hope VI program and instead provide $500 million for Hope VI so that it may continue its important role in rehabilitating our nation's public housing. The CBC budget also provides an additional $880 million for Section 8 Housing Programs, preserving and expanding this vital safety net program for millions of people.

Mr. Chairman, the CBC substitute is a strong and compassionate budget that meets the needs of the American people. I urge my colleagues to support it and to reject the Republican budget.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself 30 seconds.

The House budget resolution addresses CDBGs. As a matter of fact, it adds $1.1 billion aimed specifically at that. The difference between our budget, though, and this proposed amendment is our budget does not raise taxes, does not reduce defense spending in a time of war.

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

Mr. WATT. Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. GILLMOR). The gentleman from North Carolina (Mr. WATT) has 3 minutes remaining, and the gentleman from Florida (Mr. MARIO DIAZ-BALART) has 8½ minutes remaining.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. WATT) and ask unanimous consent that he be allowed to control that time.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WATT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong support of the Congressional Black Caucus's alternative budget.

Among the critical investments it makes are those in health. Mr. Chairman, without these albeit moderate increases, we would do nothing to reduce the almost 100,000 premature preventable deaths that will occur in the African American community this year and every year because of our failure to act.

It is important to note that while the increases in the CBC budget apply specifically to programs that improve minority health, many studies have demonstrated that our lack of access, our poor health, and the failure of this country to focus on prevention in our communities contribute greatly to escalating health care costs and adversely impacts the quality of health care for everyone.

So the CBC budget through improving the health of African Americans and other people of color improves health and the quality of life for all Americans. And with the additional $167 billion reduction in our national deficit it provides, this is a budget that everyone can and should vote for.

I proudly applaud the gentleman from North Carolina (Mr. WATT) and the gentleman from Virginia (Mr. SCOTT) and this committee for this outstanding budget.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. Mr. Chairman, I thank both our chairman as well as the gentleman from Virginia (Mr. SCOTT) for their leadership on this most important effort.

I rise to support the CBC budget, the only budget in this Congress at this time that invests in America's families.

There are three things wrong with America and why we are not doing well. The permanent tax cuts cost $1.2 trillion. On the war in Iraq we have spent $300 billion, and the deficit is blooming.

Our CBC budget reduces the deficit. Our CBC budget invests in defense, homeland security, and the veterans at the same numbers that were given to this House by the President.

We must support the CBC budget. Americans have to be outraged that we are not investing in their families and their children and their health care. I hope that we will do right. The CBC budget must be adopted.

SUPPORT THE CONGRESSIONAL BLACK CAUCUS FISCAL YEAR 2006 BUDGET SUBSTITUTE

The Congressional Black Caucus (CBC) fiscal year 2006 budget substitute focuses on the CBC's Agenda (Closing Disparities in America's Communities) and restoring fiscal responsibility to the federal budget process. The disparities that continue to exist in our society in education, health care, economic opportunity, justice, retirement security and foreign policy are addressed in the CBC budget. In addition, our budget focuses on strengthening our efforts at the Department of Homeland Security, meeting some of the critical needs of our troops and improving services to our veterans. And, while making these important investments in our country's future, our budget places a high priority on reducing the record federal budget deficit.

The CBC budget uses the Republican budget as the base budget and makes the following adjustments:

DOMESTIC

It includes a reduction in the tax cuts from 2001 and 2003 for an individual's adjusted gross income that exceeds $200,000; furthermore, it does not adopt the new Republican tax cuts.

Most of the revenue raised in the CBC budget is used to address disparities in America's communities; a substantial portion is reserved to reduce the deficit.

MILITARY

Ballistic Missile Defense spending is reduced by $7.8 billion, leaving $1 billion for research and development.

All of these funds are spent on other defense items to support our troops, homeland security needs, and veterans programs and benefits.

The total for defense, homeland security and veterans is equal to the Republican budget.

BOTTOM LINE

The CBC budget addresses critical domestic challenges, and supports our troops.

The CBC budget reduces the deficit by $167 billion compared to the House majority's budget over the next five years; this fiscal responsibility is rewarded by a reduction of $27 billion in interest payments compared to the House majority's budget.

The CBC budget focuses on closing disparities that exist in our society and investing in America's future. We hope you will join us in supporting these efforts by supporting the CBC budget substitute.

SUMMARY OF FISCAL YEAR 2006 CBC ALTERNATIVE BUDGET

Total general revenue: $32.4 billion.

Amount applied to deficit reduction: $3.9 billion.

FUNCTION 150—INTERNATIONAL AFFAIRS

The United States is facing unprecedented challenges to our national security and broader national interests. Although there is an overall increase in the President's request for international assistance for FY 06, more needs to be done to address the ongoing global challenges of health, poverty, disease, and disasters. Therefore, the CBC budget increases funding for these core development accounts with the overall goals of reducing poverty disparities and improving quality of life. +$1 billion.

FUNCTION 250—GENERAL SCIENCE, SPACE, AND TECHNOLOGY

The CBC supports the research and development efforts of NASA, the National Science Foundation (NSF), the National Institute of Standards and Technologies (NIST), and the Department of Energy. In addition to research and development, the CBC supports additional safety measures for the Space Shuttle program. +$500 million.

FUNCTION 300—NATURAL RESOURCES AND ENVIRONMENT

The CBC is concerned about adequate funding for the preservation of Historically Black Colleges and Universities. The alternative budget supports additional efforts to protect the historical heritage and important cultural role of HBCUs in the United States. +$50 million.

FUNCTION 350—AGRICULTURE

The CBC alternative budget supports farms owned by African-Americans and other minorities. The CBC realizes that these farmers continue to depend on the Department of Agriculture's loan and grant programs and has allocated funding to modify cuts in agriculture programs that affect minorities. The Caucus's priorities also include increasing funding for expanding food and nutrition education programs and for the USDA Office of Civil Rights. +$300 million.

FUNCTION 370—COMMERCE AND HOUSING CREDIT

The CBC alternative budget works towards eliminating the housing and small business disparities created by the President's FY06 budget. The alternative budget allocates funding to the Small Business Administration and the Manufacturing Extension Partnership (MEP), and provides additional funding for adult training and dislocated workers programs. By supporting these programs, the CBC is working to close the existing economic disparities in the U.S. and to help entrepreneurs realize the American dream. +$1 billion.

FUNCTION 400—TRANSPORTATION

The CBC believes that it is important to provide support for Amtrak. The Caucus is also determined to ease the transportation disparities in the United States by funding public transportation. +$150 million.

FUNCTION 450—COMMUNITY AND REGIONAL DEVELOPMENT

The CBC understands that federal support for community and regional development helps promote growth in economically distressed urban and rural communities. To remedy these economic disparities, the CBC would like to ensure that the Community Development Block Grant (CDBG) program will continue to improve housing conditions in low to moderate income neighborhoods. +$1.5 billion.

FUNCTION 500—EDUCATION AND TRAINING

The CBC alternative budget represents a comprehensive approach to education and training by closing the achievement and opportunity gaps in education. While the Administration proposes eliminating 48 programs ($4.3 billion cost), the CBC budget dramatically increases funding for education and training programs by $23.9 billion over the Republican budget. It provides funds for school construction, fully funds No Child Left Behind, and provides critical funding for Head Start, GEAR–UP, TRIO and IDEA. For those in college, the CBC budget raises the maximum amount of Pell Grants. In addition, the CBC budget funds the Perkins Loan Programs as well as job training, adult education, and vocational education programs that are critical in today's global economy. +$23.9 billion.

FUNCTION 550—HEALTH

The CBC alternative budget makes eliminating health care disparities a top priority by funding health care programs such as Community Health Centers. +$1 billion.

FUNCTION 600—INCOME SECURITY

Programs that serve children and families in times of need are essential to fixing the disparities that exist in the U.S. The CBC alternative budget supports additional funding for programs such as Hope VI, Section 8 Housing, housing for the disabled and the elderly, Low Income Home Energy Assistance and Child Nutrition. +$2 billion.

FUNCTION 750—ADMINISTRATION OF JUSTICE

The CBC is concerned about the proposed cuts that affect local law enforcement personnel and programs. The alternative budget will help fix these budget disparities and fund the programs that keep our streets and neighborhoods safe. Moreover, the CBC understands the importance of providing adequate funding to Juvenile Justice programs that promote prevention and intervention. These programs support effective local efforts that reduce crime and delinquency, save money, and save lives. +$1 billion.

Total Defense funds used, all of which are reallocated to Defense ($1.1 B), Homeland Security needs ($2.05 B), and veterans programs and benefits ($4.65 B): $7.8 billion.

FUNCTION 050—NATIONAL DEFENSE

It is a priority of the CBC to provide American soldiers with the equipment necessary to return home from Iraq in a safe, quick, and successful manner. Therefore, the CBC budget alternative reallocates $1.1 billion within defense. These funds are used to protect our troops with body armor, personal gear, small arms and ammunition, as well as vehicle armor; for the construction and maintenance of Navy vessels in order to maintain the U.S. Naval fleet and jobs associated with it; and for other defense purposes to maintain our military strength. −$6.7 billion.

FUNCTION 700—VETERANS

The CBC understands that today's soldiers are tomorrow's veterans who deserve our respect for the sacrifices they made. Thus, the CBC alternative budget aims to make critical increases in veterans programs, especially funding for veterans health care, as well as long-term care initiatives, VA medical and prosthetic research, and mental health care. +4.65 billion.

FUNCTION 920—ALLOWANCES (ALL FOR PURPOSES OF HOMELAND SECURITY)

The CBC understands that providing homeland security requires appropriate funding to meet the many pressing homeland security needs that face our nation. The alternative budget therefore devotes additional resources for guarding against terrorist attacks through our rails and ports, including cargo screening that prevents nuclear or radiological weapons from entering the U.S. It also supports essential funding for the Centers for Disease Control to help us prepare for a possible biological attack. Moreover, America depends on its first responders, federal air marshals, and boarder patrol agents; the CBC alternative budget ensures that they—and our collective homeland security effort—receive the resources that are urgently needed to protect the citizens of the United States. +$2.05 billion.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I would like to thank again the gentleman from Virginia (Mr. SCOTT) and the gentleman from North Carolina, chairman of our Congressional Black Caucus, for their stellar leadership in spearheading this responsible budget. It should not be an alternative. This is the budget we should be voting on.

The Republican budget is fiscally reckless and morally irresponsible. The CBC budget, if we think about it, really is a faith-based budget. The CBC budget is not only fiscally responsible, but it is also morally responsible.

The Republican budget fails to live up to any standard of morality that speaks to the least of these. On the other hand, the Congressional Black Caucus budget acknowledges that in order to have a strong America, we must have all Americans who are not vulnerable. Our people cannot be desperate if, in fact, we want a strong America.

The Republican budget cuts housing, housing for the disabled by 50 percent. Where is the morality in that? That is turning our backs on the disabled. The CBC budget not only restores these cuts but adds $120 million for housing the disabled.

The Republican budget is an immoral budget, if one asks me. Vote for the

CBC budget because it is a faith-based budget that takes care of the least of these.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the Dean of the CBC.

Mr. CONYERS. Mr. Chairman, the Congressional Black Caucus has carefully considered its responsibility here, and they have asked me to point out a couple of things.

In the Justice Department we need to put more money into three programs that were cut: First, the programs that investigate gang-related crimes; secondly, the problems of juvenile delinquency; and, third, prison reentry. These are incredibly important.

And I just want to add that this budget that we are trying to replace ours with is one of the most mean-spirited documents that I have witnessed. Over 150 domestic program cuts. The $81 billion for Iraq was not even included in this budget, as if it was a supplemental consideration.

So I ask the Members to join with us and let us have a great number of people supporting the CBC budget this year.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia (Ms. MCKINNEY), and I would like to wish her a happy birthday today. She thought I did not know that.

Ms. MCKINNEY. Mr. Chairman, I thank the gentleman and I will not tell my colleagues which birthday it is.

Mr. Chairman, I rise in support of the CBC budget and against the priorities of the Republican budget.

The Republican budget does nothing to decrease the racial disparities that exist in our country. In fact, it exacerbates them. Seventy-six years to close the college graduation gap, 581 years to close the wealth gap, 1,664 years to close the homeownership gap.

But when Republicans talk about growth, it is clear that too many American communities are just not included. It is also clear that the Republicans do not see our constituents because if they did, they would not legislate public policy that hurts them.

Even Alan Greenspan has decried the unsustainable income imbalances in our country. The Republicans continue to ignore him, us, and our constituents. It is a sad day when veterans, children, seniors, small business owners, rural Americans, and poor Americans have to take a back seat to the scions of industry and Wall Street.

I support the CBC budget and reject the priorities of the Republican budget.

I thank the gentleman for yielding me this time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, again I want to commend the gentleman from North Carolina (Mr. WATT) for offering this alternative budget. I do commend him for his hard work and efforts on behalf of his constituents, which are my neighbors in North Carolina. I am very proud to have him as a neighbor. I am very proud of his leadership and the stature he brings back home to North Carolina.

With that, we do have a disagreement on policy. His version of the budget increase taxes at a time when we are just now recovering from those tough days of the late 1990s and early 2000s when our economy was soft.

I think it is important that we keep cutting taxes for years to come so that we can keep this economic growth going. And the best way to lift people up, the best way to give people an opportunity, to give them ownership, is by allowing them to keep more of their own money. In the last few years we have seen numerous people falling off the tax rolls because of tax cuts. We have seen strong job growth, new businesses being formed, greater homeownership in America. Across the board every group in America is increasing in homeownership. And I think it is important that we continue those policies to keep growth going while restraining government spending, cutting deficits, and funding national defense and homeland security.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, happy birthday to my colleague.

Let me resoundingly support the Congressional Black Caucus' budget, and let me ask my colleagues what better budget to have than the one that saves $27.5 billion more in interest than the Republican budget? I cannot imagine that my good friend on the floor of the House would not welcome the opportunity of putting that interest into the needs of the American people.

We need affordable housing. We can go to any city, any rural community, and not see people standing in line to access affordable housing. Section 8 vouchers, which allows affordable housing for families of four and five and six hard-working Americans, there are 25,000 people on the list in Houston, Texas alone. Millions of people are still on the list because they do not have affordable housing.

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Finally I congratulate the gentleman from Virginia (Mr. SCOTT) and the gentleman from North Carolina (Mr. WATT) on this budget because it also invests in homeland security. With all of the talk of the Republican budget, they do not fund immigration and customs officers. They do not fund border patrol officers to secure our borders and provide for internal security. The CBC budget does. The CBC budget puts $150 million in for Border and Customs needs. This is a strong budget for the American people. Vote for the Congressional Black Caucus budget. Save $27.5 billion in interest. I think you will like that in your pocket and in your savings account!

Mr. Chairman, I rise today to offer another choice to those Americans who are disheartened by the current budget proposal being offered by this Republican Congress. Today, we offer them the choice of accepting the Congressional Black Caucus's, CBC, alternative budget. Truly, it is the budget of hope and compromise; it is the budget that closes the disparities in America's communities. The CBC alternative budget provides both social and economic equality for Americans, instead of allowing the richest Americans to pay fewer taxes at the expense of vital programs needed by lower and middle class Americans. Surely, this administration and the Republican leadership in Congress will pay lip service to the needs of these Americans, but this budget does more. It demonstrates in writing that under our current budgetary situation it is possible to maintain necessary social programs while practicing true fiscal responsibility.

The CBC alternative budget is particularly strong in its support of educational programs, the greatest key we possess to close disparities in our society. This administration and the majority in this Congress promised to leave no child behind, but clearly they have reneged on their promise. The Republican budget eliminates 48 education programs that receive $4.3 billion this year. These eliminations include wiping out $1.3 billion for all vocational education programs, $522 million for all education technology programs, and $29 million for all civic education programs. The Republican budget eliminates other large programs including the Even Start family literacy program, $225 million, and state grants for safe and drug-free schools and communities, $437 million. In fact, the President's budget cuts 2006 funding for the Department of Education by $1.3 billion below the amount needed to maintain purchasing power at the current level, and by $530 million below the 2005 enacted level of $56.6 billion. This is the first time since 1989 that an administration has submitted a budget that cuts the Department's funding.

The CBC alternative budget in stark contrast provides a much needed boost of $23.9 billion to education and training, including $2.5 billion for school construction. The CBC alternative fully funds the fiscal year 2006 authorization level for No Child Left Behind, NCLB and provides for an expansion of the Head Start program. In addition, the CBC alternative doubles federal funding for Historically Black Colleges and Universities and Hispanic Serving Institutions; again closing the disparities often witnessed in higher education. In that regard the CBC alternative increases the Pell grant allotment for college students. Because as we all know, a mind, any mind, is a terrible thing to waste. Clearly, the CBC alternative emphasizes this ideal more than the Republican budget resolution.

Few things are more important to Americans than their home and their communities. While

the President and this Republican Congress take steps to make it harder for average Americans to reach homeownership, the CBC alternative invests heavily in this vital sector. It funds home ownership initiatives that help families build real wealth. In the city of Houston alone we have 25,000 people waiting on a list to obtain affordable housing. These homes will provide them the stability and equity to build their lives and eventually achieve their own prosperity, we shame ourselves when we deny them the opportunity to do so. The CBC alternative also restores $1.122 billion for vital Community Block Grants which were gutted in the Republican budget resolution. Without the ability to build up our communities how can we change people's realities? Without community development we allow these disparities to continue unabated.

The CBC alternative budget does not remove any money from the overall Defense and Homeland Security budget. Instead, it takes $7.7 billion out of the Ballistic Missile Defense Program, which has so far proven to be a failure and redirects the money to additional support for the troops in Iraq, homeland security needs, and veterans programs and benefits. Among the items of support for the troops in Iraq is $75 million of body armor, personal support equipment, and other protective gear for troops, and vehicle armor; all of which we know the troops are in urgent need of. The CBC alternative provides an additional $2.05 billion for Homeland Security including funds for improving rail and port security, which have always been high risk targets for attack. This alternative budget provides $4.65 billion for veterans funding, so that when our brave men and women return home from fighting the war on terror they will know that their nation is ready and willing to take care of them.

The CBC alternative also funds the important sector of immigration. As the ranking member of the Subcommittee on Immigration, Border Security, and Claims I worked with the CBC to get funding for $150 million for Immigration and Customs Enforcement, ICE, agents and border patrol agents, truly we are undermanned in this vital sector. In addition, as a member of the House Science Committee I worked with the CBC to fund an additional $500 million for general science, space, and development and support the research and development efforts of NASA, the National Science Foundation, NSF, the National Institute of Standards and Technologies, NIST, and the Department of Energy. In addition to research and development, the CBC alternative also supports additional safety measures for the Space Shuttle program, which should be at the forefront of NASA's efforts after the *Columbia* Space Shuttle tragedy. Space and Science represent yet another way to eliminate disparities through knowledge and discovery.

This CBC alternative budget is proof positive that we can properly fund social programs while still paying down more of the national debt than the Republican budget. Again, I say that this budget represents hope instead of the despair we feel when looking at the Republican budget resolution. It is a hope for ending the disparities that continue to divide us and keep us to this day from achieving our full potential as a nation.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, if I may inquire of the gentleman from North Carolina how many speakers he has left.

Mr. WATT. Mr. Chairman, I was hoping that the gentleman would give us a little bit more time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, if I may inquire of the gentleman how many speakers he has.

Mr. WATT. I have two speakers left.

Mr. MARIO DIAZ-BALART of Florida. And how much time does he have left, Mr. Chairman?

The Acting CHAIRMAN (Mr. GILLMOR). The gentleman from North Carolina has 2 minutes.

Mr. MARIO DIAZ-BALART of Florida. I believe I have 2½ minutes, Mr. Chairman. Is that correct?

The Acting CHAIRMAN. The gentleman from Florida has 2½ minutes remaining.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I will, in a spirit of incredible generosity to the opposition, yield another half minute to the gentleman.

The Acting CHAIRMAN. The gentleman from North Carolina now has 2½ minutes. The gentleman from Florida now has 2 minutes.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT) who prepared this budget, has his imprint on it and knows more about it than anybody.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman from North Carolina for yielding me this time. I want to make a couple of comments as we wrap up. One is the massive tax increase. What we did was started with the base budget, the Republican budget. On income we changed the revenue by rolling back the tax cuts to the level they were at in 2001 for income over 200,000. If someone makes more than $200,000, they get all the income tax cuts up to the 200,000, but no tax cuts after 200,000. Again, we spend $167 billion less deficit than the Republican budget, creating $27 billion less in interest payments.

Now, we have heard all of this about massive cuts in defense. Let us be very clear. All of the numbers on defense are exactly the same numbers as the Republican budget, with one exception. We fund missile defense at $1 billion rather than $8.8 billion.

If you look at defense, homeland security, and veterans, that total is the same because we use that money to fund defense, homeland security and veterans.

Now, on defense, I hope the gentleman from Florida is working with the Virginia delegation in maintaining a 12-aircraft carrier fleet. This budget, the Congressional Black Caucus budget, has a billion dollars more in shipbuilding than the underlying budget. We have $75 million more in shipbuilding than the underlying budget. We have $75 million more in body armor. We have in homeland security, $500 million for port security; $100 million for rail security, veterans benefits.

Those charts did not show what the present level of services would cost. It also did not show the fact that the Republican budget has co-pays and deductibles that our budget does not have. We say we have $4 billion more for veterans, over $1 billion more for shipbuilding, over $2 billion more for homeland security. So if you look at that as a group, we are more secure with the Congressional Black Caucus budget than the Republican budget.

I would hope that we would adopt the budget. It saves money and makes us more secure.

I include for the RECORD the fiscal year 2006 CBC alternative budget breakdown:

FISCAL YEAR 2006 CBC ALTERNATIVE BUDGET BREAKDOWN

Working off the Chairman's Mark, As Amended, all calculations are for changes above/below proposed Fiscal Year 2006 levels.

On behalf of the Congressional Black Caucus, this Amendment in the Nature of a Substitute seeks to offer to Congress and the American people an alternative budget that is fiscally responsible and aimed at reducing disparities in our communities. The CBC alternative budget raises revenue by reducing the tax cuts from 2001 and 2003 for an individual's adjusted gross income that exceeds $200,000 and not adopting the new Republican tax cuts, eliminating corporate tax incentives for off-shoring jobs, closing tax loopholes, abusive shelters, and methods of tax avoidance, and eliminating the repeal of the limitation on itemized deductions (Pease) and the phase-out of personal exemptions (PEP) scheduled to take place between 2006 and 2010. These funds total an estimated $36.3 billion in FY 2006. The CBC budget uses nearly $4 billion of these additional revenues for deficit reduction. The remaining funds are used to restore cuts and fund increases in specific budget function areas. These include full funding for No Child Left Behind and providing funds for school construction and increases for other education and job training programs. The CBC alternative budget allocates additional funding for job creation programs under SBA, community and regional development programs including community development block grants, and law enforcement initiatives such as juvenile justice and prisoner reentry programs. It provides funding for child nutrition programs, community health centers, NASA research and development, Amtrak, Hope VI and Section 8 housing programs, and housing for the disabled and the elderly.

In addition, the CBC alternative budget reduces funding for the Ballistic Missile Defense program by $7.8 billion. The CBC alternative budget reallocates all of this money for additional support for the troops in Iraq and other defense items necessary to maintain our military strength and jobs, homeland security needs, and veterans programs and benefits.

I. REVENUE RAISERS AND DEFENSE REALLOCATION [IN BILLIONS]

	FY06	FY07	FY08	FY09	FY10
General ($36.3 billion):					
Reduce Tax Cut Over $200k	22.9	24.5	25.5	27.6	28.9

	FY06	FY07	FY08	FY09	FY10
Elim Offshoring Incentives	10.0	10.0	10.0	10.0	10.0
Closing Tax Loopholes	2.0	2.0	2.0	2.0	2.0
Elim Repeal Pease & PEP	1.4	2.0	4.6	6.5	8.5
Defense ($7.8 billion):					
Reduce Ballistic Missile Def.	7.8				
Total	44.1				

General Revenue Raisers

A reduction in the tax cuts from 2001 and 2003 for an individual's adjusted gross income that exceeds $200,000; furthermore, the CBC budget alternative does not adopt the new Republican tax cuts.

Eliminating corporate tax incentives for off-shoring jobs.

The closing tax loopholes category includes closing abusive (tax) shelters and methods of tax avoidance.

Eliminating the repeal of the limitation on itemized deductions (Pease) and the phase-out of personal exemptions (PEP) scheduled to take place between 2006 and 2010.

The CBC budget applies nearly $4 billion out of the general revenue to deficit reduction in Fiscal Year 2006.

Defense Reallocation

The cost of the Ballistic Missile Defense program is $8.8 billion in Fiscal Year 2006. This budget leaves $1 billion in that program for research and development.

All of the funds reduced from that program are then reallocated to additional support for the troops in Iraq and other defense items necessary to maintain our military strength and jobs, homeland security needs (under the general allowances function), and veterans programs and benefits.

II. PROGRAMS (GENERAL): $36.3 BILLION

All functions except Function 050 (National Defense), Function 700 (Veterans), and Function 920 (Allowances). All calculations are for changes above/below proposed Fiscal Year 2006 levels included in the Republican budget.

Function 150—International Affairs	+$1 billion
Foreign Aid to Africa and the Caribbean	$250 million
Global AIDS Initiative/State Department	$500 million
Public Health and Preventable Illness Initiatives	$250 million
Function 250—General Science, Space, and Technology	+$500 million
NASA Aeronautics Research and Development	$200 million
NASA Space Shuttle safety	$100 million
Restore R & D funding for the NSF, DOE and NIST	$170 million
NOAA Funding	$30 million
Function 270—Energy	no change
Function 300—Natural Resources and Environment	+$50 million
Historically Black Colleges and Universities Historic Preservation Program	$50 million
Function 350—Agriculture	+$300 million
1890 Land-grant Historically Black Colleges and Universities	$75 million
Expanded Food and Nutrition Education Program	$100 million
USDA Office of Civil Rights	$25 million
Restore/modify draconian cuts in agriculture programs that affect minorities	$100 million
Function 370—Commerce and Housing Credit	+$1 billion
SBA Loan Programs—7(a), Microloan, PRIME, New Market Venture	$145 million
Adult training and dislocated workers program	$185 million
Manufacturing Extension Partnership	$70 million
Home Ownership Initiatives	$600 million
Function 400—Transportation	+$150 million
Amtrak	$100 million
Public Transportation	$50 million
Function 450—Community and Regional Development	+$1.5 billion
Community Development Block Grants	$1.122 billion
Brownfields Economic Development	$24 million
Empowerment Zones	$22 million
Community Development Financial Institutions	$48 million
Economic Development Assistance	$284 million
Function 500—Education and Training	+$23.9 billion
School Construction	$2.5 billion
Full Funding for No Child Left Behind, including:	$12 billion
Title I	
Safe and Drug Free Schools	
21st Century Learning Centers	
Teacher Quality Programs	
Education Technology	
Fund for the Improvement of Education	
English Language Acquisition	
Migrant Education	
Elementary and Secondary School Counseling	$50 million
Vocational Education	$1.5 billion
Job Training	$750 million
Adult Education	$400 million
Pell Grants	$450 million
Head Start	$2 billion
Individuals with Disabilities Education Act (IDEA)	$2 billion
Historically Black Colleges and Universities (HBCUs)	$500 million
Hispanic Serving Institutions	$400 million
TRIO	$500 million
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR–UP)	$350 million
Perkins Loans	$100 million
Impact Aid	$300 million
SEOG	$100 million
Function 550—Health	+$1 billion
Minority Health and Eliminating Health Disparities	$490 million
Community Health Centers	$500 million
Office of Minority Health	$10 million
Function 570—Medicare	no change
Function 600—Income Security	+$2 billion
Section 8 Housing Program	$880 million
HOPE VI	$500 million
Low-Income Home Energy Assistance Program	$200 million
Child Nutrition Programs	$200 million
Housing for the Disabled	$120 million
Housing for the Elderly	$100 million
Function 650—Social Security	no change
Function 750—Administration of Justice	+$1 billion
Juvenile Justice	$600 million
Department of Justice Prisoner Reentry Program	$300 million
Weed and Seed and Drug Elimination Programs	$100 million
Function 800—General Government	no change
Total General	$32.4 billion
Amount to be applied to deficit reduction	$3.9 billion

III. PROGRAMS (DEFENSE, HOMELAND SECURITY AND VETERANS): $7.8 BILLION

All of the funds reduced from Ballistic Missile Defense are reallocated within various functions to provide for additional support for the troops in Iraq and other defense items necessary to maintain our military strength and jobs ($1.1 billion), homeland security needs ($2.05 billion), and veterans programs and benefits ($4.65 billion). All calculations are for changes above/below proposed Fiscal Year 2006 levels included in the Republican budget.

Function 050—National Defense	−$6.7 billion
Body armor, personal support equipment, and other protective gear for troops, and vehicle armor	$75 million

Ammunition for Marine Corps	$10 million
Small Arms for Army	$10 million
Building/Maintenance of Navy ships	$1 billion
To study instances of waste, fraud and abuse within DoD business processes and implement specific GAO recommendations for reform	$5 million
Function 700—Veterans	+$4.65 billion
Veterans Health Care	$1 billion
Survivor Benefit Plan	$100 million
Disabled Veterans Tax {''concurrent receipt'']	$2.5 billion
Fund long-term care initiatives for veterans	$400 million
Remove proposed $250 enrollment fee on Priority 7&8 veterans	$300 million
Remove proposed increases in co-payments for Priority 7&8 veterans	$150 million
Prosthetic needs for veterans	$100 million
VA Medical and Prosthetic Research	$50 million
Mental Health Care for Veterans	$50 million
Function 920—Allowances (all for purposes of Homeland Security)	+$2.05 billion
Rail Security	$100 million
Port Security, including air cargo screening, preventing nuclear/radiological weapons in cargo containers, research and development, and grants	$500 million
Centers for Disease Control	$250 million
First Responders	$900 million
Interoperable communications systems for first responders	$85 million
Federal air marshals	$65 million
Internal Customs Enforcement/Border Patrol Agents	$150 million
Total defense funds used, all of which are reallocated to defense, Homeland Security needs, and veterans programs and benefits	$7.8 billion

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to clarify one thing, and then I will just close. I heard a few minutes ago that our budget, the House resolution does not fund the war against global terrorism. In fact, it does. There is $80 billion for 2004, plus an additional $50 million for 2005.

Again, I want to thank the chairman for bringing up a budget. The problem with that budget again is that it kills job creation with huge tax increases. But if you believe in huge taxes, you should vote for their amendment and not vote against it. It has, again, huge additional spending of the hardearned money of the American taxpayers. It has huge reductions in defense spending in a time of war. And because of all those reasons, Mr. Chairman, by the way, it also assumes that there is no waste in the Federal budget whatsoever because it does not go after one penny, not one little penny of waste in the Federal budget.

And for those reasons, Mr. Chairman, I would respectfully request that we vote down this amendment.

Mr. Chairman, I yield back the remaining part of my time.

Mr. WATT. Mr. Chairman, does the gentleman have time left that he might be able to yield to me instead of yielding back?

The Acting CHAIRMAN. The gentleman from Florida has yielded back his time and the gentleman from North Carolina has 30 seconds remaining.

Mr. WATT. Mr. Chairman, I yield myself my remaining time, and I thank the gentleman for his time. I want to thank all of the members of the Congressional Black Caucus, and I especially want to thank their staffs who have really gone to a lot of trouble to help us put this budget together. This is the budget, Members, that gives you the choice. And a budget is about making choices. That is really what a budget is.

In our own households, we have to make choices. The choices we have made favor closing disparities that exist in our society that have been here for years and years. The choice we make is to fund No Child Left Behind fully, and not to fund a ballistic missile system that has been a failure, even though we allow research to continue on that front.

So I would ask our friends to face up to these choices and resolve them in a way that helps us close these disparities that have existed throughout the history in this country.

Mr. BISHOP of Georgia. Mr. Chairman, I rise in support of the CBC Budget, a commonsense framework that embraces our values, that focuses on fiscal discipline and that invests in our nation's future.

To be frank, the budget that President Bush presented us with is a betrayal of the trust that is placed in us as legislators. It violates the commitments that we have made to our children, to our veterans, and to our farmers and it does so while amassing mountains of debt, that we have no means of repaying.

I stand in support of the CBC Budget because it is a fiscally responsible alternative that targets the disparities that plague our communities and puts our priorities where they belong. It lowers the astronomical budget deficit, by eliminating corporate tax loopholes and abusive tax shelters at the same time that it lowers tax cuts for individuals making more than $200,000 a year.

This adjustment would restore an estimated $36.3 billion in FY 2006, including nearly $4 billion for deficit reduction. We will fully fund No Child Left Behind; build and repair schools; increase investment in job training and job creation programs. We will not slash community and regional development programs, rather we will continue to invest in housing for those who need assistance. We provide funding for child nutrition programs, community health centers, NASA research and development, Amtrak, Hope VI and Section 8 housing programs, and housing for the disabled and the elderly. And we keep our commitments to our nation's farmers who are depending on us to keep the promises that we made in the 2002 Farm Bill.

Additionally, the CBC Budget allocates funding for Veterans and Defense above the president's requested level, to support our troops in Iraq and Afghanistan, bolster our homeland security needs, and fully fund our veterans programs and benefits.

Mr. Chairman, I believe in fiscal responsibility. I believe that in times of national and fiscal crisis, sacrifices need to be made. But, I also believe that they need to be made by all Americans. It is unfair to scale back government programs that benefit hard working families in order to fund tax cuts that most benefit the wealthiest of Americans. We all need to make sacrifices, but we must also keep our priorities straight.

I believe that the CBC Budget does just that.

Mr. OWENS. Mr. Chairman, this Congressional Black Caucus alternative budget continues the CBC tradition of advocating for increased federal aid to education as the first priority of the world's only superpower. For the last ten years the Members ofthe CBC have boldly trumpeted the fact that there is an Education State-of-Emergency in the African American community and in the mainstream of America.

The American people enhanced by universal quality education constitute the greatest Weapon of Mass Construction our nation can have. To maintain this Weapon of Mass Construction, to maximize Homeland Security, education must be our front line of defense. To confront violent fanatics and zealots in the military arena our soldiers must be the best trained and most educated fighting force in the world. To maintain, expand and guide the most complex economic system in the history of our civilization in ways that guarantee continued prosperity we must accept nothing less than overwhelming supremacy in education.

Our budget must reflect this overwhelming quest for supremacy. Members of the CBC have proudly supported an increase of 23.9 billion dollars in the education budget. More specifically we have supported the following restorations and increases:

Function 500—Education and Training	+$23.9 billion
School Construction	$2.5 billion

Full Funding for No Child Left Behind, including: Title I, Safe and Drug Free Schools, 21st Century Learning Centers, Teacher Quality Programs, Education Technology, Fund for the Improvement of Education, English Language Acquisition, and Migrant Education	$12 billion
Elementary and Secondary School Counseling	$50 million
Vocational Education	$1.5 billion
Job Training	$750 million
Adult Education	$400 million
Pell Grants	$450 million
Head Start	$2 billion
Individuals with Disabilities Education Act (IDEA)	$2 billion
Historically Black Colleges and Universities (HBCUs)	$500 million
Hispanic Serving Institutions	$400 million
TRIO	$500 million
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR–UP)	$350 million
Perkins Loans	$100 million
Impact Aid	$300 million
SEOG	$100 million

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 292, answered ''present'' 3, not voting 5, as follows:

[Roll No. 85]

AYES—134

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cardin
Carson
Clay
Cleaver
Clyburn
Conyers
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
DeFazio
DeLauro
Dingell
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kucinich
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Solis
Stark
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—292

Aderholt
Akin
Alexander
Allen
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Culberson
Cunningham
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

ANSWERED ''PRESENT''—3

Capuano
Davis, Jo Ann
Ford

NOT VOTING—5

Coble
Cubin
Delahunt
Gohmert
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mrs. BIGGERT) (during the vote). Members are advised that there are 2 minutes remaining in the vote.

□ 1328

Mrs. MUSGRAVE, Mr. GRAVES, Ms. HARRIS, and Mr. LANGEVIN changed their vote from ''aye'' to ''no.''

Mr. CARDIN, Mr. UDALL of New Mexico, Ms. KAPTUR, and MESSRS. DINGELL, LEVIN and DAVIS of Florida changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. BLUMENAUER. Madam Chairman, I move that the Committee do now rise.

The Acting CHAIRMAN (Mrs. BIGGERT). The question is on the motion to rise offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BLUMENAUER. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 101, noes 313, answered ''present'' 1, not voting 19, as follows:

[Roll No. 86]

AYES—101

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Berkley
Berry
Bishop (NY)
Blumenauer
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capuano
Carnahan
Carson
Clay
Cleaver
Conyers
Costello
Crowley
Davis (AL)
Davis (FL)
Davis (IL)
DeFazio
DeLauro
Emanuel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Holt
Hooley
Inslee
Israel
Jackson (IL)

Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kind
Kucinich
Larson (CT)
Lee
Lewis (GA)
Maloney
Markey
Matsui
McGovern
McKinney
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Owens
Pastor
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Strickland
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson

NOES—313

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—19

Boehner
Cardoza
Coble
Cummings
Delahunt
Doolittle
Hinojosa
Jackson-Lee (TX)
Larsen (WA)
McCotter
McDermott
Ney
Olver
Stark
Sullivan
Watt
Waxman
Woolsey
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. BISHOP of Utah) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1351

Messrs. MARCHANT, POMEROY, BOREN, HONDA and RUPPERSBERGER changed their vote from ''aye'' to ''no.''

Mr. TAYLOR of Mississippi changed his vote from ''no'' to ''aye.''

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. NEY. Mr. Chairman, I was unable to be present for rollcall vote No. 86, on the motion that the Committee rise. Had I been present, I would have voted "no" on rollcall vote No. 86.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–19.

AMENDMENT NO. 4 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Acting CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment No. 4 in the nature of a substitute offered by Mr. SPRATT:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006.

The Congress declares that the concurrent resolution on the budget for fiscal year 2006 is hereby established and that the appropriate budgetary levels for fiscal years 2005 and 2007 through 2015 are set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2005 through 2015:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: $1,487,366,000,000.
Fiscal year 2006: $1,616,662,000,000.
Fiscal year 2007: $1,740,221,000,000.
Fiscal year 2008: $1,873,635,000,000.
Fiscal year 2009: $1,998,215,000,000.
Fiscal year 2010: $2,112,618,000,000.
Fiscal year 2011: $2,287,981,000,000.
Fiscal year 2012: $2,494,117,000,000.
Fiscal year 2013: $2,629,382,000,000.
Fiscal year 2014: $2,775,362,000,000.
Fiscal year 2015: $2,927,959,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 2005: $3,342,000,000.
Fiscal year 2006: $9,000,000,000.
Fiscal year 2007: $20,950,000,000.
Fiscal year 2008: $37,450,000,000.
Fiscal year 2009: $42,000,000,000.
Fiscal year 2010: $46,250,000,000.
Fiscal year 2011: $0.
Fiscal year 2012: $0.
Fiscal year 2013: $0.
Fiscal year 2014: $0.
Fiscal year 2015: $0.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: $2,073,647,000,000.
Fiscal year 2006: $2,164,495,000,000.
Fiscal year 2007: $2,243,088,000,000.
Fiscal year 2008: $2,363,415,000,000.
Fiscal year 2009: $2,486,979,000,000.
Fiscal year 2010: $2,593,294,000,000.
Fiscal year 2011: $2,717,544,000,000.
Fiscal year 2012: $2,792,862,000,000.
Fiscal year 2013: $2,923,694,000,000.
Fiscal year 2014: $3,051,690,000,000.
Fiscal year 2015: $3,187,568,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2005: $2,055,946,000,000.
Fiscal year 2006: $2,170,816,000,000.
Fiscal year 2007: $2,239,707,000,000.
Fiscal year 2008: $2,340,321,000,000.
Fiscal year 2009: $2,450,535,000,000.
Fiscal year 2010: $2,563,060,000,000.
Fiscal year 2011: $2,693,332,000,000.
Fiscal year 2012: $2,758,914,000,000.
Fiscal year 2013: $2,893,409,000,000.
Fiscal year 2014: $3,019,091,000,000.
Fiscal year 2015: $3,154,637,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2005: $568,580,000,000.
Fiscal year 2006: $554,154,000,000.
Fiscal year 2007: $499,486,000,000.
Fiscal year 2008: $466,686,000,000.
Fiscal year 2009: $452,320,000,000.
Fiscal year 2010: $450,442,000,000.
Fiscal year 2011: $405,351,000,000.
Fiscal year 2012: $264,797,000,000.
Fiscal year 2013: $264,027,000,000.
Fiscal year 2014: $243,729,000,000.
Fiscal year 2015: $226,678,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2005: $7,958,233,000,000.
Fiscal year 2006: $8,624,174,000,000.
Fiscal year 2007: $9,240,066,000,000.
Fiscal year 2008: $9,830,945,000,000.
Fiscal year 2009: $10,411,560,000,000.
Fiscal year 2010: $10,995,340,000,000.
Fiscal year 2011: $11,531,493,000,000.
Fiscal year 2012: $11,942,708,000,000.
Fiscal year 2013: $12,347,979,000,000.
Fiscal year 2014: $12,734,145,000,000.
Fiscal year 2015: $13,102,135,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2005: $4,685,413,000,000.
Fiscal year 2006: $5,061,151,000,000.
Fiscal year 2007: $5,364,948,000,000.
Fiscal year 2008: $5,618,176,000,000.
Fiscal year 2009: $5,838,595,000,000.
Fiscal year 2010: $6,040,401,000,000.
Fiscal year 2011: $6,180,515,000,000.
Fiscal year 2012: $6,167,267,000,000.
Fiscal year 2013: $6,142,850,000,000.
Fiscal year 2014: $6,089,270,000,000.
Fiscal year 2015: $6,012,424,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2005 through 2015 for each major functional category are:

(1) National Defense (050):
Fiscal year 2005:
(A) New budget authority, $500,621,000,000.
(B) Outlays, $497,196,000,000.
Fiscal year 2006:
(A) New budget authority, $441,562,000,000.
(B) Outlays, $475,603,000,000.
Fiscal year 2007:
(A) New budget authority, $465,260,000,000.
(B) Outlays, $460,673,000,000.
Fiscal year 2008:
(A) New budget authority, $483,730,000,000.
(B) Outlays, $471,003,000,000.
Fiscal year 2009:
(A) New budget authority, $503,763,000,000.
(B) Outlays, $489,220,000,000.
Fiscal year 2010:
(A) New budget authority, $513,904,000,000.
(B) Outlays, $505,908,000,000.
Fiscal year 2011:
(A) New budget authority, $527,137,000,000.
(B) Outlays, $524,649,000,000.
Fiscal year 2012:
(A) New budget authority, $540,658,000,000.
(B) Outlays, $529,197,000,000.
Fiscal year 2013:
(A) New budget authority, $554,406,000,000.
(B) Outlays, $546,731,000,000.
Fiscal year 2014:
(A) New budget authority, $568,726,000,000.
(B) Outlays, $560,789,000,000.
Fiscal year 2015:
(A) New budget authority, $583,342,000,000.
(B) Outlays, $575,262,000,000.

(2) International Affairs (150):
Fiscal year 2005:
(A) New budget authority, $32,085,000,000.
(B) Outlays, $32,166,000,000.
Fiscal year 2006:
(A) New budget authority, $31,718,000,000.
(B) Outlays, $35,097,000,000.
Fiscal year 2007:
(A) New budget authority, $34,835,000,000.
(B) Outlays, $33,359,000,000.
Fiscal year 2008:
(A) New budget authority, $35,197,000,000.
(B) Outlays, $32,397,000,000.
Fiscal year 2009:
(A) New budget authority, $35,237,000,000.
(B) Outlays, $32,115,000,000.
Fiscal year 2010:
(A) New budget authority, $34,928,000,000.
(B) Outlays, $31,643,000,000.
Fiscal year 2011:
(A) New budget authority, $35,089,000,000.
(B) Outlays, $31,375,000,000.
Fiscal year 2012:
(A) New budget authority, $35,251,000,000.
(B) Outlays, $31,332,000,000.
Fiscal year 2013:
(A) New budget authority, $35,951,000,000.
(B) Outlays, $31,770,000,000.
Fiscal year 2014:
(A) New budget authority, $36,713,000,000.
(B) Outlays, $32,388,000,000.
Fiscal year 2015:
(A) New budget authority, $37,377,000,000.
(B) Outlays, $33,165,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2005:
(A) New budget authority, $24,413,000,000.
(B) Outlays, $23,594,000,000.
Fiscal year 2006:
(A) New budget authority, $24,757,000,000.
(B) Outlays, $24,164,000,000.
Fiscal year 2007:
(A) New budget authority, $25,181,000,000.
(B) Outlays, $24,612,000,000.
Fiscal year 2008:
(A) New budget authority, $25,704,000,000.
(B) Outlays, $25,038,000,000.
Fiscal year 2009:
(A) New budget authority, $26,219,000,000.
(B) Outlays, $25,525,000,000.
Fiscal year 2010:
(A) New budget authority, $26,738,000,000.
(B) Outlays, $26,026,000,000.
Fiscal year 2011:
(A) New budget authority, $27,005,000,000.
(B) Outlays, $26,415,000,000.
Fiscal year 2012:
(A) New budget authority, $27,274,000,000.
(B) Outlays, $26,711,000,000.
Fiscal year 2013:
(A) New budget authority, $27,547,000,000.
(B) Outlays, $26,984,000,000.
Fiscal year 2014:
(A) New budget authority, $27,822,000,000.
(B) Outlays, $27,257,000,000.
Fiscal year 2015:
(A) New budget authority, $28,099,000,000.
(B) Outlays, $27,529,000,000.

(4) Energy (270):
Fiscal year 2005:
(A) New budget authority, $2,564,000,000.
(B) Outlays, $794,000,000.
Fiscal year 2006:
(A) New budget authority, $3,308,000,000.
(B) Outlays, $2,128,000,000.
Fiscal year 2007:
(A) New budget authority, $3,175,000,000.
(B) Outlays, $1,643,000,000.
Fiscal year 2008:
(A) New budget authority, $3,327,000,000.
(B) Outlays, $1,366,000,000.
Fiscal year 2009:
(A) New budget authority, $3,225,000,000.
(B) Outlays, $1,717,000,000.
Fiscal year 2010:
(A) New budget authority, $3,278,000,000.
(B) Outlays, $1,927,000,000.
Fiscal year 2011:
(A) New budget authority, $2,910,000,000.
(B) Outlays, $1,597,000,000.
Fiscal year 2012:
(A) New budget authority, $2,942,000,000.
(B) Outlays, $1,839,000,000.
Fiscal year 2013:
(A) New budget authority, $2,975,000,000.
(B) Outlays, $1,764,000,000.
Fiscal year 2014:
(A) New budget authority, $3,006,000,000.
(B) Outlays, $2,014,000,000.
Fiscal year 2015:
(A) New budget authority, $3,041,000,000.
(B) Outlays, $2,255,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2005:
(A) New budget authority, $32,527,000,000.
(B) Outlays, $31,168,000,000.
Fiscal year 2006:
(A) New budget authority, $33,382,000,000.
(B) Outlays, $33,484,000,000.
Fiscal year 2007:
(A) New budget authority, $34,548,000,000.
(B) Outlays, $34,740,000,000.
Fiscal year 2008:
(A) New budget authority, $35,437,000,000.
(B) Outlays, $36,072,000,000.
Fiscal year 2009:
(A) New budget authority, $37,111,000,000.
(B) Outlays, $37,390,000,000.
Fiscal year 2010:
(A) New budget authority, $37,946,000,000.
(B) Outlays, $38,269,000,000.
Fiscal year 2011:
(A) New budget authority, $38,731,000,000.
(B) Outlays, $38,790,000,000.
Fiscal year 2012:
(A) New budget authority, $39,704,000,000.
(B) Outlays, $39,523,000,000.
Fiscal year 2013:
(A) New budget authority, $40,572,000,000.
(B) Outlays, $40,235,000,000.
Fiscal year 2014:
(A) New budget authority, $41,606,000,000.
(B) Outlays, $41,039,000,000.
Fiscal year 2015:
(A) New budget authority, $42,620,000,000.
(B) Outlays, $41,935,000,000.

(6) Agriculture (350):
Fiscal year 2005:
(A) New budget authority, $30,151,000,000.
(B) Outlays, $28,550,000,000.
Fiscal year 2006:
(A) New budget authority, $30,371,000,000.
(B) Outlays, $29,078,000,000.
Fiscal year 2007:
(A) New budget authority, $28,115,000,000.
(B) Outlays, $26,958,000,000.
Fiscal year 2008:
(A) New budget authority, $25,829,000,000.
(B) Outlays, $24,771,000,000.
Fiscal year 2009:
(A) New budget authority, $26,357,000,000.
(B) Outlays, $25,450,000,000.
Fiscal year 2010:
(A) New budget authority, $26,383,000,000.
(B) Outlays, $25,560,000,000.
Fiscal year 2011:
(A) New budget authority, $26,209,000,000.
(B) Outlays, $25,449,000,000.
Fiscal year 2012:
(A) New budget authority, $25,953,000,000.
(B) Outlays, $25,237,000,000.
Fiscal year 2013:
(A) New budget authority, $26,015,000,000.
(B) Outlays, $25,262,000,000.
Fiscal year 2014:
(A) New budget authority, $26,134,000,000.
(B) Outlays, $25,390,000,000.
Fiscal year 2015:
(A) New budget authority, $25,077,000,000.
(B) Outlays, $24,354,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2005:
(A) New budget authority, $16,804,000,000.
(B) Outlays, $11,302,000,000.
Fiscal year 2006:
(A) New budget authority, $11,452,000,000.
(B) Outlays, $5,860,000,000.
Fiscal year 2007:
(A) New budget authority, $11,796,000,000.
(B) Outlays, $6,226,000,000.
Fiscal year 2008:
(A) New budget authority, $11,817,000,000.

(B) Outlays, $5,913,000,000.
Fiscal year 2009:
(A) New budget authority, $11,894,000,000.
(B) Outlays, $5,116,000,000.
Fiscal year 2010:
(A) New budget authority, $14,565,000,000.
(B) Outlays, $6,394,000,000.
Fiscal year 2011:
(A) New budget authority, $11,914,000,000.
(B) Outlays, $4,973,000,000.
Fiscal year 2012:
(A) New budget authority, $12,129,000,000.
(B) Outlays, $4,848,000,000.
Fiscal year 2013:
(A) New budget authority, $12,178,000,000.
(B) Outlays, $4,728,000,000.
Fiscal year 2014:
(A) New budget authority, $12,230,000,000.
(B) Outlays, $4,629,000,000.
Fiscal year 2015:
(A) New budget authority, $12,330,000,000.
(B) Outlays, $4,130,000,000.
(8) Transportation (400):
Fiscal year 2005:
(A) New budget authority, $72,506,000,000.
(B) Outlays, $67,703,000,000.
Fiscal year 2006:
(A) New budget authority, $74,479,000,000.
(B) Outlays, $71,735,000,000.
Fiscal year 2007:
(A) New budget authority, $76,841,000,000.
(B) Outlays, $75,331,000,000.
Fiscal year 2008:
(A) New budget authority, $78,975,000,000.
(B) Outlays, $77,196,000,000.
Fiscal year 2009:
(A) New budget authority, $81,576,000,000.
(B) Outlays, $76,726,000,000.
Fiscal year 2010:
(A) New budget authority, $82,261,000,000.
(B) Outlays, $77,820,000,000.
Fiscal year 2011:
(A) New budget authority, $83,014,000,000.
(B) Outlays, $79,230,000,000.
Fiscal year 2012:
(A) New budget authority, $83,792,000,000.
(B) Outlays, $80,694,000,000.
Fiscal year 2013:
(A) New budget authority, $84,609,000,000.
(B) Outlays, $82,316,000,000.
Fiscal year 2014:
(A) New budget authority, $85,439,000,000.
(B) Outlays, $83,873,000,000.
Fiscal year 2015:
(A) New budget authority, $86,293,000,000.
(B) Outlays, $85,917,000,000.
(9) Community and Regional Development (450):
Fiscal year 2005:
(A) New budget authority, $23,007,000,000.
(B) Outlays, $20,756,000,000.
Fiscal year 2006:
(A) New budget authority, $16,190,000,000.
(B) Outlays, $18,624,000,000.
Fiscal year 2007:
(A) New budget authority, $15,884,000,000.
(B) Outlays, $17,414,000,000.
Fiscal year 2008:
(A) New budget authority, $15,837,000,000.
(B) Outlays, $15,727,000,000.
Fiscal year 2009:
(A) New budget authority, $16,141,000,000.
(B) Outlays, $14,509,000,000.
Fiscal year 2010:
(A) New budget authority, $16,454,000,000.
(B) Outlays, $14,211,000,000.
Fiscal year 2011:
(A) New budget authority, $16,780,000,000.
(B) Outlays, $14,879,000,000.
Fiscal year 2012:
(A) New budget authority, $17,108,000,000.
(B) Outlays, $15,323,000,000.
Fiscal year 2013:
(A) New budget authority, $17,435,000,000.
(B) Outlays, $16,108,000,000.
Fiscal year 2014:
(A) New budget authority, $17,777,000,000.
(B) Outlays, $16,763,000,000.
Fiscal year 2015:
(A) New budget authority, $18,125,000,000.
(B) Outlays, $17,099,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2005:
(A) New budget authority, $94,001,000,000.
(B) Outlays, $92,798,000,000.
Fiscal year 2006:
(A) New budget authority, $100,808,000,000.
(B) Outlays, $92,332,000,000.
Fiscal year 2007:
(A) New budget authority, $97,151,000,000.
(B) Outlays, $95,504,000,000.
Fiscal year 2008:
(A) New budget authority, $97,765,000,000.
(B) Outlays, $96,341,000,000.
Fiscal year 2009:
(A) New budget authority, $99,976,000,000.
(B) Outlays, $97,670,000,000.
Fiscal year 2010:
(A) New budget authority, $102,177,000,000.
(B) Outlays, $99,766,000,000.
Fiscal year 2011:
(A) New budget authority, $104,062,000,000.
(B) Outlays, $102,156,000,000.
Fiscal year 2012:
(A) New budget authority, $105,630,000,000.
(B) Outlays, $103,733,000,000.
Fiscal year 2013:
(A) New budget authority, $107,195,000,000.
(B) Outlays, $105,362,000,000.
Fiscal year 2014:
(A) New budget authority, $109,127,000,000.
(B) Outlays, $107,224,000,000.
Fiscal year 2015:
(A) New budget authority, $111,073,000,000.
(B) Outlays, $109,057,000,000.
(11) Health (550):
Fiscal year 2005:
(A) New budget authority, $257,497,000,000.
(B) Outlays, $252,798,000,000.
Fiscal year 2006:
(A) New budget authority, $264,672,000,000.
(B) Outlays, $263,620,000,000.
Fiscal year 2007:
(A) New budget authority, $279,286,000,000.
(B) Outlays, $277,318,000,000.
Fiscal year 2008:
(A) New budget authority, $299,465,000,000.
(B) Outlays, $297,259,000,000.
Fiscal year 2009:
(A) New budget authority, $322,543,000,000.
(B) Outlays, $318,142,000,000.
Fiscal year 2010:
(A) New budget authority, $343,513,000,000.
(B) Outlays, $341,356,000,000.
Fiscal year 2011:
(A) New budget authority, $368,302,000,000.
(B) Outlays, $365,939,000,000.
Fiscal year 2012:
(A) New budget authority, $393,878,000,000.
(B) Outlays, $391,254,000,000.
Fiscal year 2013:
(A) New budget authority, $421,907,000,000.
(B) Outlays, $418,984,000,000.
Fiscal year 2014:
(A) New budget authority, $452,506,000,000.
(B) Outlays, $449,129,000,000.
Fiscal year 2015:
(A) New budget authority, $485,809,000,000.
(B) Outlays, $482,145,000,000.
(12) Medicare (570):
Fiscal year 2005:
(A) New budget authority, $292,587,000,000.
(B) Outlays, $293,587,000,000.
Fiscal year 2006:
(A) New budget authority, $331,329,000,000.
(B) Outlays, $331,092,000,000.
Fiscal year 2007:
(A) New budget authority, $371,899,000,000.
(B) Outlays, $372,191,000,000.
Fiscal year 2008:
(A) New budget authority, $395,312,000,000.
(B) Outlays, $395,364,000,000.
Fiscal year 2009:
(A) New budget authority, $420,234,000,000.
(B) Outlays, $419,828,000,000.
Fiscal year 2010:
(A) New budget authority, $448,111,000,000.
(B) Outlays, $448,442,000,000.
Fiscal year 2011:
(A) New budget authority, $487,195,000,000.
(B) Outlays, $487,199,000,000.
Fiscal year 2012:
(A) New budget authority, $511,930,000,000.
(B) Outlays, $511,430,000,000.
Fiscal year 2013:
(A) New budget authority, $560,039,000,000.
(B) Outlays, $560,317,000,000.
Fiscal year 2014:
(A) New budget authority, $605,854,000,000.
(B) Outlays, $605,836,000,000.
Fiscal year 2015:
(A) New budget authority, $656,197,000,000.
(B) Outlays, $655,599,000,000.
(13) Income Security (600):
Fiscal year 2005:
(A) New budget authority, $339,184,000,000.
(B) Outlays, $347,817,000,000.
Fiscal year 2006:
(A) New budget authority, $349,208,000,000.
(B) Outlays, $355,280,000,000.
Fiscal year 2007:
(A) New budget authority, $356,831,000,000.
(B) Outlays, $361,653,000,000.
Fiscal year 2008:
(A) New budget authority, $371,394,000,000.
(B) Outlays, $375,040,000,000.
Fiscal year 2009:
(A) New budget authority, $382,459,000,000.
(B) Outlays, $384,918,000,000.
Fiscal year 2010:
(A) New budget authority, $393,827,000,000.
(B) Outlays, $395,586,000,000.
Fiscal year 2011:
(A) New budget authority, $408,830,000,000.
(B) Outlays, $410,380,000,000.
Fiscal year 2012:
(A) New budget authority, $396,680,000,000.
(B) Outlays, $398,288,000,000.
Fiscal year 2013:
(A) New budget authority, $412,123,000,000.
(B) Outlays, $412,753,000,000.
Fiscal year 2014:
(A) New budget authority, $423,634,000,000.
(B) Outlays, $422,232,000,000.
Fiscal year 2015:
(A) New budget authority, $434,824,000,000.
(B) Outlays, $433,325,000,000.
(14) Social Security (650):
Fiscal year 2005:
(A) New budget authority, $15,849,000,000.
(B) Outlays, $15,849,000,000.
Fiscal year 2006:
(A) New budget authority, $15,891,000,000.
(B) Outlays, $15,891,000,000.
Fiscal year 2007:
(A) New budget authority, $17,704,000,000.
(B) Outlays, $17,704,000,000.
Fiscal year 2008:
(A) New budget authority, $19,768,000,000.
(B) Outlays, $19,768,000,000.
Fiscal year 2009:
(A) New budget authority, $21,743,000,000.
(B) Outlays, $21,743,000,000.
Fiscal year 2010:
(A) New budget authority, $24,029,000,000.
(B) Outlays, $24,029,000,000.
Fiscal year 2011:
(A) New budget authority, $27,837,000,000.
(B) Outlays, $27,837,000,000.
Fiscal year 2012:
(A) New budget authority, $30,885,000,000.

(B) Outlays, $30,885,000,000.
Fiscal year 2013:
(A) New budget authority, $33,594,000,000.
(B) Outlays, $33,594,000,000.
Fiscal year 2014:
(A) New budget authority, $36,442,000,000.
(B) Outlays, $36,442,000,000.
Fiscal year 2015:
(A) New budget authority, $39,528,000,000.
(B) Outlays, $39,528,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2005:
(A) New budget authority, $69,448,000,000.
(B) Outlays, $68,873,000,000.
Fiscal year 2006:
(A) New budget authority, $70,467,000,000.
(B) Outlays, $69,468,000,000.
Fiscal year 2007:
(A) New budget authority, $68,989,000,000.
(B) Outlays, $68,394,000,000.
Fiscal year 2008:
(A) New budget authority, $72,368,000,000.
(B) Outlays, $72,077,000,000.
Fiscal year 2009:
(A) New budget authority, $74,049,000,000.
(B) Outlays, $73,591,000,000.
Fiscal year 2010:
(A) New budget authority, $75,768,000,000.
(B) Outlays, $75,213,000,000.
Fiscal year 2011:
(A) New budget authority, $80,114,000,000.
(B) Outlays, $79,717,000,000.
Fiscal year 2012:
(A) New budget authority, $77,261,000,000.
(B) Outlays, $76,588,000,000.
Fiscal year 2013:
(A) New budget authority, $82,351,000,000.
(B) Outlays, $81,772,000,000.
Fiscal year 2014:
(A) New budget authority, $84,597,000,000.
(B) Outlays, $84,014,000,000.
Fiscal year 2015:
(A) New budget authority, $86,855,000,000.
(B) Outlays, $86,257,000,000.
(16) Administration of Justice (750):
Fiscal year 2005:
(A) New budget authority, $39,817,000,000.
(B) Outlays, $39,501,000,000.
Fiscal year 2006:
(A) New budget authority, $41,980,000,000.
(B) Outlays, $42,148,000,000.
Fiscal year 2007:
(A) New budget authority, $41,697,000,000.
(B) Outlays, $42,381,000,000.
Fiscal year 2008:
(A) New budget authority, $42,786,000,000.
(B) Outlays, $43,066,000,000.
Fiscal year 2009:
(A) New budget authority, $43,896,000,000.
(B) Outlays, $43,723,000,000.
Fiscal year 2010:
(A) New budget authority, $45,041,000,000.
(B) Outlays, $44,753,000,000.
Fiscal year 2011:
(A) New budget authority, $46,241,000,000.
(B) Outlays, $45,828,000,000.
Fiscal year 2012:
(A) New budget authority, $47,455,000,000.
(B) Outlays, $47,032,000,000.
Fiscal year 2013:
(A) New budget authority, $48,714,000,000.
(B) Outlays, $48,282,000,000.
Fiscal year 2014:
(A) New budget authority, $50,014,000,000.
(B) Outlays, $49,575,000,000.
Fiscal year 2015:
(A) New budget authority, $54,212,000,000.
(B) Outlays, $53,760,000,000.
(17) General Government (800):
Fiscal year 2005:
(A) New budget authority, $16,748,000,000.
(B) Outlays, $17,656,000,000.
Fiscal year 2006:
(A) New budget authority, $18,017,000,000.
(B) Outlays, $18,308,000,000.
Fiscal year 2007:
(A) New budget authority, $18,164,000,000.
(B) Outlays, $17,999,000,000.
Fiscal year 2008:
(A) New budget authority, $18,024,000,000.
(B) Outlays, $18,054,000,000.
Fiscal year 2009:
(A) New budget authority, $18,325,000,000.
(B) Outlays, $18,296,000,000.
Fiscal year 2010:
(A) New budget authority, $18,545,000,000.
(B) Outlays, $18,705,000,000.
Fiscal year 2011:
(A) New budget authority, $18,929,000,000.
(B) Outlays, $19,172,000,000.
Fiscal year 2012:
(A) New budget authority, $19,412,000,000.
(B) Outlays, $19,890,000,000.
Fiscal year 2013:
(A) New budget authority, $19,944,000,000.
(B) Outlays, $20,311,000,000.
Fiscal year 2014:
(A) New budget authority, $20,457,000,000.
(B) Outlays, $20,890,000,000.
Fiscal year 2015:
(A) New budget authority, $20,995,000,000.
(B) Outlays, $21,548,000,000.
(18) Net Interest (900):
Fiscal year 2005:
(A) New budget authority, $267,942,000,000.
(B) Outlays, $267,942,000,000.
Fiscal year 2006:
(A) New budget authority, $310,255,000,000.
(B) Outlays, $310,255,000,000.
Fiscal year 2007:
(A) New budget authority, $358,985,000,000.
(B) Outlays, $358,985,000,000.
Fiscal year 2008:
(A) New budget authority, $395,851,000,000.
(B) Outlays, $395,851,000,000.
Fiscal year 2009:
(A) New budget authority, $424,099,000,000.
(B) Outlays, $424,099,000,000.
Fiscal year 2010:
(A) New budget authority, $450,267,000,000.
(B) Outlays, $450,267,000,000.
Fiscal year 2011:
(A) New budget authority, $474,290,000,000.
(B) Outlays, $474,290,000,000.
Fiscal year 2012:
(A) New budget authority, $494,088,000,000.
(B) Outlays, $494,088,000,000.
Fiscal year 2013:
(A) New budget authority, $508,705,000,000.
(B) Outlays, $508,705,000,000.
Fiscal year 2014:
(A) New budget authority, $524,530,000,000.
(B) Outlays, $524,530,000,000.
Fiscal year 2015:
(A) New budget authority, $538,755,000,000.
(B) Outlays, $538,755,000,000.
(19) Allowances (920):
Fiscal year 2005:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2006:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $32,000,000,000.
Fiscal year 2007:
(A) New budget authority, $0.
(B) Outlays, $11,000,000,000.
Fiscal year 2008:
(A) New budget authority, $0.
(B) Outlays, $4,000,000,000.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $2,000,000,000.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $1,000,000,000.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2013:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2014:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2015:
(A) New budget authority, $0.
(B) Outlays, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2005:
(A) New budget authority, −$54,104,000,000.
(B) Outlays, −$54,104,000,000.
Fiscal year 2006:
(A) New budget authority, −$55,351,000,000.
(B) Outlays, −$55,351,000,000.
Fiscal year 2007:
(A) New budget authority, −$63,253,000,000.
(B) Outlays, −$64,378,000,000.
Fiscal year 2008:
(A) New budget authority, −$65,171,000,000.
(B) Outlays, −$65,983,000,000.
Fiscal year 2009:
(A) New budget authority, −$61,868,000,000.
(B) Outlays, −$61,243,000,000.
Fiscal year 2010:
(A) New budget authority, −$64,440,000,000.
(B) Outlays, −$63,815,000,000.
Fiscal year 2011:
(A) New budget authority, −$67,045,000,000.
(B) Outlays, −$66,545,000,000.
Fiscal year 2012:
(A) New budget authority, −$69,168,000,000.
(B) Outlays, −$68,980,000,000.
Fiscal year 2013:
(A) New budget authority, −$72,566,000,000.
(B) Outlays, −$72,566,000,000.
Fiscal year 2014:
(A) New budget authority, −$74,924,000,000.
(B) Outlays, −$74,924,000,000.
Fiscal year 2015:
(A) New budget authority, −$76,984,000,000.
(B) Outlays, −$76,984,000,000.

TITLE II—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds

SEC. 201. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INSURANCE COVERAGE FOR THE UNINSURED.

In the House, if legislation is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that provides affordable, comprehensive health insurance to the uninsured and builds upon and strengthens public and private coverage, including preventing the erosion of existing coverage under Medicaid, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral (whether by changes in revenues or direct spending) in fiscal year 2006 and for the period of fiscal years 2006 through 2015.

SEC. 202. RESERVE FUND FOR NEGOTIATION OF LOWER MEDICARE DRUG PRICES.

(a) IN GENERAL.—In the House, if the Committee on Ways and Means or the Committee on Energy and Commerce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides for a reduction in new budget authority and outlays under part D of title XVIII of the Social Security Act through authority described in subsection (b), insofar as such measure does not provide for new budget authority in the form of a reduction in beneficiary cost-sharing (which may include the partial or complete elimination of the so-called donut hole) under such part, the chairman of the Committee on the Budget shall revise the appropriate budgetary aggregates and allocations of new

budget authority and outlays to reflect any resulting new savings from such measure.

(b) AUTHORITY DEFINED.—For purposes of subsection (a), the authority described in this subsection is authority for the Secretary of Health and Human Services to negotiate prescription drug prices under part D of title XVIII of the Social Security Act, which may include either or both of the following:

(1) Authority to negotiate prescription drug prices similar to the authority used by the Secretary of Veterans Affairs, the Secretary of Defense, and the heads of other Federal agencies and departments in the purchase of prescription drugs.

(2) Other methods that lower the price of covered part D drugs under such part D.

Subtitle B—Contingency Procedure

SEC. 211. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2005: $42,806,000,000,

(2) for fiscal year 2006: $45,899,100,000,

(3) for fiscal year 2007: $47,828,700,000,

(4) for fiscal year 2008: $49,715,400,000, or

(5) for fiscal year 2009: $51,743,500,000,

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2005 and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2006, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $42,792,000,000 for fiscal year 2006 for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE III—BUDGET ENFORCEMENT

SEC. 301. PAY-AS-YOU-GO POINT OF ORDER IN THE HOUSE.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any of the following periods:

(1) The budget year.

(2) The period of the budget year and the next 4 fiscal years.

(3) The period of the 5 fiscal years following the period specified in paragraph (2).

(b) ON-BUDGET DEFICIT.—

(1) DEFINITION.—For purposes of this section, the term ''on-budget deficit'' means a budget deficit that occurs in any year in which total outlays exceed total revenues, counting Federal revenues and outlays, except those of the old age, survivors and disability insurance trust funds established under title II of the Social Security Act, as provided in subtitle C, section 13301 of the Budget Enforcement Act of 1990.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives.

(d) EXPIRATION.—This section shall expire on December 31, 2015.

TITLE IV—SENSE OF THE HOUSE

SEC. 401. SENSE OF THE HOUSE ON DEFENSE PRIORITIES.

It is the sense of the House that—

(1) increasing Service members Group Life Insurance (SGLI) coverage to $400,000 and providing free coverage to those in combat, and increasing the death gratuity to $100,000, are high priorities which should not have been omitted from the President's budget request;

(2) continuing targeted pay increases for enlisted personnel and increasing reenlistment bonuses are also high priorities which should not have been omitted from the President's budget request because they are critical to the retention of experienced personnel;

(3) increasing funds for family service centers to support families of deploying service members is a high priority, and the President's budget should have requested sufficient funding for this purpose;

(4) increasing funds for community-based health care organizations is a high priority to enable injured service men and women to receive the care they need close to home, and the President's budget should have included sufficient funding for this purpose;

(5) funding cooperative threat reduction and nuclear nonproliferation programs at a level adequate to the task and the risks to our nation is also a high priority and was recommended five years ago by the Baker-Cutler Commission, and the President's budget should have requested sufficient funding in this area;

(6) funding the Missile Defense Agency at a substantial but lower level will ensure a more measured acquisition strategy, yet still support a robust ballistic missile defense program;

(7) funding satellite research, development, and procurement at a level above the amount enacted for 2005 but below the amount requested for 2006, which represents an increase of more than 50 percent, will provide adequate funding for new satellite technologies, while ensuring a more prudent acquisition strategy;

(8) improving financial management at the Department of Defense should identify billions of dollars of obligations and disbursements which the Government Accountability Office has found that the Department of Defense cannot account for, and should result in substantial annual savings;

(9) all savings that accrue from the actions recommended in paragraphs (6) through (8) should be used to fund higher priorities within the national security function of the budget, function 050, and especially those high priorities identified in paragraphs (1) through (5), as well as a strong ship force and defense-related homeland security activities.

SEC. 402. SENSE OF THE HOUSE ON EXTENSION OF THE PAY-AS-YOU-GO RULE OF 1997.

It is the sense of the House that in order to reduce the deficit, Congress should extend PAYGO in its original form in the Budget Enforcement Act of 1990, making the rule apply both to tax decreases and to mandatory spending increases.

SEC. 403. SENSE OF THE HOUSE REGARDING FUNDING FOR THE MANUFACTURING EXTENSION PARTNERSHIP.

It is the sense of the House that—

(1) this resolution provides a total of $110 million for the Manufacturing Extension Partnership for 2006, $63 million more than the President's request, and supports adequate funding throughout the period covered by this resolution; and

(2) this funding protects the viability of the Manufacturing Extension Partnership and provides the necessary resources for the Manufacturing Extension Partnership to continue helping small manufacturers reach their optimal performance and create jobs.

SEC. 404. SENSE OF THE HOUSE ON EDUCATION.

It is the sense of the House that—

(1) the resolution rejects the President's cuts to elementary and secondary education, as well as the President's proposals to increase student costs for college loans and to cut or eliminate programs that help students obtain a post-secondary education;

(2) the resolution provides a $100 annual increase in the maximum Pell Grant award in each of the next ten years, and assumes increased efficiency in the student loan programs; and

(3) the mandatory levels in this resolution provide the $4.3 billion needed to eliminate the current shortfall in the Pell Grant program, restoring the program to a sound financial basis.

SEC. 405. SENSE OF THE HOUSE ON HOMELAND SECURITY.

It is the sense of the House that—

(1) this resolution provides additional homeland security funding above the President's requested level for 2006 and every subsequent year;

(2) this resolution provides $9,800,000,000 above the President's requested level for 2006, and greater amounts in subsequent years, in the four budget functions (Function 400, Transportation; Function 450, Community and Regional Development; Function 550, Health; and Function 750, Administration of Justice) which fund most nondefense homeland security activities; and

(3) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system and other critical infrastructure, including our seaports, and help secure our borders, increase the preparedness of our public health system, train and equip our first responders, and otherwise strengthen the Nation's homeland security.

SEC. 406. SENSE OF THE HOUSE REGARDING PAY PARITY.

It is the sense of the House that—

(1) compensation for civilian and military employees of the United States, without whom we cannot successfully serve and protect our citizens and taxpayers, must be sufficient to support our critical efforts to recruit, retain, and reward quality people effectively and responsibly; and

(2) to achieve this objective, the rate of increase in the compensation of civilian employees should be equal to that proposed for

the military in the President's fiscal year 2006 budget.

SEC. 407. POLICY.

It is the policy of this budget resolution to balance long-term deficit reduction with middle-income tax relief. To this end, this resolution assumes tax relief, subject to the PAYGO requirements as imposed in section 301, which includes the following:

(1) extension of the child tax credit;

(2) extension of marriage penalty relief;

(3) extension of the 10 percent individual bracket;

(4) modification of the alternative minimum tax to minimize its impact on middle-income taxpayers;

(5) elimination of estate taxes on all but the very largest estates by reforming and substantially increasing the unified credit;

(6) extension of the research and experimentation tax credit;

(7) extension of the deduction for State and local sales taxes.

To meet the revenue requirements of this resolution and to comply with the PAYGO requirements imposed in section 301, this budget resolution assumes revenue measures such as: strengthening tax compliance; imposing measures to close corporate tax avoidance devices; and continuing the current limitations on personal exemptions and itemized deductions (so-called ''PEP'' and ''Pease'')—the repeal of which disproportionately benefits taxpayers with annual incomes exceeding $1 million.

SEC. 408. SENSE OF THE HOUSE REGARDING THE NATIONAL RAILROAD PASSENGER CORPORATION.

It is the sense of the House that the budget should reject the cuts to Amtrak in the President's budget and should provide sufficient resources to allow Amtrak to carry forward its mission.

SEC. 409. SENSE OF THE HOUSE ON TAX SIMPLIFICATION AND TAX FAIRNESS.

It is the sense of the House that—

(1) the current tax system has been made increasingly complex and unfair to the detriment of the vast majority of working Americans;

(2) constant change and manipulation of the tax code have adverse effects on taxpayers understanding and trust in the Nation's tax laws;

(3) these increases in complexity and lack of clarity have made compliance more challenging for the average taxpayer and small business owner; and

(4) this budget resolution contemplates a comprehensive review of recent changes in the tax code, leading to future action to reduce the tax burden and compliance burden for middle-income workers and their families in the context of tax reform that makes the Federal tax code simpler and fairer to all taxpayers, and ensures that this generation of Americans does not force future generations to pay our bills.

The Acting CHAIRMAN. Pursuant to House Resolution 154, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Iowa (Mr. NUSSLE) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Chairman, I want to personally thank the gentleman from South Carolina (Mr. SPRATT) so much for the work that he has done in having the record make it clear that we in the House of Representatives did have an alternative to what was presented to us.

There is a lot of talk about moral values that we hear about politically; but I do not care what your religious background is, there are always these stories about the sick and the poor in need; and on the other side, the option is for the rich and the greedy and the insensitive.

You do not have to be a Republican or a Democrat when you look at the document that was placed before us by the majority and then to take a look at the compassion and the common sense that is involved in the alternative that the gentleman from South Carolina and his team have brought to us. But I am not here to talk about compassion. I am too old to believe that it is going to change.

I am here to talk about national security, national security at a time that we are going through these economic deficits. It would just seem to me that it would make a lot of sense if we invested in our young people that are going to school, to make them more productive and make them tax-paying. It seems to me it would make a lot of sense to invest in someone's health so that they would not have to go to community centers, which are being cut back, that they would not have to go into the hospitals.

It seems to me that we would have a sense of national security by thanking our veterans who fight the war, keep the spirits up and not tax them for getting sick or having ailments. It seems to me that in the final analysis, what we have done is borrow money and ask that we make these tremendous tax cuts permanent and whatever our kids get and our grandchildren get will be the debt that this body can possibly place on them.

I just hope that somewhere along the line someone would say that if you really care about this country, that you will care about all of its people, you will be concerned about its working people and be concerned in making Social Security something that will be guaranteed for them because we promised them that it would be.

But I do not think that anyone takes this budget seriously, not if you leave out of it the alternative minimum tax, which no one would want to be able to tell their constituents that this $600 billion tax increase that we are going to place on them, that we did not mean to do it; and no matter how many cities the President goes to, no one would believe that he was sincere about reforming the Social Security system when he knows, Republicans know, Democrats know, that it is going to take money to do this and that is not in the budget. And there are so many other things that are left out. Even the money that is paid into Social Security, that is not counted as a part of our debt.

But one day, just one day, historians or maybe our kids and grandkids are going to ask each and every one of us, when this country was going into this deficit hellhole and when the poor were becoming poorer and the sick, we were cutting their benefits, what were you doing and how were you voting, and I am glad that we will have an opportunity just not to be able to vote against what the majority has given us, but that we have an alternative that the gentleman from South Carolina and the minorities on the Budget Committee and so many others have worked together to say that we are proud to be Americans, we are proud to be Members of Congress, and we are proud that we voted the right way.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to the very distinguished gentleman from Florida (Mr. PUTNAM), a member of the committee.

Mr. PUTNAM. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong opposition to the Spratt amendment. I respect the ranking member and the work that he has put into the Budget Committee, but I have to clarify a number of points that have been made by the prior speaker.

This budget goes a long way toward laying out priorities for this Nation. We have through this process been afforded the opportunity to see a variety of different sets of priorities. Members have had the opportunity to vote on four different blueprints for this Nation, across the ideological and political spectrum. I think that is a healthy thing. I do not think that happens enough in this House where we have good solid debate like this. The differences amongst those priorities, though, are stark.

Our budget lays out a blueprint that invests in defense and invests in homeland security, two things that we find to be most urgent at a time when our Nation has come under attack recently and where we are engaged in conflict against terrorism around the world. We create in this budget blueprint an opportunity for policies to move forward that create jobs, that allow for continued economic expansion, that allow us to build upon the fact that homeownership is at its highest rate ever, that Americans are enjoying a lower tax burden that allows them to make decisions about their children's higher education, about their small business, about their opportunity to carve out their piece of the American Dream.

It does not raise taxes on those same small business men and women who are taxed at the individual rate because they are an S corporation, because they are a small business, because they are the neighborhood barber or diner or farmer. We lay out a policy that also

calls for fiscal restraint, and we balance the approach to fiscal restraint on both the discretionary side of the ledger and the mandatory side of the ledger.

For those who are uninformed about Washingtonese, the mandatory side of the ledger now consumes over half of the Federal budget and soon will consume over two-thirds. It is on automatic pilot. You cannot get your arms around the deficit without tackling mandatory spending. Our side knows that. The other side knows that.

You cannot be serious about budget reform without simultaneously addressing discretionary spending and mandatory spending. We do that. We shave the rate of growth by one-tenth of 1 percent. Yet the New Testament is invoked on a regular basis from the other side's talking points to claim that there will be blood in the streets, that there will be mass pandemonium and starvation because one-tenth of 1 percent of mandatory spending's rate of growth has been shaven off.

On the discretionary side, we bring eight-tenths of a percent cut to programs that have experienced double-digit increases over the last decade. You cannot look at the spending history of this House and this Congress' budget in veterans, in students with disabilities, in HUD, in education, in homeland security and defense and find anyone who has experienced real pain or real cuts in the last decade. There have been substantial increases. Our budget lays out that priority, investing in defense, creating economic opportunity and beginning that long process of making tough decisions, the decisions we are paid to make to get our arms around the deficit so that future generations are not burdened and that the current generation, current workers, current employers, current small businesses are not seeing their tax burden go up.

Vote for the underlying House budget and defeat the Spratt amendment.

Mr. SPRATT. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, 5 years ago, the budget was in surplus. Hard to believe, but it was in surplus by $236 billion. We are here today grappling with a deficit of $427 billion, the deficit expected this year, basically because of policy choices that were made since 2001, made since President Bush came to office.

□ 1400

The Bush administration bet the budget on a blue sky estimate and went for huge tax cuts that left no margin for error. I stood here in the well of this House in 2001 and warned that those projections of $5.6 trillion surplus could disappear in a blink of an economist's eye. When the surpluses of $5.6 trillion failed to materialize, the budget sank into deficit: $375 billion in 2003, $412 billion in 2004, and an expected $427 billion this year and on and on and on.

I know there have been random events that no one foresaw, terrorism, and recession, but that is part of budgeting, reserving for such contingencies. The Bush Republican budgets of the last 4 years not only failed to provide for such contingencies, by budgeting right to the margin, but when deficits replaced surpluses, nevertheless they kept coming with tax cuts, tax cuts after tax cuts. This budget has $106 billion in additional tax cuts included in it, knowing full well that all of those tax cuts will go straight to the bottom line and will add dollar for dollar to the deficit. That is one reason that the CBO says, in yesterday's production of the President's budget, that the President's budget makes this deficit worse, not better, by $1.6 trillion. In other words, if we left it on autopilot, at current services, it would be $1.6 trillion more in implementing the President's budget.

So let us be clear. We are here because of policy choices that Republicans have made, the White House and the Congress, over the last 4 years, and you were forewarned and took the risk. Given the thrust of this budget that is before us, we will be back grappling again for years to come with deficits as far as the eye can see.

Sitting here for the last 2 days I have heard their budget praised warmly by Members on the other side, and there are features of it, frankly, that I would praise too. For example, it includes $50 billion, as a rough cost, for our forces in Iraq and Afghanistan for another year, which is more than one can say for the President's budget, which does not include a dime. But this budget excludes the likely cost, according to CBO, in 2007, 2008, 2009, 2010, which CBO estimates to be $384 billion. This budget stops abruptly in 2010, running out 5 years of numbers instead of 10 years of numbers. That is a convenient place to stop because it avoids recognizing the cost of Social Security privatization, which the administration acknowledges will be $754 billion between 2009 and 2015, but which it omits from the budget altogether. And while it calls for renewal of the 2001 and 2003 tax cuts, with the revenue impact of $1.6 trillion, not a dime of that revenue loss is included because it falls after 2010, but it clearly affects the outyears. Add back these omitted items, and it is clear there is no way, no way, that we are going to cut the deficit in half in 4 years, 5 years, 6 years. Indeed if we pass Social Security privatization, as the President proposes, it will add $4.9 trillion, as this chart shows, to the deficits of the United States over the next 20 years. In that case we will not see the budget balanced again in our lifetime. That is an undeniable fact, but it is a fact that this budget avoids acknowledging.

Sitting here for the last 2 days, I have also heard the claim that this budget takes on entitlements. In fact, the gentleman who was in the well just before me emphasized this as one of the sterling features of this amendment. But let us be clear. It does not take on Social Security. I do not think it should, but it does not. It does not take on Medicare. It does not do anything to the farm program.

The chairman here has made it clear that these are not to be the objects of reconciliation savings. Reconciliation will mainly fall on Medicaid and on other programs like Medicaid, Medicaid being the health care program of last resort for the least among us. The President has proposed cutting Medicaid over 10 years by $60 billion, but when the Congressional Budget Office scored his savings and said we cannot find $20 billion of savings here, maybe 13, maybe 14, but not $20 billion in these proposals, nevertheless, the committee has said to the Committee on Energy and Commerce to cut $20 billion anyway. Three Governors were here to speak with the gentleman from Iowa (Mr. NUSSLE) and me and to plead with us, ''Please do not subject us to an arbitrary budget savings number. This program needs to be reformed. It needs to be restructured, but do not let reform be driven by an arbitrary number.''

That is exactly what this budget resolution does. It lets reform be driven by an arbitrary savings number. It cannot tell us what, where, or how those savings will be achieved. When what is off limits in the $68 billion of reconciliation is made clear, we can see where the cuts are likely to fall. Medicaid for sure, big-time cuts, but also the earned income tax credit, the child care and development block grant, food stamps, TANF, veterans benefits. In other words, the safety net. These cuts will shred the safety net. They are not intended for the major entitlement programs but for the smaller ones that are for the least of these who need the help, the most vulnerable among us.

It will be argued, I know, that this is necessary to balance the budget, but, in truth, none of the $68 billion in reconciliation savings goes to balance the budget. That is because it is more than offset by the $106 billion in additional tax cuts. When we net these out, there is no spending reduction to put on the bottom line. There is no net reduction to the bottom line. The bottom line actually gets worse. Instead of using these mandatory spending cuts in Medicaid to reduce the deficit, as they would have us assume, these cuts actually are used to offset tax cuts. For whom we do not know, but, nevertheless, we do know they do not go to the bottom line and they do not mitigate the deficit.

So there are major problems in this budget, particularly when it comes to

the key objective, and that is reduction of the deficit. And I will return to that in a minute.

Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished whip on the House Democratic side.

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

Mr. Chairman, this Republican budget conclusively demonstrates one thing: that when it comes to audacity, our friends on the other side of the aisle have an unlimited supply.

Yesterday Republican leaders, including the gentleman from Texas (Mr. DELAY), majority leader; and the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, claimed on this floor that the policies adopted by the Republican Party last year reduced last year's budget deficit by $109 billion. What an extraordinary Lewis Carroll ''Alice in Wonderland'' representation.

You incurred over $350 billion of deficit, as you well know. The only thing you reduced was the inflated figure the White House came with at the beginning of the year. A figure that, by the way, was supposed to be zero, as I recall, the 2001 budget.

On the Republican Party's watch, the Federal Government recorded the worst budget deficit in American history, $412 billion in fiscal year 2004. Four hundred and twelve billion dollars of deficit spending, and that is counting using every nickel of Social Security, which you said you were not going to do, which the President said you were not going to do. And you had a ''lockbox.'' It is a sieve box.

Our Republican friends, it appears, are the only people who believe that a $412 billion deficit is something to brag about. For years they have preened as fiscal conservatives, but in less than 48 months they have turned the projected 10-year budget surplus, a $5.6 trillion surplus that they were handed, that President Bush from this rostrum said we had as a result of the 8 years of the Clinton administration, $5.6 trillion, into a deficit today in 48 months. I will put up 8. Forty-eight months, $4 trillion dollars. That is a $9.6 trillion turnaround or $2 trillion plus a year.

We ought to be ashamed of that. We ought to be ashamed to tell our children that that is what we have done to them. We ought to be ashamed to tell our grandchildren, of which I have three, that that is what we have done to them and their generation. We have added more than $2.2 trillion to the national debt in 48 months. The entire debt of the United States of America from 1789 to 1981, when I came to Congress, was $985 billion, cumulative debt. From 1789 to 1981, $985 billion. Last year we raised the debt $984 billion in one year. That is the height of fiscal irresponsibility, and I suggest it is also a fiscally immoral act and is the abuse of our children and grandchildren and generations yet to come, who in their time will face a challenge perhaps like Iraq, perhaps like AIDS, perhaps a tsunami or other natural disaster, and they will look around for resources to respond to their crisis in their time and say, oh, my goodness, the resources were spent by this Congress and by the previous Congress. What a shame.

The Democratic budget that the gentleman from South Carolina (Mr. SPRATT) offers has balance by 2012. It has the PAYGO system, which Mr. Greenspan is for, but you are not for because you do not want to pay. You talk about cutting taxes or raising taxes, but what you are really saying is you do not want to pay for what you are buying. And you buy because all the spending that we have incurred is in your budgets. All of the spending is in budgets. We cannot control the budgets. So all of the spending, but there is very little of the pain. That is fiscally irresponsible.

I would like to see who is going to vote for the bankruptcy bill when it comes on the floor that want responsible borrowers.

I will vote for the Spratt alternative because it is a responsible alternative, and I will enthusiastically and proudly and morally vote against the Republican alternative.

Mr. NUSSLE. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. BLUNT), our distinguished majority whip.

Mr. BLUNT. Mr. Chairman, I want to thank the gentleman from Iowa (Mr. NUSSLE) for his hard work on this budget and for yielding me this time to talk about his budget and this alternative.

Certainly his committee and he under his leadership have worked hard to bring us a fiscally responsible budget. The base bill we are debating today is the most fiscally conservative budget resolution we have considered since we joined the Congress.

The cuts we are hearing about in Medicaid are really a reduction of the growth. The cut in Medicaid, as I read the base budget, is a cut in the growth rate of 7.5 percent to a growth rate of 7.3 percent. Where I live, and I suspect where most of us live, 7.3 percent growth would not be seen as a cut.

The committee's budget permits us to extend recently enacted tax relief so that American families will not see a tax increase. What we have found is that if we trust the American people and American families, our economy grows again and it is growing. Passage of the committee's budget will provide for a real reduction of nearly 1 percent in nonsecurity discretionary spending. After holding the line on that category of spending at almost no growth in the last budget year, we hope to do even better this year and actually have a reduction of 1 percent below last year's spending.

Furthermore, the budget calls for a reduction in the rate of growth of mandatory spending. In addition to reducing spending, this bill will ultimately save taxpayers almost $69 billion over the next 5 years. Only rarely has the Congress even been willing to discuss looking at mandatory spending. Almost all of our debate about spending is about the increasingly declining percentage of the budget that is discretionary. We are increasingly losing our control over the budget because we have not been willing to tackle mandatory spending.

□ 1415

The chairman's budget, the committee's budget, says that mandatory spending can be, must be, and will be dealt with. It sets the targets for the authorizing committees to do their work and find the places to make this process more efficient and cut the growth in spending in those mandatory categories that the chairman's budget, the committee's budget, sets out. That does put us on a path to cutting the deficit in half within 5 years.

The chairman's budget, the committee's budget, Mr. Chairman, is a good budget. I am proud of the work the Budget Committee and the chairman have done. I urge we move this budget forward today, we do the tough things in discretionary spending and mandatory spending it asks us to do, that we defeat the substitute and get on with our work.

Mr. NUSSLE. Mr. Chairman, could I inquire how much time is remaining on both sides.

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman from South Carolina (Mr. SPRATT) has 5 minutes remaining, and the gentleman from Iowa (Mr. NUSSLE) has 13 minutes remaining.

Mr. NUSSLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. HENSARLING), a member of the committee.

Mr. HENSARLING. I thank the gentleman for yielding me this time.

Mr. Chairman, we have now come down to two budgets: one offered by the gentleman from Iowa (Chairman NUSSLE) and the majority and the most fiscally responsible budget we have seen in quite some time here; and another budget that wants to tax more and spend more, and that is their answer to the Nation's fiscal woes.

Clearly, we agree that this Nation has a deficit and a deficit that is too large. But those on the other side of the aisle seem to act like spending has nothing to do with the equation in the deficit. We have been spending money here at over twice the rate of inflation, 50 percent faster. The Federal budget has been growing 50 percent faster than

the family budget. We are on an unsustainable growth path on the growth of Federal Government. We must do something to control the growth of Federal Government.

Now, previous speakers, I believe, have used the term ''auto pilot,'' that this budget puts the Nation on auto pilot. Well, let me tell you about the auto pilot that their budget puts this Nation on. That is an auto pilot that, if we do not do anything about spending, according to the General Accounting Office we are heading to a future where we will have to double Federal taxes or cut Federal spending by 50 percent.

Well, they do not want to cut any Federal spending. So what that means is we are on auto pilot to double Federal taxes on the American family.

Now, frankly, on our side, we have done our part. Tax revenues are up. We listened to the other side, and they talk about all the massive tax cuts. Well, I am sitting here, Mr. Chairman, and I have the latest reports out of the Congressional Budget Office. And guess what? We have cut marginal tax rates on the American family on small businesses. And guess what? Tax revenues have increased. Tax revenues are up. People go out and they save more and they invest more and they start small businesses.

I was in Jacksonville, Texas, a small town in my district, not too long ago and visited with a small business there that does aluminum die casting. Prior to the Bush tax relief package, they were getting ready because of competitive pressures to have to lay off two people. But because of tax relief, they were able to modernize their plant and equipment, and instead of laying off two people, they hired three new people. Now, that is five people that could have been on welfare, five people that could have been on unemployment. But instead, five people who represent part of that over two million new jobs that have been created in America, five people that are paying in taxes, as opposed to taking out. And that is why we see that tax revenues have increased.

And so, frankly, tax relief has been part of the deficit solution. And even if it were not, we are talking about a $2.6 trillion budget. And if you look at the line item, tax relief is $17 billion. Now, if you do the math, that means that tax relief is less than 1 percent of this Federal budget. So even if it was not bringing in new revenues to the government, how could tax relief amount to all of this problem?

The challenge has been on the spending side. Just look over the last 15 years: international affairs up 93 percent, agriculture up 165 percent, transportation 78 percent, education 95 percent. And the list goes on and on and on.

Now, often we get good things for our tax expenditures. We can have student loans; we can have Kevlar vests for our soldiers. But, unfortunately, quite often we do not get good things for our tax expenditures. Sometimes we get wheelchairs from Medicare that cost five times as much as those of the VA. Sometimes we get multimillion dollar studies of how college students decorate their dorms.

We are talking about reducing the growth rate of government. And I cannot believe, and no American family would ever believe, that you cannot find seven-tenths of 1 percent, less than 1 percent, of waste or fraud or abuse or duplication. American families would laugh at that.

And if we do not do this, Mr. Chairman, we are looking at this future, this auto pilot future that I believe is fiscally immoral, that will double taxes on our children and grandchildren. We need a budget, not for the next election; we need a budget for the next generation. And that is why I so strongly support the committee budget, the gentleman from Iowa (Chairman NUSSLE's) budget, because it is that fiscally responsible budget for the next generation.

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

Mr. Chairman, before yielding to the gentleman from Texas, I would simply like to say that I have here a copy of the CBO's report on the budget, January 2005, which shows that in the year 2000 we had revenues of $1,004 trillion under the individual income tax. Last year, in the year 2004, revenues were $809 billion. That is not an increase. That is a $200 billion decrease.

One of the big differences between us and them is that we provide more for veterans health care and for veterans benefits. And now on that point, I recognize and yield 1 minute to the gentleman from Texas, Mr. EDWARDS.

Mr. HOYER. Mr. Chairman, will the gentleman yield for a question?

Mr. SPRATT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I just went back to my office after I spoke, and I heard the gentleman speaking just now. And he talked about waste, fraud and abuse. And my question to the gentleman is, you have been through the budget hearings. Why do you suppose it is that the Bush administration over the last 50 months has not rooted out that waste, fraud, and abuse?

Mr. SPRATT. Mr. Chairman, the opportunity is certainly theirs, having run the government for 4 years and having direct hands-on opportunities to reduce waste, fraud, and abuse.

Mr. HOYER. Mr. Chairman, if the gentleman will yield further, that occurred to me as well. I thank the gentleman for his response.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, the American people and America's veterans deserve to know the fact. The fact is that the Republican budget being pushed during a time of war would cut veterans benefits compared to today's services by $14 billion over 5 years. This bill is inadequate, and it is unconscionable in its treatment of veterans. But do not believe me; that is what America's veterans leaders have said about it.

They have called it ''grossly inadequate'' and ''unconscionable.'' This came from the Disabled American Veterans and the Veterans of Foreign Wars, two nonpartisan organizations. Maybe Republican leaders do not like it when veterans leaders point out the truth, but it is the truth.

I am deeply disappointed that during a time of war we would have Members of this House pay lip service to the service of our veterans; but yet when it comes to what really counts, supporting medical care, they are going to cut it by $14 billion. That is 2 million veterans who will not receive health care under this budget.

Vote for the Spratt amendment.

Mr. Chairman, I include the following correspondence for the RECORD:

THE INDEPENDENT BUDGET,
March 17, 2005.

Hon. JIM NUSSLE,
Chairman, House Budget Committee, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE NUSSLE: As you know, the President's fiscal year 2006 budget would provide an appropriation for veterans' medical care that is less than one-half of one percent above the FY 2005 appropriation. Because this amount would not begin to cover employee wage increases and other inflationary costs, it amounts to a substantial cut in funding and thus would unavoidably result in a reduction of critical medical care services for our Nation's sick and disabled veterans. Although we appreciate the adoption of the Bradley amendment which added $229 million to the President's recommendation for veterans' medical care, this is still grossly inadequate.

In addition, we understand that H. Con. Res. 95 includes instructions to cut spending on mandatory veterans' programs, such as disability compensation, by $798 million. We think cutting veterans' benefit programs is unconscionable, especially at a time when America's sons and daughters are being wounded and killed every day in Iraq.

The four major veterans organizations of The Independent Budget, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars of the United States, therefore strongly urge support for amendments offered by Representatives Spratt and Obey to increase funding for veterans' programs. Passage of these amendments is crucial if the VA is to maintain an adequate level of health care and other services.

Sincerely,

RICK JONES,
National Legislative Director, AMVETS.
RICHARD B. FULLER,
National Legislative Director, Paralyzed Veterans of America.
JOSEPH A. VIOLANTE,
National Legislative Director, Disabled American Veterans.

DENNIS CULLINAN,
National Legislative Director, Veterans of Foreign Wars of the United States.

THE AMERICAN LEGION,
Washington, DC, March 17, 2005.

Hon. JIM NUSSLE,
Chairman, Committee on Budget, House of Representatives, Cannon House Office Building Washington, DC.

DEAR MR. CHAIRMAN: The American Legion is deeply troubled with and cannot support your Committee's proposed budget resolution, H. Con. Res. 95, with regard to funding for the Department of Veterans Affairs (VA), especially the reconciliation instructions targeted at earned veterans' benefits. Reducing mandatory appropriations for veterans' disability compensation, pensions, and educational benefits at a time of war is *inconsistent with the thanks of a grateful Nation.*

The American Legion believes VA's own admission that the cost of doing business increases annually about 13–14 percent because of Federal pay increases and inflation in the health care arena. The President's budget request is ''scrubbed'' by the Office of Management and Budget, so VA's true fiscal requirements to meet the health care needs of America's veterans are somewhat skewed. During the 108th Congress, former VA Secretary Principi reported to your colleagues that The FY 2005 proposed budget was $1.2 billion short of what he had actually requested. It appears this pattern of short-changing VA medical care continues in the 109th Congress. America's veterans and their families deserve better.

The American Legion recognizes and appreciates the Bradley Amendment adopted by the Committee, but believes it falls well short of the total funding needed in VA medical care. Unfortunately, the Committee rejected the Edwards Amendment that would have provided VA with adequate resources to maintain current services.

The American Legion would encourage adoption of one of the amendments to be offered by Representatives Spratt or Obey with regard to increasing VA funding. Clearly, both of these amendments are in the best interest of veterans and their families. Without adoption of one of these two amendments, The American Legion cannot support this budget resolution.

The American Legion appreciates your leadership and the hard work of your colleagues on behalf of America's veterans and their families.

Sincerely,

THOMAS P. CADMUS,
National Commander.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to the gentleman from New Hampshire (Mr. BRADLEY), a member of the committee.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this budget values the service of our veterans. It not only values their service, but it meets the needs of our country, a strong defense, a growing economy, while we also reduce our deficit. I would like to talk about where veterans spending has gone over the last 10 years for just a moment.

As you can see from this chart, this is the overall spending on veterans programs over that period of time, from 1995 to 2005. We talk about veterans health care, perhaps we could bring that chart up, that has increased from about $16.2 billion to $29.9 billion. That is substantial progress in honoring the commitment of our Nation's veterans.

We have done a number of other things for veterans over the last several years, and perhaps if I could have the last chart. We have allowed Guard and Reservists to qualify for medical benefits; we have increased the GI education benefit over those years; we have opened up the VA system for all veterans to participate in and have funded it enough so that at least Priorities 1 through 7 are able to participate in that; and we have gone from 2.5 million veterans served under the VA to 4.8 million.

We have increased survivor benefits. We finally dealt with the whole issue of concurrent receipts, so that a disabled veteran is able to collect either his or her disability benefit, as well as their retirement benefit. We have reduced the wait times to get into the VA hospitals, and the VA has maintained its excellent care.

Let me talk about this budget, because under the leadership of the gentleman from Iowa (Chairman NUSSLE), we started at the President's mark, which was about $30.8 billion for veterans health care, and the chairman's mark increased that to $31.5 billion. Working with the chairman, I introduced an amendment that raised that by $229 million. So as a result of the hard work of the veterans and the Committee on the Budget, we have increased from the President's baseline by $877 million, which in these difficult fiscal times is a 2.8 percent increase.

Further under the leadership of the chairman, we have reduced the reconciliation number to a number I believe is very manageable. If you recall, the President assumed copayments on drugs and an enrollment fee. But the chairman's mark, because it is so much lower, going from $424 million to $155 million, I believe working together in the Committee on Veterans' Affairs with the Committee on the Budget that we can in fact look for waste, fraud, and abuse and eliminate those types of things, without having to have an enrollment fee, without having to have drug copayments. Let me repeat that. The chairman's budget does not assume either enrollment fees or those drug copayment fees.

I look forward to working to make sure that we honor our commitment to our Nation's veterans. This is an excellent budget. It maintains a strong defense; it allows our economy to grow; and it meets critical needs for those who have defended our liberties, our Nation's veterans.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, if I were voting for a budget that cut veterans benefits by $14 billion over the next 5 years, I guess I would want to talk about the past rather than the future as well.

The difference is very clear, and it is very simple. Republicans voting for this bill say that it is okay to cut veterans health care benefits by $14 billion over the next 5 years. Democrats and national veterans organizations say it is wrong. In fact, the DAV, the VFW say it is a grossly inadequate budget, it is an unconscionable budget, especially at a time when America's sons and daughters are being killed and wounded every day in Iraq.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, before voting on this budget resolution, everyone should ask, what does it do to education, what does it do to the development of our communities, what does it do for veterans health care, and what does it do to the bottom line?

In seeking an answer to those questions, I would recommend that you look no further than a publication which came to your offices yesterday from the CBO, fresh off the press. Read table 1.1, page 2, and look in the far upper right-hand corner, and you will see the amount of debt we will incur over the next 10 years if this budget, which is essentially the President's budget, is adopted and implemented: $5.135 trillion in additional debt.

□ 1430

But that is without funding the war in Iraq after 2005. It is without fixing the alternative minimum tax estimated to cut revenues by $640 billion. And it is without reflecting one cent for Social Security privatization which the administration acknowledges to be a cost of $754 billion between 2009 and 2015.

Adjust for these additional costs and this budget will add $7 trillion to the national debt over the next 10 years. It will double the debt.

If that is the legacy you want to leave your children and your grandchildren, then vote for this bill. But if you want to put the budget back on a path to balance as it was in the year 2000, if you want to avoid the accumulation of that mountain of debt, then vote for the Spratt or Democratic alternative.

Our budget resolution gets to balance by the year 2012. It accumulates $1.7 trillion less in debt over the next 10 years than the Republican budget base bill.

Ours also protects priorities, our children's education, our veterans, health care, our communities' development, and it supports defense, fully funds it at the same level as theirs, and it applies a rule proven to work called the pay-as-you-go rule.

This rule rigorously applied will do more for deficit reduction, exponentially more than the Republican resolution for all its huffing and puffing can ever purport to do. The right vote here is for the Spratt amendment or substitute, the Democratic substitute, and against the base bill, the Republican budget resolution.

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

Mr. NUSSLE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are coming to the end of the debate on the final amendment in the way of a substitute. I want to congratulate the gentleman from South Carolina (Mr. SPRATT) and the Democrats for coming forward with a substitute. It is never an easy thing to write a budget, as we all know. But I appreciate the fact that so many of our colleagues came forward with a budget.

The prime argument that is being made here today is, first of all, that the Republicans seem to have caused the deficit, number one, and, number two, that the only way to get out of the deficit is to listen to the Democrats and increase taxes and increase spending.

So let me just take those because that is basically what the argument is. First of all, with regard to the deficit. Now, maybe my memory is just fading but I am trying to remember back to before the world changed on September 10 of 2001, and we were running a surplus. We had more money in the Treasury, in the Federal Treasury than we were paying out, but we also discovered something that next morning.

On September 11 of 2001 we discovered that we were running some deficits that we did not know about because the balance sheet did not give us much perspective on it. We were running a deficit in homeland security. We were not protecting the country. We were running a deficit in national defense. We were not able to project our strength around the world and protect freedom. We had a deep recession that we needed to climb out of that got a gut punch that morning and it lasted for quite a while longer.

So we made some very deliberate decisions that next day and days after. In a bipartisan way we said, it is time to reduce taxes, stimulate the economy. It is time to protect the country, do whatever it takes. It is time to fund our national defense. It is time to protect our borders. It is time to do all of these things and let us not ask the question today how we are going to pay for it. Let us do it. And we did it. And you voted for every one of those bills, every single one.

Do not shake your head. I will show you the votes. You voted for every single one of those bills to protect the country. You protected the country with every single one of your votes.

So instead of coming down here today and blaming the Republicans for partisan purposes, why do you not remember the history you know, that it is Osama bin Laden that had as much to do with this deficit as anybody in this country. And instead of trying to get political points, you ought to just relax and try and figure out a way to get out of it.

So this is how we decided to get out of it. We said, let us control spending. Let us stimulate the economy. And look at what has happened as a result of that. Not only did the tax cuts not get us into that deficit, but because of the work that we have done, we are climbing out of it, because we are protecting the country, because we are stimulating the economy and are creating jobs. Because of all of that we have the opportunity in this budget to reduce the deficit and build on the progress we had from last year.

Last year we cut the deficit 20 percent, 20 percent in one year with a growing economy and controlling spending. And so we are starting on a glidepath, reducing that deficit every year. The deficit was not caused overnight. It is going to take some time to get it down and we have a plan to accomplish that.

Now, I also want to put this deficit in some perspective. You have got to compare the deficit to something. You cannot just say $500 billion is a lot of money or $200 billion is a lot of money. Of course it is a lot of money. But compared to what is it a lot of money? Compared to our economy is the measure that every single economist says you have got to compare it to.

And as you look at the deficit as it is compared to our economy, you can see here that this year we are at 3.6 percent of our economy. If we stick to this belt tightening that is responsible over time, we will be able to get down to 1 percent of the economy.

And why is that important? Well, first of all let me show you deficits in the past. This is not even the biggest deficit we have ever run. This is not the biggest deficit. Look back in 1946 after World War II, we were running a deficit that was 7 percent of our economy. Let us look to the year I first came to Congress. It was 3.9 percent of the economy back in 1990 when the gentleman from Texas (Mr. EDWARDS) and I came to Congress. Let us look back to the early eighties when we complained. It was 5 percent.

We are talking about an economy that is chugging along and growing. We are talking about a deficit plan that gets us below the rate of growth that we need to get to in order to have a responsible budget, and we need to pass this plan and get on with business. We do not need tax increases and we do not need more spending.

Vote down the Spratt substitute.

Mr. KIND. Mr. Chairman, we are here today in this Chamber to consider a fantasy budget. It is ludicrous for the House leadership to move forward with this budget debate by ignoring the issues of the day merely to lock in huge tax cuts and offer damaging spending cuts to health care, education, veterans' services and much more. We need a better plan. The Democratic alternative that I support would reinstate the pay-as-you-go rule and balance the budget by 2012, just as the Baby Boomers begin their massive retirement, while maintaining significant support for our national defense, veterans programs, education, and health care, which will help grow our economy and create jobs.

I do commend the President for recognizing the importance of the Milk Income Loss Compensation (MLLC) Program as a safety net for America's dairy farmers and including an extension of the program in the Administration's proposed budget. The Republican budget, however, recklessly zeros out this important program, placing struggling family farmers across this nation in peril.

We know that the budget has not included the long-term cost of Iraq, which already cost the country $275 billion, the estimated $5 trillion in the next 20 years for privatizing Social Security, and the full costs of the tax cuts. in fact, it does not even include a full ten-year budget report. The report lacks detail and leaves many programs vulnerable to steep cuts. I would expect a complete and full report in a document as important as the United States Budget. As the campaign in Iraq continues, our thoughts and prayers go out to the young men and women in uniform as well as to their families. May they complete their mission quickly and decisively so they can return home soon and safe.

Our veterans are returning home as we speak. These are the fine men and women who fought to help bring democracy to Iraq. The budget plan calls for cuts in veterans' health care benefits and reduces medical personal by more than 3,000, along with cutting $9 million from other areas in the already overstretched VA. While the budget cuts to veterans' programs, Medicaid grants, and other important programs represent a very small amount of the overall budget, they will make a large difference to the families who depend on them.

The projected budget deficit of $427 billion for FY06 is revolting. Perhaps the worst aspect of this budget is that it is not paid for. This is the classic recipe for exploding budget deficits as far as the eye can see; it's the height of fiscal irresponsibility occurring at exactly the wrong moment during our Nation's history when 80 million Americans, the so-called baby boomers, are rapidly approaching retirement. This is a demographic time bomb ready to explode. That is why the Republican budget proposal, in effect, constitutes taxation without representation because it will be our children and our grandchildren who will be asked to pay for this fiscal mess. I couldn't think of doing anything more unfair to them. The children are our future, and we owe it to them to give them a stable foundation.

As the father of two little boys, I did not come to this Congress to leave a legacy of debt for them or future generations to climb out of. Our Democratic alternative, however, anticipates this demographic time bomb by achieving balance, while offering an economic

stimulus plan now that is fair, quick, and responsible. It supports our troops, but it also supports our nation's veterans, our seniors, and our children's education programs.

So I urge my colleagues to support the Democratic substitute. I would call on the leadership in the House to pull their budget resolution so that we can have an honest debate with honest figures, factoring in a realistic cost of the Iraq operation.

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

The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 264, answered ''present'' 1, not voting 4, as follows:

[Roll No. 87]

AYES—165

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Strickland
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOES—264

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Salazar
Sanchez, Loretta
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stark
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)

ANSWERED ''PRESENT''—1

Capuano

NOT VOTING—4

Coble
Delahunt
Ryun (KS)
Young (FL)

□ 1515

Messrs. GRAVES, CHOCOLA and COX changed their vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. FOSSELLA). Pursuant to the order of the House of today, it is now in order to consider a period of final debate on the concurrent resolution.

The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, during much of this debate, as I noted earlier, my Republican colleagues have taken the attitude that today's deficits were unforeseeable, unavoidable, beyond their control. But we warned here in 2001 and in every year thereafter when this resolution came before this House that the other side of the aisle was betting the budget on a blue sky forecast and leaving no margin for error. It is their policy choices made in the face of our objections that have brought us to the point we find ourselves today.

In deficit this year by $427 billion, last year by $412 billion, the year before by $375 billion, each year has broken a record for a bigger and bigger deficit.

□ 1515

You control the House, you control the Senate, you control the White House; but you have not been able to control the budget, and you cannot escape responsibility for its dismal condition.

As we stand here at the threshold of passing another budget resolution, I want to forewarn you, you will not take the deficit away, this resolution will not. You will not move the deficit down. It will only move it up and out, year after year after year to come.

But do not take my word for it. I am partisan. I am the Democratic ranking member on this committee. Read what our neutral, nonpartisan budget shop, the Congressional Budget Office, has to say in a report that we request every year as a matter of law, analysis of the President's budgetary proposals for fiscal year 2006. Every Member has one of these in his or her office. You only have to read to the second page and look in the upper right-hand corner, and you will see there that the Congressional Budget Office says if the

President's budget is passed and implemented over the next 10 years, it will accumulate $5.135 trillion in additional debt of the United States. Table 1.1, it is laid out there.

But as you all know and understand the way CBO does these estimates, they do not include all the costs. Since the President does not have costs in his budget for Afghanistan and Iraq after 2005, this resolution, this estimate does not assume it, even though CBO estimates that the additional costs will be $384 billion. It does not include a dime for fixing the alternative minimum tax, even though we are warned that by 2010 there will be 30 million taxpayers paying it rather than the regular tax schedule. And CBO says the cost of fixing it over 10 years is $640 billion.

It includes nothing for the President's signature initiative, the one he is pushing hardest and first and that is to partially privatize Social Security. The President has indicated himself that the cost of doing that, the additional deficits we will add if we do that between 2009 and 2015 will be $754 billion.

When you add all of these additional costs into the mix, then the debt incurred through 2016 will be $7 trillion. We will double the debt of the United States. If indeed we do what the President is proposing and allow workers to peel 4 percentage points off FICA and put those payments into a private account, we will incur $4.9 trillion in debt over the next 20 years. We will not see the budget balanced again in our lifetime.

CBO is our forecaster, our neutral, nonpartisan budget shop. They are warning us this budget will not bring the deficit down. This budget will not do away with the deficit. It will make the deficit worse. Indeed, they tell us in this report, same page, page 2, that the President's budget, basically your budget, the President's budget, makes the situation $2 trillion worse than if we just left things on automatic pilot for current services.

I would simply close by saying, vote against this resolution. Let us go back to the drawing board. We can do better.

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

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

If I might take just a brief moment in introducing my first speaker, I would like to just say on behalf of our side in particular but I think on behalf of the entire Congress, we always respect Members who go on to bigger and better things and today the President made a wise announcement in nominating the gentleman from Ohio (Mr. PORTMAN) to become our U.S. Trade Representative.

The applause meter made it look pretty good for confirmation there, I say to my very good friend, and he is my friend. He has been the vice chairman of the Committee on the Budget, and he has been a great wing man and personal friend to so many.

Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), vice chairman of the Committee on the Budget.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding me this time. I promise I will not talk about trade. But I will talk about this budget. I want to start by saying this budget is not all the details. It is a blueprint. The authorizing committees, the appropriating committees, will fill out those details. But it is a blueprint that says something about who we are. And the three pillars in this budget, I think, reflect the principles and the priorities of this House.

First, we believe that our country ought to be protected and strength is emphasized. That is our national security and our homeland security. Second is to be sure we have a strong economy. The tax relief has worked: 4.4 percent growth last year; 3 million jobs added to our economy in the last 21 months alone. The economy is strong and growing. We need to be sure that continues and that is why tax increases are not part of this budget.

And, third, to be sure that we do as the gentleman from South Carolina (Mr. SPRATT) says appropriately, keep our spending under control, we take responsible steps to restrain spending both in domestic discretionary and in the entitlement area.

Those are the three pillars. By doing so, we reduce the deficit in half within 4 years. I commend the chairman for coming up with this budget.

The process by which we got here also says something about who we are. I want to commend the ranking member from South Carolina (Mr. SPRATT) for his civility. I want to commend the members of the Committee on the Budget for the great debate that we had over the last month or so, I want to commend the Members on the floor who have had a great debate here, and I want to commend, finally, the chairman of the Committee on the Budget. The gentleman from Iowa has conducted himself in the Committee on the Budget and here on the floor through an open, honest process where people have had the opportunity to say their peace. He has done a great job in listening carefully to the concerns of so many of us in this conference and in the entire Congress to be sure we come up with a document that does indeed reflect the priorities, I believe, of our House, the strength of our country, the growth of our economy, and getting spending under control.

I strongly urge my colleagues to support this budget which is, although just a blueprint, the appropriate statement of who we are and does indeed get us to the point where we are reducing our deficit, which is so important, but also funding the key priorities in our country. I urge a ''yes'' vote on the resolution.

Mr. SPRATT. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), the minority leader of the House.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from South Carolina for yielding me this time, and I thank him for his great leadership in putting together a budget that is a statement of our values, that is balanced in terms of our priorities and balanced fiscally. He has always conducted the process of creating a budget in a way that has informed Members, has done so with great dignity and great fairness and great respect for all points of view. I wish we would all join in acknowledging the great leadership of the gentleman from South Carolina, our ranking member on the Committee on the Budget.

Mr. Chairman, in 1994, the first item in the Republicans' Contract with America was the Fiscal Responsibility Act. Republicans pledged ''to restore fiscal responsibility to an out-of-control Congress, requiring them to live under the same budget constraints as families and businesses.'' More than 10 years later, an out-of-touch Republican majority has taken fiscal responsibility to a new low. It is clear that in the 10 years the Republicans have become addicted to deficits.

The budget deficit for this year is a record $427 billion. The February budget deficit, my colleagues, of $114 billion for the month of February, a deficit of $114 billion, is the highest monthly deficit ever and the first time it ever went over $100 billion in one month. In 2001, President Clinton left President Bush with a projected $5.6 trillion in surplus. In just 4 years, President Bush has turned that record surplus into a record deficit of nearly $4 trillion, a $10 trillion swing in the wrong direction.

Make no mistake, these deficits are the direct result of Republican policies, huge tax cuts for the wealthy, a refusal to pay as you go, poor planning for a war of choice in Iraq. The list goes on and on and on. America is awash in red ink because of Republican budget irresponsibility.

Tragically, this Republican budget is yet another missed opportunity to return to fiscal discipline. Not only is this budget fiscally irresponsible; the Republican budget is dishonest. It does not cut the deficit in half as Republicans claim. In fact, it makes the deficit worse. Republicans leave out the realistic cost of the war, the cost of expiring tax provisions, the true cost of fixing the alternative minimum tax and the cost of any changes to Social Security. The budget is dishonest in another way: it fails to show any deficit figures at all after 2010.

In our New Partnership for America's Future, Democrats have made a commitment to honor the value of accountability, including eliminating deficit spending and holding those in power accountable for their actions with a high ethical standard. Democrats support honest, accountable budgets that pay as you go. The Democratic alternative offered by the gentleman from South Carolina achieves balance by 2012. The Republican budget never reaches balance. It heaps tons of debt onto our children and grandchildren, and it will eventually lower our standard of living. We cannot let that happen to our country. And on top of all of that, the Republican budget undermines the solvency of Social Security.

While Republicans ignore the real crisis of ballooning budget deficits, the President falsely claims there is a crisis in Social Security. But just because the President says it does not make it so. He is simply wrong. According to the nonpartisan Congressional Budget Office, Social Security's trust fund will grow every year until a high of $8.3 trillion in 2032 and continues to be solvent until 2052.

I want to call your attention to this chart, my colleagues. The left bar represents the deficit in the general fund between now and 2035, a staggering $15 trillion. The Bush administration has taken us onto a trajectory of reckless budgeting that will take us to $15 trillion in deficit in 2035. From 2006 to 2035, $15 trillion in deficit.

This bar here, the second bar, Social Security, 2006 to 2080, twice as long, more than twice as long, the Social Security deficit is $2 trillion. It is clear that there would be plenty of money to deal with the Social Security trust fund if the President were not using the Social Security trust fund as a slush fund to give tax cuts to the wealthiest people in America. Instead of doing that, we have a moral and legal obligation to pay back to the trust fund the money the President has taken out. We cannot let the President do this.

By running enormous deficits, the Republicans want to force the government to break its promises to the elderly. How on Earth are they going to pay the Social Security trust fund back if they have gone broke on the other side by running up these deficits in the general fund? Democrats will keep America's promises to our seniors. Democrats have done it before, and we will do it again. When Bill Clinton was President, we had 3 years of surpluses.

□ 1530

And with the surpluses, imagine, think of it. Zero deficits. $427 billion in deficit for this year, over $100 billion in deficit for the month of February alone, this year. And when President Clinton was President, the 3 years at the end of his term, we had zero deficits. And with the surpluses that were produced he was able to pay nearly $400 billion off of our indebtedness, strengthening the solvency of Social Security.

Likewise the Democratic alternative that was offered today included pay-as-you-go rules that would block new tax or spending legislation that is not paid for.

Not only is the Republican budget fiscally reckless and dishonest, it is morally irresponsible. The leaders of five Protestant denominations, the Episcopal Church USA, the Evangelical Lutheran Church in America, the Presbyterian Church USA, the United Church of Christ and the United Methodist Church recently called President Bush's budget unjust. They reminded us of the words of the prophet, Micah, who said, ''What does the Lord require of you but to do justice, to love mercy and to walk humbly with your God?'' Does this budget do justice for Americans? You be the judge. Is it doing justice to our children to give tax cuts to people making more than $500,000 a year, while underfunding Head Start, No Child Left Behind, student loans and grants and other education initiatives by $2.5 billion? Is that doing justice to our children? Is it doing justice to our communities to give tax cuts to the wealthy while funding for community police and local fire fighters who are vital to our homeland security by cutting them by $280 million? Is that justice? Is it doing justice to those who serve in uniform to give those tax cuts while underfunding health care benefits for veterans by $14 billion short of what is needed over the next 5 years? Is that justice for our veterans? And is it doing justice to give tax cuts to the wealthy while launching a shameful attack on the poor? This budget cuts $20 billion from Medicaid, a cut that Governors, on a bipartisan basis, oppose, and which the other body today has just rejected.

Let us hear it for the other body. It undermines the Community Development Block Grant Initiative with all considered restructuring and a massive 35 percent cut. It makes huge cuts to the earned income tax which takes 2 million children, lifts 2 million children out of poverty. But this budget, the Republican budget, makes cuts there. No. The Republican budget does not do justice, it does great damage to our country. Instead of being a statement of our values, the Republican budget is an assault on our values. And it is a blueprint for financial disaster.

I urge my colleagues to return to fiscal discipline, to honor our values and to oppose this disgraceful Republican budget. Thank you, my colleagues. Vote ''no'' on this budget.

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman from Iowa (Mr. NUSSLE) is recognized for 3 minutes.

Mr. NUSSLE. Mr. Chairman, for those of you who have read the prophet Micah, I know that he was not speaking to the Congressional Budget Office. He was speaking to the human heart, and that is the biggest difference between the policies that we have before us today. We believe that the individual should be free and should be allowed to determine their destiny. We do not believe that government should make decisions that people can make better for themselves. We do not believe that money equals compassion. We do not believe that money often equals success. Money is not getting us results. And all that is offered on the other side is more money, more spending, higher taxes, more government, more bureaucracy, more regulation, more laws, more politicians making decisions that individuals and families and communities should be making for themselves in the freest nation on the face of the Earth. And that is why our budget calls for strengthening our country, growing our economy, giving power to individuals, and recognizing that if we do not control the size of government, government will take our freedom, and it will not succeed the way we want to be able to allow people to succeed.

My friends, government is growing out of control. What we are asking for in this budget is something that we should do every day in Washington, and that is look at the results of the programs that we have put in place. Government, we believe, should be there to help people who cannot help themselves. And oftentimes, we have invented more government to try and take the place of families, take the place of neighbors, take the place of communities in order to solve problems. And too often we are not getting the results for all the extra money that we are spending. And too often, in this well of the House, we debate between percentages and dollar increases as if, if I spend $6 and you spend $7 you must care $1 more. And that is not the way our debate should evolve. Our debate should be based on results. We need a results revolution in government. We need to look at the results we are getting from the programs we have put in place. If they are not working, we should reform them, and that is what this budget calls for. It says we are going to slow the rate of growth. It gives instructions to the committees to go through the budget of the Federal Government and look for ways to ensure that programs deliver the results that we require in order to help people who are truly in need and, at the same time, make sure we are defending the country, growing the economy and controlling spending.

Just like last year, the House will lead. We led last year. We led when we got to a balanced budget in the late 1990s, and we will lead again today by

passing what I believe is the strongest budget, the best blueprint, to get out of deficits, to make sure that we get results from the programs and the dollars that we are spending and make sure we get back on a path to freedom in this country.

I urge adoption of this budget.

Mr. DINGELL. Mr. Chairman, I will oppose this ill-advised budget proposal and I urge my colleagues to join me. Every year, we set our priorities through our budget. The priorities in this budget are all wrong. Our priorities should focus on helping those who need help before we begin to help those who don't. However, although we may not all agree with these concerns, one priority which we can all agree on is that we must reduce the deficit. Incredibly, the proposal before us does absolutely nothing to accomplish this goal. Despite all the assurances I have heard from my colleagues and the Administration, this legislation actually increases the deficit!

With record deficit levels, how is it possible that the majority has completely ignored fiscal responsibility? By passing tax givebacks, over half of which go to households earning over $1 million—that's 0.2 percent of the population. Although many of us find this appalling, unfortunately, it has become predictable behavior of the majority party.

How can we justify this fiscal recklessness to our children and grandchildren? How can we justify it to hard-working Americans who live paycheck to paycheck, unable to save money for emergencies or even just to see the doctor? Can we honestly look them in the eye and tell them that we are more concerned with millionaires and billionaires than with struggling middle-class Americans, brave soldiers, the sick, the poor and the hungry? I, for one, dread the thought. Yet, that is the message this budget sends. And, although my colleagues try to cloud its destruction with their transparent gimmicks, the message shines through crystal clear.

The resolution before us provides for total tax giveaways of $106 billion over five years. Every child in America knows that you must save first before you splurge. They know that they must patiently fill their piggy banks with coins until they have enough to buy that toy they have been eyeing for weeks.

My colleagues do not seem to understand this common notion of balancing income and spending. They continue to splurge on our national credit card, racking up astronomical bills which our children and grandchildren will be obliged to pay. Soon they will ask for their fourth credit increase in four years, to enable the continuation of this reckless abuse of hard-earned taxpayer dollars.

The pay-as-you-go rule, or PAYGO, would solve the issue of unlimited spending by requiring new spending to be offset in other areas of the budget. Again, common sense would dictate that tax giveaways, totaling $106 billion over five years, would count as new spending. The money is being removed from the country's revenue without replacement. The PAYGO rule would essentially require us to stop and think about how we are going to pay for things before we hastily enact them and end up in this ill-fated fiscal jam. Not surprisingly, however, many of my collegues have insisted on exempting the billions of dollars in tax givebacks from the PAYGO rule. They do so without an explanation of how they plan to restore the lost revenue. There is no good reason, particularly when we are running record deficits, to reject the very successful practice we used in the 1990's to produce record surpluses.

Unlike the federal government, states are not permitted to spend without restraint. States cannot run up their credit card bills or repeatedly increase their credit limits. Yet, this budget increases the financial burden on the states. The federal government has an agreement with the states—we will help pay for programs which we mandate—programs vital to America, including education, healthcare and job training. And we have been successful in our partnership with the states, ensuring that millions of Americans are able to go to school, to the doctor and to work.

However, in their spending schemes, my Republican colleagues neglect our obligation to the states. More and more, states are picking up the tab for unpaid federal bills.

At a time when states are struggling under the burden of Medicare cost shifts and a growing number of uninsured, I find it particularly disturbing that the Republicans have chosen to cut funding for Medicaid—a critical safety net for our most vulnerable citizens.

The Republicans are specifically proposing to cut an unprecedented $60 billion from the program, which is the equivalent of completely eliminating the Children's Health Insurance Program over 10 years.

These cuts would roll back health care coverage and protections for millions of Americans including the elderly in nursing homes, individuals with disabilities, infants and working families. Also, hospitals, physicians and other safety net providers will face payment reductions threatening their viability—and these reductions will mean more lost jobs in our communities.

The assault on the environment also continues, including a massive, unjustified cut to the Superfund program. The Inspector General has identified, and senior EPA officials have acknowledged, that in FY2003 there was a funding shortfall of $174.9 million, and it has been widely reported that the funding shortfall for FY2004 reached approximately $250 million. This leaves dozens of highly contaminated Superfund sites where cleanups are being delayed due to inadequate funding. Public health is endangered and local economic redevelopment hurt, yet this budget irresponsibly seeks to reduce cleanup funding.

These are just two examples of critical programs this budget neglects and two examples of why I will oppose this legislation and I urge my colleagues to vote no on the Republican budget.

Mr. MOORE of Kansas. Mr. Chairman, I rise today in opposition to the FY06 budget resolution, and reluctant opposition to the Democratic alternative.

Unfortunately, I do not believe that the choices before us today adequately confront the serious deficiencies in our budget process. The congressional budget process is broken, and badly in need of real reforms that will reinstate fiscal responsibility into Congress. The Blue Dog Coalition, of which I am a member, has introduced a twelve-step plan that takes the necessary first steps toward reforming our budget process.

While I support many of the provisions in the Democratic budget, including a partial restoration of ''pay-as-you-go'' [PAYGO] rules and level funding for domestic priorities such as education, veterans' health care, and local law enforcement, I am disappointed that this alternative did not include any of the Blue Dog budget process reforms.

The Blue Dog twelve-step plan would stop Congress's recent borrow-and-spend practices by reinstating PAYGO rules for the *entire* budget, including spending and revenue measures. Budget enforcement rules that apply to only certain parts of the budget will not have a significant impact on our rising deficits, as Federal Reserve Chairman Alan Greenspan mentioned in his recent testimony before the House Budget Committee.

Additionally, the Blue Dog budget process reform plan would: create a ''rainy day'' fund for emergency spending, which forty-five states currently have; require a roll call vote on any bill calling for more than $50 million in new spending; repeal the House rule that allows the House to avoid a direct, up-or-down vote on debt limit increases; and require cost estimates by the Congressional Budget Office [CBO] for every bill that Congress votes on.

These reasonable, common-sense reforms are necessary for a functioning budget process and long overdue. The fiscal situation in our country is now out of control, and only tough budget discipline will get us back on track.

On February 17, 2004, the national debt of the United States exceeded $7 trillion for the first time in our country's history. One year later, our national debt is $7.7 trillion. In the past year, our country has added $700 billion to our national debt.

The out-of-control rise in our national debt over the last year is just another sign of the astonishing fiscal turnaround that our country has experienced over the last four years, and another sign of the terrible fiscal position that we now find ourselves in.

In 2001, we had ten-year projected surpluses of $5.6 trillion [2002–2011]. Now, over that same time period, we have likely ten-year deficits of $3.9 trillion. That's a $9.5 trillion reversal in our ten-year fiscal outlook.

Whether intentional or otherwise, our country's current fiscal policies are depriving the Federal Government of future revenue at a time when we ought to be preparing for an unprecedented demographic shift that will strain Social Security and Medicare. Our current fiscal irresponsibility will eventually land squarely on the shoulders of our children and grandchildren, who will be forced to pay back the debt we are accumulating today with interest.

This ''debt tax'' that we are imposing on our children and grandchildren cannot be repealed, and can only be reduced if we take responsible steps now to improve our situation.

Both parties need to work together in a bipartisan fashion to bring our budget back into balance so we can avoid the higher long-term interest rates and weakened dollar that are a consequence of rising deficits and a high national debt.

This fiscal year alone, interest on the national debt is expected to rise to $178 billion,

and the administration projects that that figure will increase to $211 billion during the next fiscal year.

To put that figure in perspective, projected interest on our national debt next year will be $75 billion more than projected spending on education, public health, health research, and veterans' benefits combined [$138 billion].

In addition to assuming an ever-larger share of our annual budgets, the interest on our debt, and the debt itself, is increasing our reliance on foreign borrowers, which will weaken our position in the world and increase the risk that another nation will be able to assert greater leverage over America.

Finally, our deficits and debt threaten the Social Security and Medicare programs that have lifted so many of our seniors out of poverty and helped sustain the strongest middle class in history.

Unfortunately, the administration's FY06 budget, which was released last month, would spend $2.6 trillion of the projected Social Security surplus over the next ten years.

With a projected 75 year unfunded liability of $3.7 trillion, both parties in Congress need to work together to address Social Security's solvency problem.

It is time for Congress to stop playing games with our national debt, with Social Security, and with our kids and grandkids' futures and take a commonsense, bipartisan approach to solve our budget problems.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to oppose the Republican majority's ill-sighted budget resolution.

This budget goes beyond bad all the way to dangerous. It's dangerous for our country, and it's dangerous for Florida. This budget cuts the COPS program by 96 percent, a program which has put over 7,000 police officers on Florida streets. Their budget cuts more than $40 million from homeland security formula grants in the state of Florida alone. The President is clearly unaware there is more to defending our homeland than invading foreign countries.

But the addled decision-making in the Republican budget doesn't stop there. The Majority is proposing to decimate countless invaluable social welfare programs from Medicaid to Head Start and Even Start. It cuts almost $200 million in funding for Florida housing, employment counseling, transitional assistance, and small business loans. This budget also includes significant cuts to veterans' health care. What a great message to send to our troops: Thanks for serving your country, but now you're on your own.

The Republican budget also fails our nation's youth. The budget cuts TRIO funding by over $700,000 in my district, and over $10 million just in the state of Florida. These costs will result in a loss of over 11,000 students to the TRIO program in the state of Florida. Without these programs, these students will not make it to college. This is not a prediction, it's a fact.

I meet with representatives from various organizations in my district every day. Yesterday, I met with 31 people from different types of organizations. Every one of them told me their programs are being cut, and they don't know how they are going to survive because it is going to affect their programs ranging from children to the elderly to people without housing.

I've met with local officials telling me the same thing. These budget cuts are forcing them to seek alternative means of revenue. In other words, taxes. I don't know if citizens will be taxed here in Washington or in Ft. Pierce or Riviera Beach, but somewhere along the line we are going to have to learn to share the responsibility for giving our communities the support they need.

Where will all this money supposedly trimmed from the national budget go? Well, clearly not to balance the budget or solve the federal deficit crisis. The Republican budget will result in a spending deficit of $376 billion in 2006 alone. Unbelievably, this figure does not include the costs of several ill-conceived Republican initiatives such as the costs of privatizing social security or the President's war in Iraq.

We have all heard President Bush tout his grand scheme to privatize social security, yet not only has he put forth no coherent plan to do so, but he has failed to include the financial requirements of such a plan. Vice President CHENEY has suggested ''transition costs'' of up to $2 trillion or more. How can this cost not be included in any budget proposal?

But there are alternatives. Both the Congressional Black Caucus and Representative SPRATT have suggested sane alternatives to the Republican madness. Both of these budgets represent an approach to meeting the needs of regular Americans while maintaining the fiscal responsibility this nation needs.

Mr. Chairman, I was going to stand here and tell you that the Republicans are balancing the budget on the backs of the poor, but they are not balancing this budget on anyone's backs because this budget doesn't reach that far! The people that are hurt by this budget are not only the poor but the average American. As Members of Congress, we have a solemn responsibility to protect the welfare of all our nation's citizens, and the Republican budget fails to meet that responsibility.

I urge my colleagues to oppose this damaging and devastating attack on the social welfare of this country masquerading as a budget.

Mr. LANGEVIN. Mr. Chairman, today I rise in support of the Spratt Substitute and in opposition to H. Con. Res. 95, the House Republican budget. A budget is a blueprint of values and priorities—a road map for where we want to move the country. It is no surprise that the Republican budget for fiscal year 2006 is more of the same: continued tax cuts for the wealthy paid for by slashing programs that Rhode Islanders depend on. However, the Spratt Substitute contains thoughtful policies to balance the budget by 2012 without individual tax rate increases or harmful cuts to security, health care, education, veterans' benefits, and other programs that improve the quality of life for Rhode Island's working families.

While the Republicans claim that budget cuts are needed to return to fiscal discipline, they forget their own policies caused today's financial problems. Without the tax cuts for the wealthiest 1 percent of Americans enacted since 2001, our nation's fiscal health would be much rosier, and the neediest and most vulnerable Americans would not be forced to sacrifice. Their fiscal year 2006 budget proposal continues to move in the wrong direction, and next year's deficit will likely be the largest in history, with at least $400 billion added to the national credit card.

How does this blueprint make us safer? While the Department of Homeland Security receives an overall increase in funding, the budget largely follows the President's request, which cuts needed resources for the first responders who risk their lives every day to protect us. The Spratt Substitute contains $1.1 billion more than the Republican budget for vital law enforcement programs such as COPS, FIRE grants, and Byrne Grants. These programs provide Rhode Island's police and fire departments with the equipment and training to keep us safe.

How does this blueprint make us healthier? The Republican budget requires $20 billion in cuts to Medicaid. This reduction will jeopardize a critical health care safety net for seniors, children and people with disabilities and shift more of the burden to states. Medicaid cuts would result in $80 million less for Rhode Island. The loss of federal funding places an enormous burden on states like Rhode Island, by pressuring them to cut eligibility for Medicaid. My state has successfully leveraged federal Medicaid dollars and currently offers coverage to many vulnerable, low-income pregnant women, parents of young children, and other groups not included in the federal mandate. Without Medicaid, these people would likely join the increasing ranks of the uninsured. Lacking proper preventative care, these patients will be forced to go to emergency rooms, leading to long waits and higher costs for everyone. These cuts will also threaten programs such as Rite Share, an employer buy-in program, funded in part by Medicaid. The Republican Medicaid cuts are restored in the Spratt Substitute.

How does this blueprint prepare children for the future? Again, the Republican budget matches the President's proposal to eliminate 48 education programs that provide assistance with vocational education, education technology, civic education, and school counselors. In contrast, the Spratt Substitute provides $4.5 billion in additional funding for No Child Left Behind and other valuable programs such as student loans and school lunches, giving students the resources to succeed.

How does this blueprint honor those who serve our country in uniform? Perhaps most egregiously during this time of war, the Republicans want to cut veterans' health care by $14 billion over five years, impose new fees, and increase copayments for veterans' health care, adding an undue burden to those who have served their country so bravely. The Spratt Substitute provides $17 billion over five years to provide veterans the services they have earned through their patriotism and sacrifice.

The Republican blueprint does not make us safer or healthier, prepare children for the future, or honor veterans. By continuing failed tax policies while cutting effective programs that Rhode Islanders depend on, their proposal is a misguided and unjust starting point. As Democrats show, it is possible to create a realistic blueprint that is fiscally responsible

and builds on the needs of the American people. I urge my colleagues to support the Spratt Substitute and reject H. Con. Res. 95.

Mr. BLUMENAUER. Mr. Chairman, the Republican budget resolution is a body blow to Oregon and the country. I have heard from constituents, school teachers, local government officials, medical professionals, housing advocates and many others throughout the communities in my district, all with detailed stories about how this budget will have devastating impacts.

The budget cuts both ways. First, by exploding the federal deficit, adding $376 billion to the national debt and spending every penny of the $185 billion Social Security trust fund surplus coming in during the year. Then, by eliminating and reducing key domestic priorities, such as cutting $4.3 billion of education programs, slashing $1.5 billion for affordable housing and development programs, and underfunding veterans' programs by nearly $800 million.

How do we face both increased deficits and program cuts? By continuing to focus on tax cuts for those who need them the least. This is unnecessary and, frankly, dangerous as we continue to create an abyss between the haves and have-nots in society, and are putting our financial markets on edge by borrowing trillions from foreign investors. This is not a budget representative of the priorities and values of Oregonians.

Mr. STARK. Mr. Chairman, I rise in strong opposition to the Republican budget. It's dishonest. It's immoral. It's wrong for America's future.

Republicans dishonestly proclaim their budget is fiscally responsible. The only way their numbers work out is if you use slick accounting gimmicks or fuzzy math.

Let me give you some examples of their clever sleight of hand:

The Republicans' top priority to privatize Social Security through private accounts will cost billions of dollars. You'd think that'd be accounted for in this budget? No.

The billions of dollars that will be needed for the Iraq war. In the budget? No.

The cost to our children of extending the massive Bush tax cuts to the wealthy that will balloon our massive deficit? You guessed it. Not in the budget.

Even as they leave out all this massive spending, Republicans still claim fiscal responsibility. Don't be fooled. They're lying to the American public. The true costs of this budget are far higher than Republicans claim and our children and grandchildren will pay the tab for this deceit for decades to come.

This budget isn't just dishonest—it's immoral. It imposes deep cuts to vital programs that Americans depend upon.

As our weak economy is forcing more people to rely on Medicaid's health safety net, Republicans are cutting the program by $20 billion. Income support programs that keep low-income families afloat economically are being axed. Some 48 education programs, vital environmental protections, community development grants and veteran's health care programs are being gutted.

If you're an average American family this will affect you and your economic security. But, while you're tightening your belt watching funding for child's education and your family's health care diminish, billions of dollars are going to big business and special interests. While every other priority is sacrificed in the GOP budget, billions of dollars more are being funneled into the bloated defense contracts or frittered away in corporate tax giveaways.

Mr. Chairman, the federal budget is supposed to be a statement of our nation's priorities. This budget is a punch line to a sick joke being played on the American people.

I urge my colleagues to oppose this dishonest, immoral and irresponsible budget.

Mr. SALAZAR. Mr. Chairman, I rise today to express my concern about the current state of our Nation's budget woes.

I've been running the family ranch for several years and I know what it means to work within a budget. You may have to count your pennies, but you spend your money where it matters the most to you and your community.

This Administration proposes to cut funding for agricultural programs in addition to denying promised benefits to veterans and military widows. These are the wrong priorities for our country. We cannot pass the burden of the debt onto the backs of our farmers and veterans.

Agriculture is the backbone of this great nation. I have always said that there are only two things that can bring this country down—our dependence on other countries to produce our food and our dependence on foreign oil. Agriculture must become a real part of our renewable energy supply. Research and education are the only way we can grow and develop these new technologies. This is the worst time to cut agriculture research programs.

Desperate times call for desperate measures, but turning our backs on our country's service personnel and veterans isn't desperate, it's crazy. We need to put our resources toward meeting the promises we have made to our veterans, servicemen, and their families—in rural Colorado, that means making sure that veterans don't have to drive five hours to get the health care they were promised.

I will never support breaking the promise to the brave men and women who served our country in the name of freedom and democracy.

BLUE DOG 12 POINT PLAN

I am a proud member of the Congressional Blue Dog Coalition, a group of Democrats that fights for fiscal responsibility. Fiscal responsibility means spending your money where it matters most. We can do that without increasing taxes.

First off—our Nation's taxpayers deserve an honest budget that gives an account of all future spending. If this Administration wants to privatize Social Security, then the budget should have included the trillions of dollars it would take to change the system.

Secondly—we need to reduce the deficit. As a farmer, I know this firsthand—you can't spend money you don't have. Congress is already facing a $589 billion dollar deficit—increasing the amount of our national debt to $1 trillion dollars. The Blue Dog Coalition created a 12 Point Reform Plan to cure the Nation's addiction to deficit spending. For starters, the Blue Dog Plan would require that any new spending would have to be paid for. This common-sense rule, ''pay-as-you-go'' is mandatory in Colorado. In the 1990's, ''pay-as-you-go'' brought the budget into surplus and is supported by Federal Reserve Chairman Alan Greenspan. Our plan also includes a provision for a ''rainy day fund'' in case there is a need for emergency spending.

Neither the Administration's budget, nor the Democratic alternative, incorporate a single component of the Blue Dog 12 Point Plan. As Members of Congress, we must discuss a budget that has included input from both parties. It is for that reason, I voted ''No'' on both budget proposals. I will not vote for an increase in taxes. And I will not vote to cut the programs that matter to our communities.

The Federal Government and this Congress need to take a lesson from small business owners and get back to creating a budget where all the numbers add up.

Mr. HONDA. Mr. Chairman, the federal budget should be a statement of our country's values. It should reflect the priorities of the American people: good jobs, safe communities, quality education, and access to health care. The Republican budget, H. Con. Res. 95, is not aligned with these priorities; and I, therefore, rise in opposition to its passage.

Like President Bush's budget proposal, the Republican budget calls for sweeping cuts in mandatory and non-defense discretionary spending that could harm the effectiveness of vital Federal programs.

Perhaps in an effort to obfuscate the truth, House Republicans fail to provide the specificity the President does in his budget, so we are left to wonder which programs may get slashed or eliminated.

But we do know this: the Republican budget resolution instructs various House committees to make almost $69 billion in cuts to mandatory spending programs. The Energy and Commerce Committee, for example, would be forced to find $20 billion in savings over five years. All indications are that Medicaid, which provides health coverage for more than 52 million low-income Americans, will take the brunt of the cuts.

The proposed budget will also cut veterans' health care by $14 billion, education programs by $2.5 billion and clean water programs by $700 million. It will slash economic development programs by $1.5 billion, possibly leading to the elimination of the extraordinarily successful Community Development Block Grant (CDBG) program. The CDBG provides Federal funding for locally-identified projects, like affordable housing, economic redevelopment, roads and public libraries.

The Republican budget, in fact, neither adequately funds our national priorities, nor does it offer a strategy for achieving fiscal discipline. The resolution calls for a $376 billion deficit in FY 2006, but the deficit is worse than it appears. In calculating the deficit, House Republicans use surpluses in the Social Security trust funds to offset spending on other programs. If the Social Security surpluses are not counted, the projected deficit for FY 2006 would be $564.5 billion.

Democrats, on the other hand, will be offering an alternative proposal today that reflects the priorities of the American people. The Democratic budget provides $4.5 billion more for education and training programs, $1.6 billion more for veterans programs, $2 billion

more for community and regional development and $1.1 billion more for law enforcement and justice programs. It does all this while instituting a plan to balance the budget by 2012 and protecting Medicaid and Social Security.

Mr. Chairman, it is clear that the Republicans have chosen to neglect the needs of the many in order to maintain and extend tax cuts for the elite few; it is clear where their priorities lie. I urge my colleagues to align their priorities with those of the American people, and vote against the Republican budget resolution and for the Democratic alternative.

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this budget. The budget should encourage fiscal, personal and social responsibility at the same time it moves us further down the road to making. opportunity real for people. In that sense, it should reflect the values and priorities of Americans. But by deepening income inequality and raising the barriers for those working to do better, this budget does neither. If anything, it reflects priorities that are out of step with ordinary Americans.

By calling for $1.8 trillion in tax cuts, primarily to the wealthiest Americans, the president's budget compromises both our ability to face our most pressing challenges and strengthen the social safety net that might rescue those living in poverty. Experts estimate that over the next 75 years, the cost of the tax cuts for the top 1 percent of households alone is nearly equivalent to the shortfall in Social Security—this at a time when another 1.3 million Americans fell into poverty last year.

And with this budget's cuts to Medicaid, job training, veterans health care, and child care will only exacerbate those startling figures. The decision to eviscerate Medicaid by as much as $20 billion will leave many low-income families with nowhere to turn for medical care, and many seniors with no way to afford long-term care. Its growth in recent years is simply a reflection of its success in providing care for the thousands of Americans who would otherwise have joined the ranks of the uninsured during the economic downturn.

And states are already struggling to keep up. This year, the governor in my state of Connecticut proposed increased co-payments and premiums for families receiving SCHIP. If the president succeeds in cutting Medicaid, there will be no way for states to make up the shortfall. We cannot let Medicaid fall victim to its own success.

Mr. Chairman, the cost of this Administration's poor decisions should not be borne by those least able to afford it. Budgets are moral documents. They should promote, first and foremost, the common good of the Nation. And turning our backs on that now as this budget does is not only bad policy—it is immoral.

Mr. UDALL of Colorado. Mr. Chairman, I cannot vote for this budget resolution. It does reflect the priorities of the Republican leadership, but I do not think those are the right priorities for our country.

Over the last five years the federal budget has gone from projected surpluses to undeniable deficits. The result has been to reverse a decade of progress that saw the budget go from the $290 billion deficit when President Clinton took office to a surplus of $236 billion in 2000, which was where things stood when the current President Bush came to office.

Unfortunately, the combination of recession, the need to increase spending for defense and homeland security, and excessive and unbalanced tax cuts have taken us to the largest deficits in our Nation's history—a $375 billion deficit two years ago, a deficit of $412 billion last year, and for this year, according to the Bush Administration itself, a deficit of $427 billion. That is three record-setting years in a row.

And, regrettably, the budget resolution before us reflects the proposals of the Bush Administration—and we know, or should know, what that means.

According to the nonpartisan Congressional Budget Office, following the path suggested by the Bush Administration and this budget resolution will add $5.135 trillion to our national debt over the next 10 years. I do not think this is the right way to go.

That is why I voted for the more responsible and better balanced alternative offered by the distinguished gentleman from South Carolina, Mr. SPRATT.

That alternative budget combined a balanced budget, real budget discipline, and protection for Social Security while still providing the same resources for Defense and Homeland Security as the Republican budget.

The alternative also would have provided more resources for important priorities and would have laid the basis for more responsible tax policy. It was better fiscally and better in terms of the education of our children, the health care of our veterans, the development of our communities, and the quality of our environment.

It would have brought spending in the domestic discretionary accounts back to baseline, that is, to current services, enough to prevent them from being eroded away by inflation, but not any significant increase.

Unfortunately, that alternative was not adopted, and the only remaining choice is to vote for or against the Republican leadership's proposal. Because I am convinced that it is not right for our communities or our country, I must vote against it.

Mr. SCOTT of Georgia. Mr. Chairman, the Republican's 2006 budget resolution makes the wrong choices for our Nation. It reflects skewed priorities and runs counter to our deepest held beliefs. The budget embraces disastrous economic policies while at the same time failing to put forward a vision of what the United States should be. What America needs instead is responsible policies that reflect our values, help bring our Nation together, and invests in the future by expanding opportunity. Many programs important to Georgia are cut, including $800 million from the Centers for Disease Control, funding for firefighters by 30 percent and $26.7 million in Homeland Security Funding for Georgia. These programs provide front-line protections to Georgia communities. Further, this budget hurts my state's military installations and veterans by cutting $60 million from last year's spending for military construction projects and cutting healthcare for 2 million Georgian veterans.

Communities are harmed by cutting Community Development Block Grants (CDBG) by $211.9 million over the next four years. Representatives from the cities of Riverdale and Powder Springs told me this week that their plans for building community centers depend on funding of CDBG. The budget will also eliminate the HOPE VI program, which is revitalizing public housing in Georgia. The Section 8 housing vouchers cut would remove 8,700 families from the program in Georgia.

This budget proposes to cut vital domestic investments and services for the middle class and poor, while continuing to accumulate huge budget deficits. Education is cut by $366.8 million affecting 91,050 Georgia children by under funding the No Child Left Behind Act. TRIO programs by almost $13 million for Georgia, affecting 13,000 students and vocational and adult education in Georgia would be reduced by $173.7 million from 2006–2010. Healthcare would be affected by an estimated $7.9 million cut to Southern Regional Hospital. These Medicaid cuts hurt Clayton County where 24.2 percent of the population in 2003 utilized Medicaid. About 10 percent of Clayton County is below the Federal Poverty Level.

Despite these cuts, every Georgia family's share of the national debt has been increased by $38,281.

The federal budget should be an honest blueprint for the spending priorities of the government. However, this budget is not honest. It is passing our obligations, responsibilities and challenges to our children and grandchildren, while cutting programs that benefit the poorest among us.

We need not accept a federal budget that singles out hard-working middle-class families, those who have served our Nation, and our society's most vulnerable citizens. Americans deserve an honest budget that reflects their priorities and that honors their hard work. I urge my colleagues to reject these unnecessary cuts and work to improve the capacity of programs to address critical community needs.

Mr. BACA. Mr. Chairman, I rise in strong opposition of H. Con. Res. 95, the Budget Resolution for Fiscal Year 2006.

This budget contains painful spending cuts to critical programs, continued large deficits, and a spiraling debt.

It is fiscally reckless, morally irresponsible and is a clear failure of leadership.

This budget is a sham. It fails to include funding for many of the President's key programs—such as Social Security privatization, the war in Iraq, and the cost of the Alternative Minimum Tax. It does not cut the deficit in half, as the Administration claims. When all omitted costs are included, it will raise the deficit by $2 trillion over five years.

This growing debt will be passed on to our children and grandchildren, leaving them to shoulder the burden of our fiscal irresponsibility.

This budget cuts critical programs that working families depend on, like Medicaid, education, community development and veterans' health care.

We have soldiers fighting for us in Iraq, and this budget doesn't even provide enough funding to pay for their health care when they return.

The budget will also endanger the health of millions of Americans, by proposing a $1.1 billion cut to food stamps, the Nation's number

one investment in nutrition and defense against hunger.

If this budget passes, we will be forcing working families to make hard choices between buying groceries and paying their bills.

The budget also spends every single penny of the $1.1 trillion Social Security trust fund. We need to return to pay as you go budget rules, so that we can provide a solid source of funding for Social Security.

What is most disturbing, is that the resolution before us today is even more dangerous than the version the President sent to Congress.

The budget fails to offer the specifics of the President's budget. It proposes large cuts in funding, but without targeting specific programs, it leaves a myriad of programs vulnerable to cuts.

I urge my colleagues to vote ''no.'' We need a plan that is fiscally responsible and will fund the programs working families depend on.

Ms. ESHOO. Mr. Chairman, the proposed reductions in Medicaid under this Budget Resolution plan are unacceptable. For 40 years Medicaid has always been a crucial support system for low-income individuals. Medicaid has made health care available to millions of Americans who have no other access to health care.

The Budget Resolution will require $14–$20 billion in cuts from the program over the next five years and it will almost certainly lead to changes to state funding rules, administrative payment cuts, and prescription drug payment changes. This comes at a time when poverty is up, wages are down, and the number of uninsured Americans is at a record in our nation's history.

The Medicaid program serves nearly 50 million Americans. As people lost jobs and income during the recent economic downturn, Medicaid enrollment increased by nearly one-third. The decreasing number of those who receive health care benefits through employment adds additional burdens to the Medicaid system. States and local governments rely on federal assistance to help provide a safety-net to these individuals. Any cuts to the Medicaid program will shift the burden entirely onto state and local governments that are already straining to meet increasing demands on the program and severe budget pressures of their own. In many states, Medicaid costs exceed education costs.

In California, our Medicaid program, Medi-Cal, matches every dollar of federal funding with a dollar in state funding. This shared commitment is critical since the state receives $20 billion in federal funding. Reducing federal Medicaid funding to states at a time of rising health care costs, increased numbers of uninsured, and states' increasing difficulties in paying their share of Medicaid costs, is bound to force states to reduce coverage and increase the numbers of uninsured. Uninsured patients without access to care will instead seek treatment in emergency rooms, further burdening an already overtaxed system.

The Medicaid program is not only critical for low-income individuals, but it's also fundamental to the operation of California's safety-net hospitals. The President's budget calls for eliminating the use of intergovernmental transfers for hospital funding. This means there will be at least $11.9 billion in direct cuts to safety-net providers nationwide. Many states rely on IGTs to fund their Medicaid budgets. The low-income and uninsured rely on these hospitals to receive access to needed health care services. Without the continuation of federal Medicaid funds targeted to safety net hospitals, millions of Californians will not have access to necessary health care services. This budget resolution advances this march to folly for so many Americans and that's why 242 national groups and 785 state groups, including the National Governors Association and the National Association of Counties oppose changes in Medicaid.

We have an obligation to care for the less fortunate, and the Congress should not be cutting critical health care and other services from those in need. Rather, we should maintain our partnership with the states to ensure that Medicaid benefits remain available for the most vulnerable in our society.

I urge all my colleagues in the House to oppose the Budget Resolution.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in opposition to the Republican budget of mass destruction and in support of the Democratic and Congressional Black Caucus alternative budgets which recognize the true needs and values of our Nation.

We do not need to call in weapons inspectors to find the threat to the majority of Americans in this budget, nor do we need a warning system. We know exactly what, when, and where the damage will be because the Republican budget, once again, puts the tax cuts of the few above the needs of the many.

Under the Republican budget, the vast majority of Americans are asked to sacrifice, with one exception: the wealthy who can most afford to give something up. Their tax cuts—the same tax cuts that brought us unprecedented deficits—are protected and even extended under this proposal. They will cost our country an additional $106 billion, of which 75 percent will go to people making over $200,000 a year.

In order to pay for those tax cuts, the Republicans are literally proposing to take away food and health care from low-income families, kill 48 education programs by eliminating the $4.3 billion that funds them, slash veterans' health care—including cutting $9 million from medical and prosthetic research, and undermine community development in struggling neighborhoods by cutting $1.5 billion in grant programs. Despite Republican claims, these cuts will do nothing to help our country's bottom line, but they will be devastating for the children, working families, veterans and seniors who will be asked to go without. This is not only irresponsible, but immoral.

In the that state of Illinois, we could see the Earned Income Tax Credit—the most effective anti-poverty program—cut by $164.2 million, Temporary Assistance for Needy Families and child care grants lose $84.3 million, and Supplemental Security Income—which helps poor seniors and people with disabilities—slashed by $174 million. Thousands of vulnerable peoples' lives will be destroyed if the Republican budget passes.

The House Republican budget is even worse than the President's proposal. For instance, they propose even greater cuts to Medicaid than under his plan. The $20 billion in Medicaid cuts included in this budget resolution are unwise, unjustifiable and almost certainly lethal. As health care costs continue to rise, the number of uninsured Americans exceeds 45 million, and employers continue to cut back on coverage, Medicaid has provided a guarantee of support for pregnant women and children, persons with disabilities, persons living with AIDS or mental illnesses, and senior citizens needing medical care or long term care services. Without those services, millions of Americans will no longer be able to get the physical health, mental health, and long term care services they need to remain healthy and productive.

In my state of Illinois, Medicaid covers 40 percent of all births, 30 percent of all children, and 65 percent of all nursing home residents. In Illinois, under the leadership of our governor, we are working to expand Medicaid to cover more children and more families in face of a growing crisis in health care. This is not just the right thing to do, it is the cost-effective course to take. Medicaid costs less than private health insurance and its per capita costs are growing more slowly than private insurance premiums. But, if the Republican budget cuts re enacted, it may no longer be there for the millions of Americans who have no other source of care—other than bankrupting their families or mortgaging their futures to pay for their parents' long term care needs or their children's medical services.

Budgets are not just about numbers, they are about values and priorities. Based on the Republicans' proposal, maintaining and making permanent tax cuts for millionaires has been and continues to be a higher priority than meeting the needs of the majority of Americans. And, they are shifting the responsibility of their fiscal mess onto the backs of our children who will see decreased services and will be asked to deal with deficits for years to come.

The Democratic and CBC budgets recognize that this is the wrong thing to do and a great threat to our nation's future well-being and prosperity. It is time to reverse course so that we do not continue to mortgage our country's future and our children's prosperity in order to pay for tax cuts for the rich that we cannot afford and that they do not need. I urge my colleagues to vote against the Republican WMD and for the Democratic and CBC budgets.

Mr. NEUGEBAUER. Mr. Chairman, I rise today in support of the House of Representatives' budget plan and thank Chairman NUSSLE and his committee for their dedicated work on this legislation.

I think many of us agree that a federal budget of more than $2.5 trillion dollars provides enough resources for the government. As I tell my constituents, we don't have an income problem herein Washington; we have a spending problem. Even as our economy has grown and revenues have increased in the past year, we continue to spend more than we take in. Our House budget takes important steps to address this spending problem while ensuing that our nation's most pressing needs are being met.

We are at war, so defense and security funding remain a priority. Much of the increased spending in the past few years has

gone toward national defense and security, including $258 billion in extra funding since September 11, 2001. Our House budget matches President Bush's commitment to our national defense needs with a 4.8 percent increase.

Beyond national security, this budget provides sufficient funds to meet our priorities, but it also take important steps to begin addressing Congress' spending problem.

First, our budget does not raise taxes in order to pay for more spending, as some are proposing in their alternatives. Second, our budget actually reduces non-defense and non-homeland security discretionary spending by .8 percent. Third, this budget will set us on course to reduce the growth in mandatory spending, which is growing far faster than our economy and comprises nearly two-thirds of all federal spending.

By maintaining the tax relief and not allowing for tax increases, our House budget ensures that the economy will continue to grow and create jobs. Sustained economic growth resulting from sustained lower taxes also narrows the budget deficit.

While non-defense discretionary spending is only about 20 percent of federal spending, it is the area in which Congress exercises the most direct annual control. We know there are programs that are wasteful, duplicative or unnecessary. By reducing spending in this area by .8 percent, we force ourselves to do better at finding the waste and consolidating or eliminating the programs we don't need in order to make the best use of the resources available.

For the first time in eight years, Congress is finally dealing with the unchecked growth of mandatory spending in this budget. Let's be clear—despite what we are hearing from some on the other side, this budget does not ''cut'' any programs that help those in need. More will still be spent this year than was spent last year, and by my West Texas definition, that is not a cut. What this budget does is set on the track to slow the rate of growth on the mandatory side, which is currently unsustainable. In the last ten years, federal Medicaid spending has nearly doubled, growing at an average of 8 percent each year. Even with the savings called for in this budget, Medicaid will still grow by 7.3 percent over the next 10 years, as opposed to increasing by 7.6 percent.

With regard to the mandatory spending reduction set for agriculture. I am concerned that the target in this bill is more than agriculture's total share of mandatory spending. As we conference with the Senate, I ask that the Budget Committee work toward a number that is more in line with agriculture's 4.7 percent share of mandatory spending.

What we are doing here with respect to agriculture is allowing the Agriculture Committee to look at all mandatory spending at USDA and have full discretion on how we reach our savings total. We can do this without ''reopening'' the Farm Bill. All USDA mandatory spending, including nutrition programs, must be considered.

During the first three years of the 2002 Farm Bill, farm programs have cost $14 billion less than the Congressional Budget Office predicted when the legislation passed. The 2002 Farm Bill has proven to be a very effective safety net for our producers, providing support in times of lower prices, and reducing support when it is not needed. And even though spending will increase somewhat this year due to lower prices, total spending over the life of this Farm Bill is still projected to be less than was predicted.

Changing the rules of the game now, and then again in two years, is not sound policy. Budget decisions we make in agriculture today will not only affect the 2007 Farm Bill, but they will also affect our negotiating position in the World Trade Organization. If we take all of our chips off the table now, we will not have anything left to negotiate with as our trade representatives continue efforts to open new markets and reduce other barriers to U.S. products.

During meetings with constituents throughout my district, farmers understood the importance of balancing the budget, and they are willing to do their part to reduce the deficit. However, they do not support agriculture bearing a disproportionate share of the burden. Neither do I, and I am committed to working in conference to ensure our final budget outline for the year treats agriculture fairly.

Our constituents are looking to us to make responsible decisions about the use of their hard-earned tax dollars. They are counting on us to set the right priorities and follow through on past commitments. I believe our House budget sets us on the right path toward reducing spending, keeping our economy growing and protecting our nation.

Mr. EDWARDS. Mr. Chairman, a federal budget is a statement of values. It says more about our values that any speeches, any rhetoric, any time.

Sadly, this partisan budget reflects the failed values of fiscal irresponsibility. And misplaced priorities. It locks in massive deficits for as far as the eye can see, adding hundreds of billions of dollars to a huge national debt that will slow our Nation's economic growth, put Social Security benefits at risk and bury your children in a sea of red ink for the rest of their lives.

Large deficits and underinvestment in education, research and health care are not prescriptions for a healthy economic future—they are prescriptions for economic stagnation and decline.

In my opinion, this budget is immoral. It asks the most from those who have the least and asks the least from those who have the most. That fails the values test of every major religious faith in our society.

This budget makes it harder for millions of students to attend college by increasing the gap between college costs vs student financial aid.

This budget says to veterans, including Iraqi war veterans that pensions for disabilities, compensation checks and G.I. education benefits will be cut by $795 million over five years, thus making a mockery of the American principle of shared sacrifice during time of war. 14 billion over 5 years. I would imagine that budget item won't be discussed by supporters of this bill in their Veterans Day speeches this November.

This budget says to thousands of seniors who need nursing home care under the Medicaid program that you'll just have to go without that care. In my book, that's not a very respectful way of honoring thy father and mother.

To the working woman I met yesterday who works hard to help troubled youth in my hometown in Texas, this budget says your housing program will be cut, making it more difficult for her to find decent housing on a limited income.

Yet, to the fortunate person who makes one million dollars this year on dividend income, this budget says you can keep every dime of the $220,000 tax break you have received recently.

Asking seniors, students, veterans and hard-working families to sacrifice so those in the top one-tenth of one percent of income in America can keep all of their recent tax cuts does not pass the fairness test.

If this is a faith-based initiative, I would like to know on which faith it is based.

By refusing once again to require tax cuts to be paid for, my House Republican colleagues are endorsing the largest deficits in American history for the third year in a row. They have preached to us for five years the all gain, no pain budget built on the free lunch philosophy.

Unfortunately, the bill collector is now calling and the deficits caused by that failed philosophy have been financed by the Japanese and Communist Chinese who own tens of billions of our national debt and with it, the ability to wreck our American economy.

If House Republican leaders want to preach fiscal responsibility to individuals by toughening our bankruptcy law, then they had better start practicing what they preach. It is ironic that those who are condemning the personal debt of citizens have been the architects of three consecutive years of the largest federal deficits in American history.

Burdening America's middle class with greater debt and under investing in education and health care for working families is neither fair nor fiscally responsible.

Vote no on this budget. We can do much better, and the American people and our children deserve much better.

Mr. COOPER. Mr. Chairman, I would like the RECORD to reflect my views on the horrendous and deliberate deficits our Nation faces—these articles appeared today in Roll Call and last week in the New York Times.

[From the New York Times, Mar. 11, 2005]

RESCISSION TIME IN CONGRESS

(By Jim Cooper)

President Bush regularly calls on Congress to restrain spending. But he has yet to put his pen where his mouth is by using his veto—a blunt instrument, to be sure, but one that very few American presidents have failed to wield, especially during times of high deficits. Mr. Bush says he prefers a sharper veto power; the ability to cut spending programs within larger bills. He called for line-item veto power in his first press conference after his re-election and in his 2006 budget.

But such a statute is not only out of reach—it would probably require a constitutional amendment—it is also unnecessary. Why? Because Mr. Bush can already cut individual programs out of larger legislation with a scalpel that's almost as sharp as the line-item veto. An obscure law passed during the Nixon administration gives the president extraordinary power to stop any discretionary spending. All he has to do is persuade Republicans on Capitol Hill to go along.

It's called rescission. Under the Congressional Budget and Impoundment Control Act of 1974, the president can select any appropriated Federal program for reduction or elimination by sending a message to Congress, which then has 45 days to approve his decision with a simple majority in each house. If Congress agrees, the president can reshape Federal government to his liking. If Congress disagrees, or fails to act, the cut disappears.

This law gives Mr. Bush more power than he has sought for his battles on trade promotion or new Federal judges. With it, he can pick his targets, put fast-track pressure on Congress to respond, and win by gaining a simple majority approval—in other words, rescission is filibuster-proof.

So why haven't presidents been vigorously using the Impoundment Act to manage the budget in the last 31 years? The reason is that different parties usually controlled the White House and Congress, making large cuts impossible. For example, President Clinton won 111 of the 163 rescissions he requested from a divided Congress, but was able to save only several billion dollars.

Although Republicans now control both the House and Senate, Mr. Bush has not asked for any rescissions, large or small. Why has Mr. Bush kept this knife in a dusty drawer, especially given the staggering deficit, his public stance on the need to curb spending and his close ties with the Republican Congressional leadership? Surely he knows how often Mr. Clinton resorted to it.

Perhaps his unwillingness stems from the knowledge that, with rescission, Americans know who wielded the knife and what programs were cut or kept. But to govern is to choose. If Republicans really want to cut spending and reduce the deficit, they have more weapons than any political party has had in decades.

Jim Cooper, Democrat of Tennessee, is a member of the House Budget Committee.

[From the Rollcall, Mar. 17, 2005]

THE MISSING-IN-ACTION PRESIDENT

Today Congress will vote on a 5-year budget for the Nation. Usually contentious, this year's debate is relatively quiet as the richest nation in the world begs foreigners to finance our lifestyle.

Most Americans can name the President's top four policy priorities—tax cuts, war in Iraq, Social Security reform, and Medicare drug legislation. What Americans don't know is that these were either omitted from, or low-balled in, the President's own budget and his $82 billion supplemental request. It's as if Bush budgeted for someone else's presidency.

The President's budget pays for only six months of the war in Iraq and completely overlooks the transition costs of Social Security reform. The Administration always lied about the cost of the Medicare drug bill. Extending the tax cuts will produce a sea of red ink just beyond the Bush budget's five-year window.

The House Republican budget is based largely on the President's, adding a tiny bit of compassion and $50 billion for the war. Its deficits are still so large that, by the last year of the Bush administration, we will be paying more money to our Nation's creditors than to our own citizens in non-defense domestic discretionary spending. According to the GAO, by 2040 our current policies will result in creditors getting *all* of our defense, Social Security, Medicare, veterans' benefits, or any other program to help Americans.

Republican control of the executive and legislative branches means that they have the power to budget honestly for our Nation and reduce our deficits. President Clinton was able to achieve budget surpluses despite a divided government.

Take the veto. Bush is the first president since James Garfield in 1881 not to veto a single bill. Garfield only had six months in office; Bush has had over 4 years.

Bush did threaten to veto any effort to repeal the 2003 Medicare drug law that added $8.1 trillion in unfunded liabilities to our Nation. This one entitlement program will twice as hard for future generations to afford as the alleged ''crisis'' in Social Security. Bush brandished his veto pen to force Congress to spend money we do not have.

Take the rescission power. Few people realize that Bush could slash any program in Federal government with the approval of a simple majority in the Senate and the House. He has ''fast-track'' authority and no worries about filibusters. In other words, Republicans already have the ''nuclear option'' top cut spending. they've never used it. They don't even want you to know they have it.

President Clinton was able to pass 111 of his 163 rescission requests, saving taxpayers billions of dollars. President Bush has requested no rescissions.

Bush himself repeatedly calls for line-item veto power in order to tame spending. But why wait years for a constitutional amendment when he has never used the power he already has? Every second counts. Delay costs us over a billion dollars a day in additional borrowing.

Bush may be a strong leader in the war on terrorism, but on budget deficits he is missing-in-action. Conservative think tanks like the Heritage Foundation and Cato Institute have criticized Bush for his big increases in spending, which far exceed those of the Clinton era. Meanwhile tax revenues as a percent of GNP are the lowest since Eisenhower days.

Democrats are accustomed to Republicans routinely violating their term-limits pledges, and forgetting their Contract-with-America idealism (including the Balanced Budget Amendment), but Republicans are doing serious damage to the Nation with their irresponsibility on budget issues. As Head of State and Party, the President is being particularly irresponsible.

Is government spending the problem, as Republicans claim? If so, they have all the tools to stop it—more tools than any political party in modern times. Why won't Bush use his budget, his veto, his rescission, or simple restraint? Could it be that Republicans have fallen in love with ''big government''? They are just refusing to pay her expenses.

Jim Cooper, a Democrat from Tennessee, serves on the House Budget Committee and as Co-Chair of the Blue Dog Coalition, a group of Democratic fiscal and defense hawks.

Mr. TIERNEY. Mr. Chairman, throughout the year, Members often express support for certain policies and programs or advocate for fiscal discipline. However, during the consideration of the Budget Resolution our true commitment to those priorities comes to light.

What this Republican Budget Resolution reveals is that the Majority is more concerned with advancing a narrow ideological agenda. Carefully making sure to allow for a total of $106 billion in tax cuts over five years for high-end earners, this GOP Budget Resolution carelessly exacts severe cuts to critical services that benefit students of all ages, veterans, first responders, poor and working families, and communities interested in economic development.

What this Republican Budget Resolution reveals is that the Majority is more interested in advancing a reckless, unsustainable economic policy than restoring fiscal responsibility. In fact, the Majority's proposal calls for a deficit of $376 billion in 2006—$78 billion more than the Congressional Budget Office's estimate. This budget, which only accounts for five years, never reaches balance.

The Republican Budget signifies a failure in honest accounting not just because of what is included, but also for what it disingenuously leaves out. Excluded from this Budget are the details of the President's estimated $754 billion 10-year Social Security privatization plan ($20 Billion over the next decade), the cost of the over $800 billion (and growing) Medicare drug bill, the longer term costs of the war in Iraq, the cost to stop the alternative minimum tax from penalizing regular families, and the implications of extending the tax cuts.

Feigning fiscal discipline and fundamentally at odds with what I believe are the real priorities and concerns of the American people, this GOP Budget Resolution also offers no 21st Century competitive strategy for our country and further shreds what is left of our ever-fraying safety net.

A much needed competitive strategy would start with education, which is the vehicle through which students of all ages can achieve and become what they may never have otherwise dreamed possible. Going to college and attaining a degree is, unfortunately, not a right of passage for the vast majority in our country. Achieving this goal must not be minimized. Each year, a young man or woman becomes the first member of his or her family to graduate from college. For them, and for all their relatives and loved ones, obtaining a diploma means progress and instills pride. A college degree translates into hard dollars: over their lifetime, college graduates will earn on average $1 million more than they would have if they did not attend post-secondary school.

Schools continue to serve as the source where we can view the promise of America in progress, and our country's legacy depends upon how well we educate our young people. For those not completing four years of college, higher job skills and technical abilities acquired through vocational and technological training and education are the path to the middle class.

The Majority's budget cuts education programs by $2.5 billion in 2006 and $38 billion over the next five years and completely eliminates 48 programs, including the $1.3 billion vocational education program, the $437 million Safe and Drug-Free Schools Program, the $306 million GEAR-UP program, and the $225 million Even Start family literacy program.

These cuts come at a time when the cost of attending a four-year public college has increased more than $2,300. In fact, according to the 2003 National Center for Public Policy and Higher Education survey, Massachusetts had the largest tuition increase in four-year public institutions (24 percent), and the second largest in community colleges (26 percent).

They attack our increasingly successful community college and vocational-technical training programs.

These cuts come at a time when there is an increased need to college access programs, including GEAR-UP and TRIO, that help high school students prepare for, apply to, and find financial aid for college.

These cuts come at a time when many communities across the country are struggling with a growing methamphetamine and opiate problem. In Massachusetts, according to statistics from the state's Department of Public Health, the number of deaths from opiates has risen over 300%—from 108 in 1991 to 468 in 2001, which is the most recent year for which statistics are available.

The Safe and Drug-Free Schools and Communities State Grants program has assisted states and school districts in developing youth anti-drug education initiatives, which has, in turn, helped parents and teachers learn more about the prevalence of drugs in the community. The program has been a source through which Massachusetts has been successful in obtaining $40 million in funds over the past five years.

It is not just those who are looking to improve themselves through education that this GOP Budget Resolution betrays, but it also advances the Administration's all-out assault against those that depend on our longstanding safety net, those programs that assist the poor, children, elderly, and people with disabilities. Meanwhile, let me reiterate, the Republican proposal calls for $106 billion in additional tax cuts. According to the Urban Institute-Brookings Institution Tax Policy Center, 46% of those who will benefit from these tax cuts in 2005 will be households who earn $1 million, which comprise only .2 percent of all households nationwide. The average tax cut for this income bracket was greater than $30,000 in 2003.

This GOP Budget Resolution finances its hundred billion-dollar tax cut for the highest income earners at the expense of the most vulnerable and least fortunate in society. That is wrong.

As required by the Republican Budget, the Agriculture Committee would be forced to cut spending by more than $5 billion over five years. With the general reluctance to alter or scale back farm subsidies, the food stamp program would bear the brunt of these cuts. This is not a program that has been riddled with so-called ''waste, fraud, and abuse.'' The Center for Budget and Policy Priorities calculates that ''over 95 percent of food stamp benefits go to households with income below the federal poverty level. Virtually all of the remainder goes to the elderly and people with disabilities.''

Further, their budget makes deeper cuts in Medicaid than the President's budget, directing the Ways and Means Committee and the Energy and Commerce Committee to cut $19 and $20 billion respectively. It is expected that the bulk of such cuts will fall on low-income programs such as the Earned Income Tax Credit, the Child Tax Credit, unemployment benefits, Temporary Assistance for Needy Families, foster care, and Medicaid.

According to the Center for Budget and Policy Priorities, ''these Medicaid cuts are likely to push hard-pressed states to eliminate coverage for a substantial number of low income people, increasing the ranks of the uninsured and the underinsured.''

The Center for Budget and Policy Priorities estimates that, should these cuts affect all states proportionally, this would translate into a loss of over $117 million for Massachusetts.

This is not the direction in which this country should be headed. What is being proposed in the Republican Majority's Budget Resolution is not a blueprint for success.

Certainly, our constituents want to know that their tax dollars are being well spent. There is no question about that.

But parents also do not want to pass on huge amounts of debt to their children, which is what the GOP Budget Resolution does.

Parents do not want their children to be denied opportunities to learn and advance in ways beyond what they achieved in life. Moms and dads want to ensure that their kids are educated about drugs. They want their kids to know how to maximize their chances of gaining acceptance at a college and have programs available to help minimize the cost.

They want to know there are enough police and fire fighters on the street to be able to respond effectively to emergencies, they want our country's veterans to receive adequate care after they return home from service, and they want to protect the environment so their sons and daughters inherit cleaner air and safer drinking water.

At the same time, they take offense to denying food stamps or eliminating Medicaid coverage for those who depend on such services just to make room for another hundred billion dollar tax cut for the already well-off. That doesn't meet their standard of fundamental fairness.

Their Budget Resolution does nothing to improve upon our long-term fiscal outlook, fails students, and exploits the poor. We must do better. We implement solutions that honestly and effectively address the budget deficit, chart a course that allows our students to competitively excel, and adequately provide for those who need the most help.

A Better Way: The Democratic Budget is a more fiscally responsible approach to balancing the budget. It achieves balance by 2012, while accumulating less debt and wastes fewer resources on interest payments needed to service the national debt.

The Democratic alternative is based on essential two-sided pay-as-you-go budget enforcement rules that led to a balanced budget in the 1990's. The cost of any additional spending, or any new tax cut, must be paid for by curbing spending, offsetting spending cuts, or new revenues. The 1990 pay-as-you-go rules had bipartisan support, including the support of the first President Bush. Those rules turned record deficits into record surpluses in large part because they subjected all parts of the budget, discretionary and mandatory spending, as well as revenues, to budget discipline. The Republican budget contains no such enforcement provisions.

The Democratic budget provides $4.5 billion more for education and training programs than the Republican budget for 2006 and $41 billion more over the next five years. It rejects the $21 billion in cuts that the Republican budget requires the Education and the Workforce Committee to make over five years, increases the maximum Pell Grant by $100 in each of the next ten years—twice the Republican increase—and eliminates the program's current $4.3 billion funding shortfall.

The Democratic budget provides $2 billion more than the Republican budget for 2006 and $9 billion more over five years for community and regional development, blocking the President's proposal to eliminate the Community Development Block Grant (CDBG). Cuts in food stamps, housing, elderly services and other safety-net protections would not be necessary.

The Democratic Budget works towards elimination of the deficit, paring it down dramatically in the next five years, and thus saving us from huge interest payments needed to service the national debt.

We pay for all this by not extending the tax cuts for those earning over $200,000. According to the Urban Institute-Brookings Institution Tax Policy Center this would provide $223.5 billion between calendar year 2005 and 2010.

The tax cuts were originally promoted as temporary—if extended, they will cost $1.5 trillion over the next 10 years. Coupled with the costly challenges in Iraq and Afghanistan and the need to invest in our future, the tax cuts prove an unbalanced approach that creates huge deficits and shortchanges America's priorities.

It is time to seize the opportunity to restore sanity and candor to the budget process and to pass a budget that promotes the security and values of the American people without imposing increased social inequities and crushing debt to future generations.

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise in opposition to H. Con. Res. 95, the Republican Budget Resolution, and in support of the Democratic Substitute offered by Mr. SPRATT.

The Republican budget does not reflect the priorities of our Nation or my Minnesota constituents and will almost certainly have a negative impact on America's families. This legislation reduces support for law enforcement, fire fighters and local units of government. It fails to meet our commitment to our veterans—at a time when we are asking more and more of our military and their families. Even the Republicans' most creative use of accounting gimmicks and phony projections still yields a record federal budget deficit, makes no allowance for the President's plan for Social Security, and fails to include the Iraq war in the budget—which is currently costing taxpayers $5 billion a month.

This budget eliminates opportunities for our children to be successful, including vocational education programs, safe and drug free schools, and Even Start. Republicans continue to underfund No Child Left Behind and college loan programs that provide access to higher education for millions of Americans. The budget proposes to make deep cuts in Medicaid—a proposal that will hurt low-income families, the elderly and disabled, health care workers and our hospitals. These health care cuts will also create severe budget difficulties for our states and have been strongly opposed by a bipartisan group of governors. The Republican

budget slashes funding for clean water programs, farm conservation measures and funding for brownfields development.

In fact, the proposal put forward by the Majority inflicts so much burden on average families that it has been called 'unjust' by a broad religious coalition and was opposed by the major veterans organizations. If the federal budget is a document that reflects the values of President Bush and the Republicans in Congress then this budget is not only 'unjust' but void of mainstream American values.

I want fiscally responsibility, not larger deficits. My constituents demand a common sense budget that returns our nation to sound fiscal decision making and balances the budget within seven years using common sense, pay-as-you-go budgeting like every family does. We need to put family priorities first by maintaining strong national security, strengthening education, protecting veterans' health care and ensuring families are economically secure. For these reasons I strongly support the Democratic budget, a common sense alternative to the dangerous and irresponsible Republican plan.

This Congress must make a real effort, as proposed by the Democrats, to reduce the deficit rather than allow it to grow and remain a burden for the next generation. We need to be honest about the cost of the war in Iraq, rather than continue to pass so-called "emergency" supplemental appropriations as we did earlier this week. And we need to put families first. The President and House Republicans choose tax breaks for corporations over students and veterans' as their top priority.

The Democratic substitute restores fiscal discipline and reduces the deficit while protecting the services our families depend upon, keeping our communities and economy strong. I am proud to support the Democratic substitute and I will continue to fight to ensure our families priorities are the priorities of Congress.

The Acting CHAIRMAN. There being no further amendments to the concurrent resolution, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. FOSSELLA, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, pursuant to House Resolution 154, he reported the concurrent resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the concurrent resolution.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 214, not voting 3, as follows:

[Roll No. 88]

YEAS—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—214

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gerlach
Gonzalez
Goode
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—3

Coble
Delahunt
Young (FL)

□ 1603

Mr. FRANK of Massachusetts and Mr. DOGGETT changed their vote from "yea" to "nay".

Ms. PRYCE of Ohio changed her vote from "nay" to "yea".

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

EXPRESSING CONCERN REGARDING VIOLATION OF HUMAN RIGHTS BY SYRIA

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 18, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 18, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 3, not voting 29, as follows:

[Roll No. 89]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
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
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—3

Kucinich
McKinney
Paul

NOT VOTING—29

Baca
Becerra
Berman
Bono
Boucher
Brown-Waite, Ginny
Calvert
Capps
Coble
Davis, Jo Ann
DeGette
Delahunt
Dicks
Evans
Frelinghuysen
Gallegly
Garrett (NJ)
Harris
Hinchey
Leach
Lofgren, Zoe
Markey
Miller, Gary
Nadler
Napolitano
Portman
Smith (WA)
Thompson (CA)
Young (FL)

□ 1621

Ms. MCKINNEY changed her vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 65

Mr. WEXLER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 65.

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

There was no objection.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 103) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 103

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 17, 2005, Friday, March 18, 2005, or Saturday, March 19, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 5, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and then when the Senate recesses or adjourns on any day from Thursday, March 17, 2005, through Saturday, March 26, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 4, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 6, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 6, 2005.

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

There was no objection.

CONDITIONAL ADJOURNMENT OF THE HOUSE TO MONDAY, MARCH 21, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, March 21, 2005, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 103, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

APPOINTMENT OF HON. FRANK R. WOLF OR HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 5, 2005

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

WASHINGTON, DC, *March 17, 2005.*

I hereby appoint the Honorable FRANK R. WOLF or, if he is not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 5, 2005.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

MOURNING THE LOSS OF SPRING HILL MAYOR RAY WILLIAMS

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

Mrs. BLACKBURN. Mr. Speaker, it is with sorrow that I rise to mourn the loss of Spring Hill, Tennessee, mayor Ray Williams.

He was elected in 1999 and proved to be an effective and dedicated public servant during his years as mayor.

Mayor Williams both managed Spring Hill's tremendous growth over the past few years and helped preserve the wonderful standard of living the community enjoys. He ran an efficient government and lowered property taxes every year that he was in office.

He set a standard many of my colleagues here in Congress should adopt when he instituted the Spring Hill Taxpayer Bill of Rights. It is a resolution that requires any proposed property tax increase to be approved by the taxpayers and that surplus funds be returned to the taxpayers.

It is clear that Ray was a wonderful public servant, a loving, devoted husband and father; and we thank his family for his service to our community.

WASHINGTON NATIONAL GUARD RECOGNITION

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

Mr. REICHERT. Mr. Speaker, I rise today to recognize the soldiers of Washington State's 81st Brigade Combat Team.

The men and women of the United States Armed Services are the finest in the world. Some of them have given the ultimate sacrifice, and those that are serving across the world today and serving in our country and other countries across the world today sacrifice time with their families, and we should recognize that and understand that they are giving up a lot to fight for us and protect our country and preserve our freedom.

The 81st Brigade Combat Team made history as the largest deployment of a National Guard unit from Washington State since World War II; and last month, the first group of soldiers from the 81st Brigade have begun to return home.

There are no words that we can really say to thank them; but today I just want to say thank you to the 81st Brigade from Washington State.

HONORING DAVID EMERSON HOUSEL

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

Mr. ADERHOLT. Mr. Speaker, today I rise to honor Mr. David Emerson Housel on the occasion of his retirement as Auburn University Director of Athletics. I am honored to stand before this body of Congress and this Nation to recognize his many accomplishments.

David is truly a man who embodied American principles of hard work, dedication to one's family, and service to one's community.

On April 1, 1994, David Housel became Auburn University's thirteenth Director of Athletics. Upon accepting the job, he stated that his one goal was to leave Auburn and the athletic department better than he found it. This goal was achieved.

Mr. Speaker, I could go on much longer about this gentleman who was born and grew up in Pickens County, Alabama in the Fourth District but time does not permit this morning.

It is a great privilege to honor David Emerson Housel for his many accomplishments and his enduring impact on his country, his community, friends and of course family. He is a man of great dignity and character who takes pride in the accomplishments of those he has helped over the years. David continues to be an inspiring role model for all of us and is the embodiment of the Auburn creed.

I know I join the Auburn faithful and all Alabamians in wishing David God's richest blessing in his retirement.

Mr. Speaker, today I have the privilege to honor Mr. David Emerson Housel on the occasion of his retirement as Auburn University's Director of Athletics. I am honored to stand before this body of Congress and this Nation to recognize his many accomplishments. He is truly a man who embodies the American principles of hard work, dedication to one's family, and service to one's community.

David Emerson Housel was born on October 18, 1946 and grew up in the small, west Alabama town of Gordo. In 1956, at the age of ten, David attended his first Auburn University football game, a 34–7 victory over the University of Alabama at Legion Field in Birmingham. After the game he wrote letters to both schools asking for information about their football teams. David told the story to Mr. Neal Sims of the Birmingham News in the December 26, 2004 issue: "Auburn sent a football guide, along with a note thanking me for being an Auburn fan. I got an Alabama media guide and a bill for two dollars". As Mr. Sims reports: "Alabama got its two bucks. Auburn got his heart, and together school and devotee have been linked ever since he grew from child to man."

David graduated from Gordo High School in 1965 and enrolled in Auburn University on June 9 of the same year. He graduated with a degree in journalism in 1969 and, after eight months with the Huntsville News (during which time he maintained a mailing address in Auburn) he returned to his Alma Mater to accept a job in the Ticket Office, where he worked from 1970 to 1972. He taught journalism from 1972 to 1980 when he rejoined the athletic staff as Assistant Sports Information Director, He was named Director in 1981 and Assistant Athletic Director in 1985.

On April 1, 1994 David became Auburn's thirteenth Director of Athletics. Upon accepting the job he said, "People may agree or disagree with decisions that are made, but they will never be able to question the reasons for those decisions. There will be no agenda other than the betterment of Auburn." His one goal was to leave Auburn and the athletic program better than he found it. This goal was achieved. Under David's leadership Auburn won seven team national championships (in the previous thirty-eight years Auburn had captured only one national championship). Auburn has won twenty-nine Southeastern Conference titles in the last ten years (in the previous ten seasons, Auburn had won eight titles). During David's tenure, the Athletic Department has posted its highest graduation rates ever. Also, the Department operated in the black financially every year, one of the very few Division 1A programs to do so on a consistent annual basis.

Being the humble man that he is, David refuses to take credit for these accomplishments. Instead he gives credit to the Board of Trustees, the President, and above all, to the Auburn people. "This is the work of Auburn people," he says. "Whatever we have been able to accomplish is a direct reflection of Auburn people and their support of the school they love."

David is a past president of the SEC Sports Information Directors, a former chair of the NCAA Public Relations and Communications Committees. He served on the District III Postgraduate Scholarship Committee and has served as chair of the Dean's Council for Auburn's College of Liberal Arts. He also served as a member of the NCAA Championships Cabinet and the Executive Committee of the Southeastern Conference.

He serves on the Board of Directors for Auburn Bank, the Auburn Wesley Foundation, the Lee County Red Cross and is a member

of the Birmingham Pledge Advisory Board. He is an honorary member of the Auburn Football Lettermen Club and the University Singers. He is a member of the Sports Information Directors' Hall of Fame, the Tony Brandino Hall of Fame and the Gordo Athletics Hall of Fame. He is also an award winning free lance writer and has written two books, ''Saturdays to Remember'' and ''From the Desk of David Housel, A Collection of Auburn Stories.''

In 1982 the Alabama Chapter of the National Football Foundation recognized David with their Contribution to Amateur Football Award. He has also received the Distinguished Service Award from the Walter Camp Foundation of New Haven, Connecticut and the Birmingham Monday Morning Quarterback Club for his career contributions to the sport of college football.

Of all of David's accomplishments, perhaps his greatest achievement was convincing the former Susan McIntosh to marry him. Susan is a retired third grade teacher at Wright's Mill Road Elementary School in Auburn and they were married on June 15, 1985. David and Susan are faithful members of Auburn First United Methodist Church.

Mr. Speaker, it is a great privilege to honor David Emerson Housel for his many accomplishments and his enduring impact on his country, community, friends and family. He is a man of great dignity and character who takes pride in the accomplishments of those he has helped over the years. David continues to be an inspiring role model for all of us and is the embodiment of the Auburn Creed. I know I join the Auburn faithful in wishing David God's richest blessings in his retirement.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE BLUE DOG BUDGET

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

Mr. SCHIFF. Madam Speaker, just a few minutes ago the House passed a budget that puts this body on record as effectively turning our back on future generations, saddling our children and grandchildren with mounting deficits and debt, with no end in sight.

The majority's management of this Nation's finances has resulted in more than $2.2 trillion in additional debt since 2001. With this budget, the majority party has made a bad problem worse.

Our colleagues on the other side of the aisle who control the House, the Senate, and the Presidency are in total command of our economy. The majority continues to talk about fiscal responsibility, about waste, about fraud, and about the abuse of the American people's money. Yet they have proposed a budget that is fundamentally dishonest, a budget that omits the cost of the war in Iraq and masks the costs that we will incur down the road as the deficit continues to explode.

Our men and women in uniform sacrifice each day. They leave behind their jobs and their families, often on very short notice, and at great personal and financial cost. Unfortunately, too many of them have made the ultimate sacrifice for this Nation. Yet this Congress continues to demonstrate a complete lack of fortitude to ask the American people to also make a sacrifice during this time of war; and it has the indignity to ask our children to bear the burden alone.

For years, members of the Blue Dog Coalition have warned that we were spending money we did not have; that the administration had no economic plan; and that tax cuts were not a substitute for an economic program for our country's future; but the majority in Congress continue to reject our budget reform proposals, efforts to budget in the same way that your family and mine do, by paying as you go.

This year the Blue Dog Coalition developed a clear 12-step plan to put our fiscal house back in order by restoring discipline and accountability to the budget process. A few days ago, a proposal to include 11 of these 12 steps in the budget resolution was wholly rejected by the majority in the House Committee on Rules.

By rejecting consideration of the Blue Dog reforms, the majority turned its back on the call to return to some measure of fiscal discipline. Since no debate was permitted, I would like to take this opportunity to share some of the key features of this plan with the American people.

The Blue Dog 12-point reform plan embraces the first rule of holes: when you find yourself in one, stop digging. Our plan takes the shovel away from Congress by imposing tough new rules to restrain congressional spending. The plan also stops Congress from buying on credit and restores PAYGO, strongly supported by Federal Reserve Chairman Alan Greenspan.

The Blue Dog plan also puts a lid on spending by holding down discretionary spending to the levels proposed by the President in this year's budget. It closes a giant loophole that allows almost any spending to be designated an emergency by requiring Congress to have a separate vote on items designated as such.

Every day, I hear from my constituents who ask me where are their tax dollars going. The Blue Dog plan answers this call with a number of commonsense reforms to keep the taxpayers better educated about where their hard-earned dollars go.

□ 1630

The plan says that if Congress wants to increase the national debt we should do it completely out in the open with a separate vote. The plan says that if Congress wants to call for more than $50 million in new spending, that bill gets a roll call vote. It says if Congress wants to push through earmarks for pet projects we should require clear written justification for those projects.

Madam Speaker, this year's deficit is projected to be at much as $589 billion, not counting the Social Security surplus, almost 5 percent of the Gross Domestic Product. By 2009 interest payments alone on our national debt will exceed what we spend on discretionary spending on national parks, public schools, fire fighters, law enforcement and our veterans.

We owe it to the American people to stop imperiling the Nation's economic future by borrowing money to pay for irresponsible policies.

Yesterday the Judiciary Committee on which I sit spent an entire day working on the massive bankruptcy bill. During the debate revolving around issues of debt and finances, my colleagues on the other side of the aisle often talked about the importance of personal responsibility.

If your family or mine budgeted in the same way this House demonstrated today, we would all go bankrupt. Our constituents know exactly what it is like to balance a checkbook at the end of each month and at the end of the year. It is now time for the majority to exercise some of the personal responsibility they are so fond of and balance our Nation's books.

EXCHANGE OF SPECIAL ORDER TIME

Mrs. BLACKBURN. Madam Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

HONORING OUTSTANDING CONSTITUENTS FROM TENNESSEE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Madam Speaker, we have a wonderful gentleman who was a Tennessee resident, citizen and someone we are terribly proud of. His name is Alex Haley, and many around the world know of his writings. And one of the things that Mr. Haley would often say is ''Find the good and praise it''. And that is something that we have more or less adopted in Tennessee, when folks do things that should be praised. And today I want to recognize some of our outstanding citizens in our State.

One is Mr. Hubert Seaton of Henderson, Tennessee. And he was recognized during the annual Henderson, Tennessee Membership and Awards Banquet, and the Chester County Chamber of Commerce named him as their 2004 citizen of the year. What an outstanding honor for an outstanding man who was the first citizen of Chester County to be drafted during World War II.

He devoted himself to serving his country with honor and dignity and was awarded both the Bronze Star and the Purple Heart.

In 1960 he was elected to the Chester County Quarterly Court and faithfully served his community for 42 years. While presiding as a county judge and chairman of the court he continued to demonstrate his devotion to the citizens of Chester County, a life well lived, an honor well deserved.

We also honor today Mr. Ed Rufo. He is the recipient of the Army Public Service Award, and it is the second highest distinction granted to a civilian by the Secretary of the Army.

As founder and president of Operation Eagle's Nest, Mr. Rufo has contributed enormously to providing both financial and moral aid to Fort Campbell soldiers and their families.

This started out as a fund raising endeavor to assist the families of soldiers deployed to Iraq. Operation Eagle's Nest rapidly obtained support from the Military Affairs Committees of Hopkinsville and Oak Grove, Kentucky and Clarksville, Tennessee, which is in my 7th Congressional District. To date contributions total more than $250,000. It is clear that Eagle's Nest is having a substantial positive impact on the lives of our soldiers.

When our Nation called Fort Campbell and the 101st Airborne to Operation Iraqi Freedom, they responded with enthusiasm and with dedication.

When Mr. Rufo saw an opportunity to thank the men, women and their families, he answered with Operation Eagle's Nest, and we thank him for that.

We have got a couple of educators that are doing great work. Since 1990 Dr. Ronald Griffeth has dedicated himself to the students and the faculty of Battle Ground Academy in Franklin, Tennessee. He was the academy's president and headmaster. And while everyone in our community is sad to see him retire, we know that he is leaving a lasting legacy in the community. And in recognition of that legacy, the Tennessee Association of Independent Schools honored him with the distinguished Sawney Webb Award.

Not only has he helped to lead and expand the academy, he has been actively involved in the community with Boys and Girls Clubs and with working with young people in so many endeavors.

Mrs. Pam Stackhouse also works with young people. She has been recognized as the Wal-Mart Tennessee Teacher of the Year Award Winner. She received a $10,000 education grant to benefit her school, Selmer Elementary.

She has demonstrated tremendous enthusiasm for learning for her students, and for more than three decades she has devoted her energy and her talent to Selmer students. As a music teacher for the last 8 years she has given her students appreciation for all things good. The Selmer community is truly blessed to have her enriching the lives of their children.

And Madam Speaker, I rise to wind up talking about our Chester County girls basketball team. They have had a tremendous season, and Saturday night these young women won the Tennessee AA State Championship.

We know that great basketball brings small towns together across Tennessee, and in Henderson they have been coming together for years to watch the Eaglettes hit the hardwood. And while dedicated to their team, the fans have been waiting nearly 3 decades to take another shot at that title. The wait is over.

After 27 years the Eaglettes carried home the State championship trophy and had three players make the State All tournament team. One was the MVP, the other Tennessee's Miss Basketball. Congratulations to all of the team members.

Madam Speaker, we want to say congratulations to all these outstanding constituents who allow us to see their good and to praise it.

RECORD TRADE DEFICITS

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

Mr. DEFAZIO. Madam Speaker, the United States set a new record officially, and that is something, unfortunately, which will haunt us for decades to come, a new record trade deficit of $665.9 billion. We have two growing categories of exports as the leading industrialized nation in the world, and one is waste. We are exporting more waste paper, bottles, cans and things to the world's fastest growing industrial giant, China, which they turn into high value added goods and ship back to us.

Our second greatest export, or actually the greatest export is U.S. dollars. We are borrowing $665.9 billion from overseas producers to bring goods into this country without adding to the economic industrial base, in fact to the detriment of the economic industrial base of the United States.

Japan today holds $820 billion, China $610 billion. China will soon eclipse Japan. Within 3 years, China will have a trillion dollars of IOUs from the United States Government. They will have not only a stranglehold over the production of goods, because we are buying so many things from them and so many U.S. companies have put capital into China instead of jobs here, but they will have a stranglehold over the dollar.

Let us image a confrontation over Taiwan, and the Chinese say we are not going to take you on militarily yet, it is 10 or 15 years until we have eclipsed you militarily, although we have eclipsed you industrially, but we are going to dump dollars tomorrow. We are going to take the dollar down to the value of a rupee or even less. They could threaten to dump that trillion dollars onto the world market, cause an economic catastrophe here at home and around the world. They would not have to fire a single shot.

This administration thinks it is just peachy. They say the U.S. is growing so fast, that is why we have these huge trade deficits. Yes, we are growing so fast on borrowed money and purchasing products made overseas. That is not exactly my idea of adding to the economic industrial base might of the United States of America and putting our own people into productive work. Members wonder why wages are dropping in the U.S. and people are not doing so well, because the good jobs, the manufacturing jobs, the high-paying jobs, the jobs with benefits, are going to China and other unfair trading nations.

And this administration, and to give them some due, the last administration was afraid to take on China on their unfair trade practices. They can steal products, like they have from companies in my own district, clone them in China, including translating the U.S. patents into Chinese, and this administration and the last will not lift a finger to stop that. This administration said bring them to the WTO, rules-based trade, and then we will go after them. They have only filed one complaint against China. The billions that they are pirating from our companies, one complaint and who was it for, Pfizer, the big drug company, the only company that this administration would file a complaint at the WTO on behalf of, not the electronics company in my district, not the wood products company in my district, not other companies all across America who are being pirated by the Chinese, just Pfizer who could probably take care of themselves, but these other little guys cannot.

We have a failed trade policy in this country. We cannot continue to borrow here at home, $1.3 million a minute with our current account deficit to run the government, and borrowing $2 billion a day from overseas from countries that are potential future enemies, or at least competitors, like China. It is crazy. It is not sustainable.

Even the great guru, Alan Greenspan, the head political economic hack in

this town, has said it is not sustainable. When will this administration wake up?

COMMUNITY HEALTH CENTERS

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

Mr. MURPHY. Madam Speaker, let me talk about something good for America. Community health centers offer primary and preventive health care services to everyone, including low-income, underinsured and uninsured families. While low-income individuals have access to Medicaid and the elderly and the disabled have access to Medicare, uninsured and underinsured families often delay seeing a doctor or turn to emergency departments where treatment is several times more expensive.

Community health centers, however, provide comprehensive and preventive care that adjusts charges for patient care according to family income. The Federal Government spends over $23 billion a year to offset losses incurred by hospitals for patients unable to pay their bills, and the Department of Health and Human Services tell us that medical care at community health centers cost only about $1.30 per pay per patient served. In fact, medical care at community health centers is around $250 less than the average annual expenditure for an office-based medical provider.

In short, community health centers offer an affordable source of quality health care, but the problem is we need more of them. The President has proposed a $304 million increase for community health center programs to create 1,200 new or expanded sites to serve an additional 6.1 million people by next year. In order to meet that goal, the centers must double their workforce by adding double the clinicians by 2006. Hiring that many doctors would be costly, but encouraging more to volunteer would help to meet this need. While many physicians are willing to volunteer their services at these centers, they often hesitate due to the high cost of medical liability insurance. As a result, there are too few volunteer physicians to meet our health care needs.

By comparison, volunteer physicians at free health clinics and paid physicians at community health centers already receive comprehensive medical liability coverage under the Federal Tort Claims Act, or FTCA.

Accordingly, I am introducing the Community Health Center Volunteer Physician Protection Act of 2005 to extend the medical liability protections of FTCA to volunteer physicians at community health centers. These protections are necessary to ensure that the centers can continue to play an important role in lowering our Nation's health care costs and meeting the needs for affordable and access quality health care. The Community Health Center Volunteer Physician Protection Act of 2005 is supported by the National Association of Community Health Centers, the American Medical Association and the American Osteopathic Association. I would encourage my colleagues to cosponsor this important piece of legislation to ensure access to health care for those who need it most.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 415

Mr. FOLEY. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 415, and my name be added to H.R. 414.

The SPEAKER pro tempore. Without objection, the gentleman's name will be removed as a cosponsor of H.R. 415.

There was no objection.

The SPEAKER pro tempore. The primary sponsor of H.R. 414 will have to add the gentleman's name as a cosponsor.

□ 1645

ORDER OF BUSINESS

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

SMART SECURITY AND FUNDING PRIORITIES

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

Ms. WOOLSEY. Madam Speaker, between the $81 billion supplemental appropriations bill passed by the House yesterday and the outrageous budget resolution that came on the floor today, the Bush administration's funding priorities are dangerous, dishonorable, and downright hazardous to the safety of our Nation. The $81 billion supplemental and the fiscal year 2006 budget will do little more than continue the President's arrogant foreign policies, particularly his shameful misadventures in Iraq which have made Americans much less safe over the past 2 years by creating a new generation of terrorists whose common tie is their hatred of the United States.

The supplemental appropriations bill that passed the House yesterday underscores the lack of planning and arrogance that have characterized this war. $200 billion will have been appropriated for Iraq after this latest bill clears through the Senate. That is about $675 for every man, woman, and child.

The most disturbing thing about the President's request for more Iraq funding is the lack of accountability. Why did Congress approve another check for a mission that has been so badly botched? Who is being held accountable for the misuse of the $150 billion we appropriated over the last 2 years? By once again funding the war in Iraq through a supplemental spending bill, the Bush administration is continuing to pull a fast one on the American people. Instead of spending billions to build permanent bases in Iraq, our funds should go towards the National Guard and Reserve forces who have left their families and their homes to serve their country and who have been abandoned as sitting ducks in Iraq.

Despite the President's solemn promise to fight terrorism, the Bush administration has overwhelmingly concentrated the country's resources on developing bigger and more expensive weapons at the expense of other more suitable security tools which will truly keep Americans safe. Even Secretary of Defense Donald Rumsfeld has stated that there is $22 billion of waste in the Pentagon's budget every year.

The fiscal year 2006 budget that passed the House today is just the latest example of questionable Republican spending priorities. This budget wastes billions of dollars in outdated Cold War-era weapons systems that fail to address America's true security needs. We do not need millions of dollars for the outdated F–22 fighter jet which the military no longer relies on during combat. We do not need millions of dollars for a new generation of nuclear weapons, the so-called ''bunker buster bomb,'' and we certainly do not need another $8 billion for a missile defense system that has never been proven to work.

The proper response to the supposed threat of a missile attack from North Korea is not to build a multibillion-dollar missile defense system. We should be addressing this situation through aggressive diplomacy and country-to-country talks. Certainly the nonmilitary approach will not cost the United States taxpayers $8 billion a year, and ultimately the non-$8 billion approach will keep America safer. In fact, if the Bush administration spent even 1 percent of the time on diplomacy that it does on trying to develop a missile defense shield, we would probably be on good terms with Iran and North Korea by now.

We need a new approach to security that places a greater emphasis on nonmilitary security. Only by shifting our spending priorities accordingly will we be able to address today's true security challenges. That is why I have developed a SMART security platform for the 21st century. SMART is a Sensible, Multilateral American Response to Terrorism. SMART security will ensure that our spending priorities match the security threats that we face.

Madam Speaker, this Congress needs to stop signing blank checks to a fiscally reckless administration. If we are going to spend billions and billions of dollars, let us at least spend it on the people who deserve it, the brave troops in the field who have sacrificed so much for their country. Let us spend it on our Nation's veterans, like 24-year-old Tim Goodrich who came to my office yesterday and shared stories about his service in Afghanistan. One of Tim's friends was supposed to come with him, but he was so troubled by his experience in Iraq that he was not able to make it to our meeting because he has trouble sleeping at night.

Let us spend it on the 32-year-old naval officer who was in my office who had no prior experience in rebuilding war-torn regions before he was put in charge of the reconstruction of an entire city in Iraq.

This officer told me he couldn't in good conscience recruit Iraqis to work on his projects, because he knew their lives would be in danger if they worked with the American military.

It's time we honor the commitment of young veterans like Tim and others by providing them the resources they need and deserve, and by promising not to send our military in harm's way unless the very security of our nation depends on it. It's time to refocus our fiscal priorities on the true security needs of the American people.

IN DEFENSE OF CHAIRMAN GREENSPAN

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

Mr. FOLEY. Madam Speaker, I come to the floor today to bring up a subject that is of great concern to me and that is the tarnishing of a gentleman's reputation in this town and that is Alan Greenspan, the head of the Federal Reserve. I do not always agree with Alan Greenspan; but over the last couple of days, he has been called a political hack, he has been called a lot of things, and I think it is important to come to the floor to defend somebody's credibility in this town that has been largely responsible for the tranquil waters we find ourselves in on the financial markets.

Alan Greenspan has been reappointed by Republican and Democratic Presidents because of his ability to manage our national economy, his ability to see through problems that have cropped up around the world, his ability to intervene at times when it has saved the countries that we have assisted; and now because he has disagreed, or at least ventured an opinion on private accounts relative to Social Security, he has now come under scrutiny, ridicule, and been called things like political hack. Senator REID made these comments on TV recently. Senator CLINTON made the comments recently. Senator CLINTON, I would remind her that her husband reappointed Alan Greenspan to this post.

I think it is important to note that how dare anybody disagree with the other side of the aisle and if they do so, they will find themselves subjected to the kind of terminology like political hacks. It takes me back to the Medicare debate that we had in this Congress when AARP decided to embrace the Republican plan. Up until that day, the other side of the aisle described the AARP as the gold standard of organizations out protecting the welfare of seniors in America. The day they chose to embrace a plan offered by President Bush, they became the scoundrels, the leadership of their party went down and picketed at their front door and declared that the AARP was an enemy of senior citizens.

What a difference a year makes. Now that they are opposing any plans even to consider personal accounts, they are back in the good graces and AARP once again is fighting for people. What is desperate about this attack is that Alan Greenspan has presided over the economy in an extraordinary fashion. It is interesting that when Mr. Greenspan speaks, the world listens. The Wall Street market-makers listen. Political leaders around the world listen. His words are carried across every wire story in the world because of the impact his words have on the economies of our Nation and our allies. He is not viewed as a political hack by those allies. He is viewed as a sage, stable, steady hand on the controls and levers of the American economy.

As I said earlier, I do not agree with Mr. Greenspan on all issues. I think sometimes we raise rates too slowly or raise them too quickly and then ultimately do not lower them enough to get the kind of economic recovery that we had hoped through rate adjustment. That being said, though, I hardly would describe a man that is lauded by virtually every facet of the American economy as a political hack or somebody whose time has come for them to leave.

So I just make the point that I do not mind debating the intricacies of Social Security; I do not mind having a debate representing the fifth largest Medicare-eligible population in America, the various opinions on whether you raise caps, change age of retirement, consider for a moment personal accounts just as a conversation point; it does not have to necessarily end up in law, but let us at least talk about it to see if it fixes Social Security. But it does trouble me that somebody of Mr. Greenspan's credibility, somebody of his reputation, somebody who has certainly served this Nation in a wonderful way would be pilloried by a political party simply because he chose to talk about how we may solve the woes of Social Security in the future.

I commend him for his work. I salute him for his brilliance on handling America's markets. I ask the other side of the aisle to reflect back on the history of his service to this country as the Federal Reserve chairman. I ask them to look at the collapsing of some economies in Asia during his tenure when he sought and was able to rescue those economies from fiscal collapse. It is often said if the United States gets a cold, the rest of the world gets the flu. The same could happen if you allowed the economies of these nations to collapse without our intervention.

I salute Mr. Greenspan, and I do ask that my colleagues refrain from making him the object of their political ire. Let us debate the merits and the wisdom of our direction, but let us not ruin somebody's personal and business career simply to get even for their statements or their opinions.

AMERICA'S INCREASING DEPENDENCE ON FOREIGN OIL

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

Ms. KAPTUR. Madam Speaker, if Mr. Greenspan had been doing such a good job, the value of the dollar would not be declining every single week. Let me just say that the budget that just passed here is a national disgrace. It only passed by a couple of votes. If two people had changed, we might have gotten a real budget resolution on this floor, just by the narrowest of margins.

Last week, the U.S. Commerce Department announced the largest one-month budget deficit in U.S. history. Somebody better pay attention. Mr. Greenspan ought to pay attention. In fact, now we have the second largest trade deficit in history. The ships are lined up outside L.A. harbor as far as you can see out into the Pacific and they go back empty. What is wrong with these accounts?

Gas prices, by the way, are up 19 percent. The value of the dollar has declined by more than 33 percent, more than a third against the Euro in the past 3 years, and our economy is sputtering. The demand for oil is just about to increase with summer and vacations on the way. No wonder the stock market fell more than 100 points last week, based on investors' fears about, you guessed it, rising oil prices.

The February budget deficit of $114 billion was the first time the deficit for any one month exceeded $100 billion. Every day America goes more in hock to foreign lenders. They are the ones that are propping us up. In fact, if you just look between a year ago, October 2003 and November 2004, you can see who we are in hock to. Japan holds most of the paper, over $714 billion now. Next comes Europe, over $380 billion. China, Hong Kong, but they are

going up very fast, $241 billion. We get down here to the oil exporting countries. OPEC, over $141 billion. And every day we owe them more and more interest as America goes into hock to foreign lenders who now own about 40 percent of us.

Equally troubling is the record trade deficit in January which increased to $58.3 billion as imports coming into our country continued to swamp exports going out. Even the lower value of the dollar has not helped with exports because the fundamentals are bad. Higher deficits mean more U.S. jobs get shipped to China, to India, to Latin America, jobs everywhere, good jobs. But not here in the United States. U.S. light crude flirted with $55 a barrel, near-record levels of last October and Ohio's gasoline prices at the pump rose 15 cents, up from the last week of February. Currently, Ohioans are paying over $2.10 for their gasoline and the upward trend just keeps on going. What is truly dangerous and tragic about this trend is America's utter dependence on foreign sources of oil.

Here we have it. We are supposed to be energy independent in this country. You go back to 1982, every single year America has become more and more dependent on imported petroleum. It means we are strategically vulnerable to disruptions, as over half the petroleum we use is imported. It is time for a new age of American energy independence.

But is this Congress or the White House up the street paying any attention? The Wall Street Journal reported last week on corn-based ethanol and whether the visionary farmers who are leading this effort across the Corn Belt would lose their shirts as some of these multinational interests would come in and buy up the meager investments that they had been able to make out of their own back pockets. This is where the Federal Government needs to step in.

My Biofuels Energy Independence Act of 2005, H.R. 388, does exactly this by helping these visionary Americans hedge predatory oil companies who lock their product out at every gas pump in this country.

□ 1700

They need long-term financing, not a comatose President and Congress. Imagine an America that was energy independent again and where energy independence rose to a national priority and where we put the dollars we are paying for imported fuel into the pockets of producers here at home.

The administration is cutting support for advancing biofuels by over $84 million this year alone. I ask people who is locking out a new energy age for America? Who is locking them out at pumps across this country? Who is putting their hand in people's pockets?

Freedom for America in the 21st century should mean freedom from dependence on petroleum. America could create thousands and thousands and thousands of new jobs and billions of new dollars back in our own pockets if we but understood what is affecting every single user of petroleum in this country and why we are falling further and further into hock.

It is time for an age of American energy independence again. Will Washington hear the message from the countryside?

ORDER OF BUSINESS

Mr. KIRK. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE WORLD BANK

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

Mr. KIRK. Mr. Speaker, when the World Bank was founded in 1944, its official title was the International Bank for Reconstruction and Development, the IBRD. The reconstruction of Europe and Asia was the primary mission of the World Bank, and reconstruction has always been central to the Bank's mission.

Since 1944, the Bank has helped Germany and Japan rebuild. It was then crucial to the reconstruction of South Korea and played a key role in the renaissance of Eastern Europe after the fall of communism. Today, Germany, Japan, South Korea, and many Eastern European nations have now become donors to the Bank, supporting its work, rather than recipients.

As of today, I am the only Member of Congress who has served in the World Bank, and it is a noble institution, with thousands of professional staff helping people in poorer nations rise up to realize their full potential. The challenge before the Bank today has been the reconstruction of Iraq. Republicans and Democrats by wide margins agree that the international community should do more through multilateral institutions in helping the people of Iraq build greater incomes and more security and do it in cooperation with other nations.

But there is a problem. There is a very disappointing record of the World Bank in Iraq. The World Bank promised Iraq $387 million in cash to be contributed for the benefit of the Iraqi people, and as of just 6 months ago the Bank has committed only $43.6 million for the reconstruction of Iraq, about 13 percent of what was actually promised. Now, 2 years later after the fall of Saddam Hussein, the problem is worse because the pace of World Bank funding for projects in Iraq is extraordinarily slow. As of just 6 months ago, there were only nine postings for projects in Iraq funded by the World Bank.

This is an institution which not only promised $387 million from its own account but also led a pledging conference, putting together $32 billion in pledges for the people of Iraq. To compare, the United States pledged $18.4 billion for the reconstruction and has already obligated 7 billion of that. Of the 32 billion, only a tiny percentage has been completed.

Much of the fault of this very slow progress is at the hands of the current President of the World Bank, President Wolfensohn. President Wolfensohn to date has not allowed any World Bank staff to be stationed in Iraq. Despite the presence of hundreds of international staff working for a wide variety of international development organizations, President Wolfensohn will not even allow staff of the World Bank to volunteer to do the important work of helping the Iraqi people build a new democracy and create higher incomes for Iraqi working families.

That is why it was such good news to hear that Paul Wolfowitz will be named as the United States' new nominee to take over the World Bank in July. No one more than Deputy Secretary of Defense Wolfowitz knows how important it is to set a new example of helping the international community to help a democracy rise in Iraq.

We have seen great changes in the Middle East of late, in Syria and in Egypt and in other places, just sponsored by what has already happened in Iraq. Think if we could actually have a president of the World Bank put to use the $32 billion in international funds or at least the $387 million promised by World Bank to actually help the people of Iraq. From my view, we could not have Secretary Wolfowitz take over the leadership of the Bank faster. Under President Wolfensohn we are mired in the mud, unable to move very much assistance, and unable to do what on a bipartisan level so many of us want to do, to get the international community involved in the reconstruction of Iraq and the building of a new democracy.

I am very happy with this new nomination. I think Secretary Wolfowitz as an Assistant Secretary for East Asian and Pacific Affairs, as our Ambassador to Indonesia, and as someone who has provide a leadership role in the Department of Defense, can make a real difference. With more aid to Iraq and more reconstruction, we can bring the troops home faster.

THE FISCAL YEAR 2006 BUDGET

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

Mr. SCOTT of Georgia. Mr. Speaker, the 2006 budget that we just passed that now moves to a conference committee makes the wrong choices for our Nation. It reflects secured priorities and runs counter to our deepest held beliefs. This budget embraces disastrous economic policies while at the same time fails to put forward a vision of what this great country of the United States should be.

What America needs instead are responsible policies that reflect our values and helps bring our Nation together and invests in the future by expanding opportunity. But this budget proposes to cut vital domestic investments and services for the middle class, for our veterans, for our seniors, for our children, for the needy among us, while continuing to accumulate a huge budget deficit.

And, Mr. Speaker, there is no State in the union that is hurt more from this budget, from the cuts of it these budgets, than our State of Georgia. And keep in mind, Mr. Speaker, this is a State that just recently voted overwhelmingly for the President. But yet here we are in Georgia suffering more from this budget than any other State, $800 million cut from the Centers For Disease Control when we need all of the help we can get to fight the mounting diseases, life threatening diseases, that are moving across our Nation.

Sixty million dollars have been cut from last year's spending for military construction projects in Georgia, $366.8 million dollars from 91,050 Georgia children by underfunding No Child Left Behind, $26.7 million in homeland security funding in Georgia has been cut under this budget, $7.9 million has been cut from the Georgia Regional Hospital; TRIO programs for almost 13 million Georgians, affecting 13,000 students and many of these students from impoverished backgrounds, many of these students first-time members of college from families. Thirty-seven million dollars have been cut in Perkins scholarships in Georgia. And one particular project, Mr. Speaker, $75,000 has been cut from an educational and recreational center in Powder Springs in Cobb County, Georgia, in the midst of construction, which halts the construction of this badly needed project.

And let me turn to HOPE VI, one of the most successful housing programs this Nation has ever produced. It is being eliminated completely from the budget, which revitalizes public housing. And in Atlanta, Georgia, in the metropolitan area, HOPE VI is the greatest success story among HOPE VI projects in the entire Nation, but it is costing our community $120 million in economic loss, not to count the millions that is lost from leveraging those badly needed dollars and improving the surrounding communities. Heartless and cruel are words that come to mind.

Section 8 families are cut by 8,700 in Georgia. Community Development Block Grants, which our cities and our counties and our local communities live by, cut by $211.9 million. And health care for 2 million Georgia veterans cut. Funding for firefighters cut by 30 percent.

This is not a budget of vision. This is not a budget of hope. This is a great country. This budget does not reflect the vision of a great country. This budget cuts nearly $2 billion out of Georgia's economy. And on top of that in spite of the cuts, each Georgia family's share of the national debt has been increased by $38,281. This budget is irresponsible, and the cuts are going to hurt an awful lot of America's precious people.

As a member of the Blue Dogs, we have repeatedly said we must pay as we go. We have repeatedly said that the Federal budget should be an honest blueprint for spending of priorities of the Federal Government. However, this budget is not honest. It is passing our obligations and responsibilities and challenges to our children and our grandchildren while cutting vital programs. This budget increases the national debt. It increases the deficit while cutting important programs.

Now we must work, Mr. Speaker, and implore this House/Senate joint conference committee to do the responsible thing for America and let us move with the vision, the courage that the people of America expect us to do and restore these cuts and move forward with a responsible budget.

THE NATIONAL DEBT

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to talk about the Republicans' budget that was just passed in this House a little while ago, H. Con. Res. 95. Principally I think it fails to address the crucial and central issue which this Congress should address, and that is fixing our national budget.

Somebody in my area the other day asked me the question, what keeps me awake at night? And my answer was pretty simple. Being an investment banker by profession before I came to this House, I said our deficit and our debt.

We have a serious problem, Mr. Speaker, our Treasury is over $7 trillion in debt.

□ 1715

We continue to borrow every year under this administration at something over $500 billion a year. And how does this Congress react? We signed up for another credit card. Interest rates are low. We can afford it. And when we max out our new credit card, we will just go and get another credit card. Free money. That is what this Congress is doing.

But even if the money is cheap, it is not free. And while it may be cheap now, at some point what went down must come up. Interest rates will rise. That is the history when you look at the markets. They always do.

I wonder if the American public fully appreciates that this Congress and this President continue to borrow on their credit cards the way we do. Do they know, for example, that our deficits are being financed by the Chinese? As of last year, $1.9 trillion of our debt, or 40 percent of it, was owned by foreign investors. The Chinese own about $217 billion of that, the Japanese cover about $668 billion, the oil-rich OPEC countries own about $48 billion, and the list goes on and on.

So we keep cutting our taxes so we are not sending that money to Washington, D.C., but we keep spending as if we had that revenue, as long as our friends the Chinese and the Japanese and other foreign investors continue to prop up our debt. How long will that last?

We need to protect our financial security. Carrying around this much debt is making us incredibly vulnerable. We are essentially being held hostage by our own financial obligations. As long as we continue down this road, we weaken our position as a world leader because our financial stability is in the hands of other nations.

This is not just a national security problem. Running a big deficit and debt is also a problem for the economic health of this country. As a Nation, personal savings has dropped from almost 11 percent in 1984 to about 1 percent in 2004. We are not saving.

We are also weak in investment, despite historically low interest rates. In fact, if you look at this budget, you will see that we are spending about $1.5 billion a week in the war in Iraq and Afghanistan, $1.5 billion a week. But we are cutting education, and we are cutting the health care system. We are cutting our national parks budget; we are cutting transportation. We are not investing and reinvesting in our water and sewage systems. All the investment that we need to be a productive country, we are not investing.

Do you think the Chinese are investing $1.5 billion a week in Iraq in a war? No. They are building their water systems, they are educating their people, they are building their transportation systems, their telecommunications systems. They are investing. We are just spending.

It is poor fiscal judgment; and this Congress, led by this side, is guilty of putting that on a credit card that all Americans will end up paying.

My background is in finance. I used to do that. I used to finance for companies, for people. I used to tell them how to do things. I have never seen this

kind of disregard, this structural problem that we are creating.

So I hope, Mr. Speaker, that this Congress begins to make the tough choices, and that is the reason I opposed H. Con. Res. 95 today.

CONGRATULATING MAUI ECONOMIC OPPORTUNITY, INC., ON ITS 40TH ANNIVERSARY

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

Mr. CASE. Mr. Speaker and fellow citizens of our country, and especially of my Great State of Hawaii, and of the great County of Maui, celebrating its centennial this year and the place to where my own great-grandparents moved and made their life home in 1900, aloha.

''Maui no ka oi,'' Maui is the best, not just because of its scenery and lifestyle, but because it has always been an innovator, and because, like all of our Hawaii, it takes care of its own. And there is no better example of the true spirit of Maui than Maui Economic Opportunity, Inc., which I stand today to congratulate on the occasion of its 40th anniversary.

Mr. Speaker, Maui Economic Opportunity, Inc., MEO, is a private, nonprofit Community Action Partnership Agency, which was chartered on March 22, 1965, by Federal mandate under the Economic Opportunity Act of 1964. MEO provides an enormous array of community services annually to over 20,000 people throughout Maui County, encompassing the four islands of Maui, Molokai, Lanai, and Kahoolawe.

MEO's model is ''Helping People, Changing Lives.'' Its mission is simple and direct: to help the poor, the elderly, children and youth, persons with disabilities, immigrants, other disadvantaged people, and the general public to help themselves, so that they may become self-sufficient.

MEO has more than fulfilled this mission. In 2003, for example, MEO was one of only four agencies out of 1,000 community action agencies nationwide to receive an Agency of Excellence Award from the National Community Action Partnership. This prestigious award, for MEO's superior administrative operations and program excellence, is a true testament to its advocacy and its outstanding services tailored to the specific and often unique needs of Maui County.

Among those many services, MEO provides the largest specialized transportation program in Maui County, with vehicles carrying the elderly, low-income, persons with disabilities, youth, Head Start children, and the public, 7 days a week and up to 18 hours a day. MEO's award-winning Head Start program provides services to 384 children through 14 centers countywide. The MEO YouthBank, including an AmeriCorps program, provides opportunities for youths ages 14 to 26 to work, learn and prepare for their future.

The MEO community services staff works tirelessly in challenging situations, providing emergency assistance, job placement, training and other support services. The MEO Development Corporation provides loans and training to start small businesses, create jobs, and boost the community's economy. MEO's Anlace Hispano provides services to the Hispanic-speaking and immigrant population, and the Being Empowered and Safe Together reintegration program serves individuals making the difficult transition from prison back into the community.

Moreover, MEO has never hesitated to go above and beyond its core mission in times of dire community need. In the aftermath of 9/11, for example, MEO, in partnership with the County of Maui, distributed $1.5 million to residents affected economically when Maui's tourism industry slumped. Just a few weeks ago, MEO volunteered its services to assist employees dislocated through the destruction by fire of Kahului Mall.

Of course, the secret of MEO's success has always been its wonderful, dedicated and caring staff, led by some truly extraordinary executive directors throughout the last 4 decades. My former State House of Representatives Speaker and colleague, Joe Souki, well laid the groundwork for the modern era and was followed for the last 2 decades by the irrepressible Gladys Baisa, who will soon retire. Maui County will truly miss your leadership, Gladys; but you and MEO chose well in your successor, Sandy Bas.

So you can see, Mr. Speaker, that Maui Economic Opportunity, Inc., has truly created a better community for everyone and richly deserves these happy birthday greetings before it moves on into a bright and equally rewarding future. Mahalo, and aloha.

PAYING TRIBUTE TO THE VETERANS OF THE PERSIAN GULF

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

Mr. RYAN of Ohio. Mr. Speaker, today I rise to pay tribute to the veterans of the Persian Gulf who are from the Mahoning Valley in Ohio. Our valley has long been blessed to have local sons and daughters willing to volunteer to serve in our country's military, and our most recent veterans of the Persian Gulf are cut from the same cloth. When they were called on to serve overseas in the Middle East, leaving their families and friends for extended periods of time to fight in a foreign land, they answered the call. They answered the call, even though they faced great physical risk, even death; and I thank them for their service, for their patriotism, and for their sacrifice.

We as a country owe them a tremendous debt and are forever grateful. We need to ensure that they are provided the equipment and support they need in the field to complete their jobs effectively, that their families are taken care of when they are away, that they have jobs to come home to when they return, and that they receive the benefits that they have earned as veterans.

We have no higher legislative priority, I know myself and speaking for the gentleman from Ohio (Mr. STRICKLAND), than fully funding the veterans benefits that they have been promised.

Yesterday, I voted for the supplemental funding bill for the war in Iraq and Afghanistan. I believe that we need to finish the job we started in the Middle East and bring stability to that region and then to immediately bring our troops home.

God bless the men and women who have served during the war on terror, and God bless the men and women who are still serving on the other side of the world. These veterans have protected this country for years, since its inception; and the highest honor that we could bestow upon them is to make sure that we take care of them.

Mr. Speaker, we have the freedoms we enjoy today because of the sacrifices that our soldiers have made throughout history, and I am proud today to honor the men and women of the Mahoning Valley who have served this country in the Persian Gulf and have served so nobly.

Mr. Speaker, I yield to my good friend, the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I wanted to thank my friend, the gentleman from Ohio (Mr. RYAN), for sharing these moments with me as we stand here in the Chamber of the people's House, the House of Representatives, to honor those from our region.

Ohio is a patriotic State, and the great Mahoning Valley is certainly a patriotic region of Ohio. Over the years, literally thousands of young men and women have left the great Mahoning Valley and have served in this country's Armed Forces. They are serving today, so many of them, in harm's way, unselfishly giving up of their time and their talents, while their loving families wait at home, hoping and praying that they will be safe.

Both the gentleman and I have visited Walter Reed Hospital. We have talked with Americans who have lost their legs, many have been blinded, so many have sustained brain injuries. I have been to the Bethesda Naval Hospital and seen young people walking down the hallways with their families walking with them, young people who have been terribly disfigured.

We are paying a great price for the war that is currently under way; and the least we can do, the very least we can do as a Nation is to make sure that when these honored people come home that they are treated with justice and fairness, that they are able to receive the health care that they have been promised and that they deserve.

As we stand here in the safety of this great Chamber, we should never forget that many of our friends and the families and loved ones from the great Mahoning Valley are in harm's way. So we honor them, and we honor their families, because they have joined in the sacrifice as well.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, I thank the gentleman.

We also want to recognize all our friends in Youngstown at this time, where at the Italian-American War Veterans Post 3 the veterans and community leaders on April 14 will hold a tribute honoring the Mahoning Valley area sons and daughters at war.

We would like to thank Herman Adams, Ray Ornelas, and Dom Medina for all their help in putting this together and organizing it, helping us to honor those troops.

□ 1730

KEEP SECURITY IN SOCIAL SECURITY

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

Mr. CUELLAR. Mr. Speaker, in the ongoing debate on Social Security, I think it is essential that we take the time to put a face on the people served by and protected by Social Security.

All of the numbers and charts help us make the outline of the arguments, but it is the letters that I receive from my constituents that show the real face of Social Security. I would like to take the time to show one of those letters, one of the 400-plus letters I have received.

A gentleman named Hector MacDonald from Laredo, Texas. It says, ''Dear Congressman CUELLAR, As a member of the National Committee to preserve Social Security and Medicare, I am writing to urge you please oppose any legislation or plan that would divert dedicated Social Security payroll taxes into private individual accounts or in any way harm the benefits, structure or traditional role of Social Security.

As you know, President Roosevelt and Congress created Social Security in 1935 to protect retired Americans from experiencing a poverty ridden old age. And America's more than 35 million seniors have invested their hard earned money into Social Security during their long working lives. Social Security represents a covenant between government and its citizens. I therefore stand against the administration's policy and plans to reform Social Security through partial privatization or any other plan that would undermine the promise of the program's full guaranteed lifetime benefits.

One of my top priorities as a citizen and a voter is the protection of Social Security benefits for all current and future retirees. I sincerely hope among your top priorities as an elected official that you will also help defeat the privatization and other proposals that threatened our retirement security.

I urge you to work closely with the National Committee to Preserve Social Security and Medicare and protect the benefits we have worked for, paid for and have earned. Very sincerely, Mr. Hector MacDonald'' from Laredo, Texas.

Again, I have received many letters like this, and I think this letter, Mr. Speaker, speaks for itself. I received over 400 letters like this one opposing the privatization of Social Security.

I have taken the time to read these letters, and I have taken a great deal of time to carefully review the proposal and listen to all sides of the debate; and after a thorough analysis I have come to see clearly that this proposal to privatize Social Security does not pass my legislative test. That is, it will not make our families stronger.

The current proposal to privatize Social Security jeopardizes our safety net by pulling the security out of Social Security. It takes our guaranteed benefits and gambles them on a stock market. It threatens to pose benefit cuts, raising the retirement age. And finally it assures adding a tremendous sum to our existing $7 trillion debt.

Social Security has always been the one source free from risk and designed to reserve as a bedrock guarantee for our seniors.

The system was created and has served for generations as social insurance, not social investment; and we owe it to ourselves and our children, especially our seniors, to preserve that bedrock guarantee.

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore. Pursuant to 22 United States Code, 1928a, the order of House of January 4, 2005, and clause 10 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the North Atlantic Assembly:

Mr. TANNER of Tennessee,
Mr. ROSS of Arkansas,
Mr. CHANDLER of Kentucky,
Mrs. TAUSCHER of California.

FIGHTING TERRORISM

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

GENERAL LEAVE

Mr. DAVIS of Kentucky. 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 subject of this special order.

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

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, this is an exciting time in the history of the United States, in the history of the world, and in the advancement of freedom.

This afternoon a member of minority made a statement that this war was not a war of choice. Contrary to that opinion, which certainly one has a right to share in this body, I would remind all Members of this House and the people that this was in fact a war that was chosen by Osama bin Laden and even before that by people like Saddam Hussein, those who have subjugated and terrorized their people for decades and even generations.

Osama bin Laden turned his hatred on America after we responded to the request of the Saudi and Kuwaiti governments after Saddam Hussein's invasion of Kuwait in 1990. His aggression was one of the key sparks in the current activities that we find ourselves engaged in right now.

This is a decisive time. In fact, we face the most serious threat to our freedoms and our liberties that we have faced since the end of the Second World War. We are fighting an enemy who has proven it will use whatever violent means necessary to further its cause. Indeed, we are not going to lose because of military strength, but we would lose only if the people of the United States have a loss of resolve.

My encouragement is to stay the course. As we see the development over the past several months around the world there are many, many things to be hopeful for. We recoil in horror at the report of suicide bombers and strolling into crowded markets or onto packed buses and detonating themselves. Are they primarily focusing on our soldiers? No. The preponderance of causalities are attacks on their own people. In fact, this is not an insurgency in the classic sense. It is led by frankly a group of thugs, people filled with hatred, bitterness, criminals by any measure of merit, killing innocent men, women and children.

We watch in stunned belief when such a terror group announces it has taken hostage Americans or others who are innocent, working in Iraq

peacefully to make it a safe place. A place where people can wake up in the morning, go to work, provide for their families, and then come home for a peaceful dinner, which so many of us, the vast and overwhelming majority of citizens in the United States, enjoy.

But our hearts swell glancing at pictures of the 8 million Iraqis who risked their lives to vote for a better way of life, one that does not include violence and brutal dictators. Every person who had the courage in his or her hearts to dip his or her finger in the purple ink on January 30 to vote in Iraq's first democratically held elections in decades, took a courageous stand for freedom and liberty and we applaud that.

I proudly joined my colleagues yesterday to pass the Emergency Wartime Supplemental Budget which we approved 388 to 43. The supplemental provides for $76.8 billion in defense spending for pay, benefits, supplies and equipment for our troops because we will assure that our troops have the training, the tools and the equipment that they need to carry on to victory in this war.

We needed to move quickly to secure this money and we could not afford to wait for the budget process to wind its way to a finish. The military has told us they needed the funds by May 1 and Congress just cannot move that quickly on the entire defense appropriations bill.

The supplemental is money well spent to show our soldiers that we fully support them and that we are doing everything we can to provide for their safety. It shows our commitment to both our allies and also we show our enemies that we mean business, that we will continue to fight. We will pursue them in every corridor where they exist and, finally, win this war on terror.

This is not a fight we will lose, again, I reiterate because of military strength or lack of it. It is a fight that we can only lose if we choose to walk away, and we must not walk away.

This is a revolutionary time throughout the world. In the entire latitude 10–40 window, the doors of freedom are opening for the first time in decades, for the first time in history in some cases. We are seeing the fruit of the valor of our men and women in uniform in the developments in Lebanon, the developments in Egypt, the developments in Saudi Arabia. It is an exciting time. It is exciting to see the values of the United States being carried forward, not being imposed but being embraced. Those are not a value of culture but a value of freedom and liberty, the dignity of the individual, the rights of every human being to life, liberty and the pursuit of happiness.

I am proud of what the Iraqi people are doing after the bombings that have come on recruiting stations, on stores, on schools, on polling places. What we are seeing happening is an exciting thing, and that is the next morning the recruits are coming back. The next morning the security forces are coming to work. The next morning the police are on patrol. They are beginning to stand up and it is imperative that we stand with them.

We will continue to be strong and defend liberty so that other people may have the same freedoms that we enjoy.

I want to thank my distinguished colleagues who are here today with me to discuss the supplemental, the impact that it will have on our continued war on terror, one that we will see all the way through to victory.

Mr. Speaker, right now I would like to yield to the distinguished gentleman from New Jersey (Mr. SAXTON), the chairman of the Subcommittee on Terrorism, Unconventional Threats, and Capabilities.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding to me.

I would like to make a few remarks to kind of put in perspective at least my view of the war on terror. Before I do that let me thank the gentleman from Kentucky (Mr. DAVIS) for taking out this time to permit several of us to makes these remarks.

Let me just say that the gentleman from Kentucky (Mr. DAVIS) has been a very energetic Member of the House of Representatives in spite of the fact that he has been here a relatively short time as a member of the Committee on Armed Services, and we certainly enjoy having him here and serving with him.

We all know that we have many people deployed overseas in a number of places. The most often talked about today, of course, are Afghanistan and Iraq, and I think it is fitting at this time to thank and pay tribute to the members of our Armed Services who are, in fact, a part of that deployed force, and to note as others already have today that they often times pay a very high price for volunteering to help their country in this way.

In addition to those folks who are members of the military, there are civilians in Iraq and Afghanistan as well, members of private securities forces that are employed by the Iraqi government and by our State Department and other agencies to provide the security that is necessary. They put themselves in harm's way as well.

I am reminded of one of my constituent families who lost a civilian son who went to Iraq to carry out his private pursuits. And so there are many people who have volunteered, and we thank them all for the sacrifice they and their families have made in carrying out the mission that the gentleman from Kentucky (Mr. DAVIS) has described as trying to solve a set of issues, a problem that is perhaps the most serious international problem that we have had since World War II.

The use of terror in carrying out political objectives is certainly not new. It goes back well over a century and we can find examples of it throughout the world and primarily perhaps in the Middle East as far back as 1900. And, of course, in 1928 it bubbled up in Egypt, where organizations were formed for the purpose of carrying out various types of ill-conceived missions, ill-conceived goals. And, of course, in modern history it has become very prevalent, for example, subsequent to the establishment of the country of Israel, those who wished the Israeli government and the Israeli people ill will and tried to create harm and perhaps do away with the state of Israel, began a war of terror in the Middle East and has continued, I think it is fair to say, continues today. It certainly did very recently.

I first became interested in these issues in the late eighties when on a trip to Israel I happened to pick up a Time Magazine and read a story, an article about Hamas. When I got there I began to ask Israeli officials about this group and they enlightened me over the period of time that I was in Israel on that trip, and I came home convinced that the subject of terrorism was something that our country was going to have to pay attention to and that, in fact, it could end up in the situation where we were going to have a very significant problem. And, of course, the rest of that story is history.

We know that during the nineties we suffered attacks in Saudi Arabia on American interests. We suffered attacks in two countries, in Africa on our embassies there, and we suffered the attack on the USS *Cole* in Yemen. Of course, in 2001 on September 11 our country was attacked here in the homeland.

We had been fairly passive, I must say, about this subject during the decade of 1990s and before. But subsequent to 9/11 and President Bush, who stood at this podium and talked about the global war on terror and declared the war on terror, our country has had some tremendous successes overseas. And through the help of people, some of whom have paid the ultimate sacrifice, but all of whom sacrificed in one way or another, we have had some great successes.

For example, in Afghanistan with the use of air power and some folks on the grounds, we were able to take down the regime that we know as the Taliban, and we were able to disburse the al Qaeda forces that were supported by the government known as the Taliban.

□ 1745

The al Qaeda forces were scattered. We believe that we have captured or taken down in one way or another something in the neighborhood of 75 percent of their leadership and have, in effect, provided an opportunity for our country to claim a success with regard to the al Qaeda organization.

Of course, I had the opportunity along with some of my colleagues to

travel to Afghanistan last February and to see the progress that has been made in that country because of our country's policies. Obviously, along with routing out the Taliban and taking down much of the al Qaeda leadership, the economy of Afghanistan is growing in leaps and bounds. It is not the kind of economy that we know, but still, it is an indigenous economy that is, in fact, growing at a good pace.

The Karzai government has been stood up. In talking with President Karzai, much progress has been made in the goals of education and society generally in that country. Of course, with the coming legislative elections, we will have another democratic victory in Afghanistan when the parliament is actually elected.

We had another opportunity in Iraq. We had problems in Iraq and took advantage of the opportunity in Iraq to take down one of the most despotic, tyrannical governments in the history of the world, the government run by Saddam Hussein and his Baathist party. So we move forward in the war on terror and we fight against insurgents and terrorists in Iraq and rebuild Iraq, bring its economy back up and provide opportunities for the Iraqi people, not only to have their economy grow but also to have that election that was symbolized by the purple finger of over 8 million Iraqi people who stood in line, sometimes being shot at, in order to be able to vote for their new government.

These things have all gone forward and they have set an example for the rest of the world, and as President Bush said not long ago, any country in the world that wants to establish a democracy, we will be there to help.

Today, as we look around the world, in Egypt, there are tendencies that are developing for democratic opportunities. The first real election perhaps in the history of Egypt will be held this year, and of course, in Lebanon, we all see on the news every day that the democracy there is progressing as well as in the West Bank and with regard to the Palestinians who are also in the process of forming a new government and providing for the elections that were recently held.

This is a problem. Terrorism is a problem, always has been. It has become a major issue today, however, primarily I believe because of the possibility of terrorists acquiring the possession of weapons of mass destruction which, of course, would be a very serious and unthinkable kind of a situation.

Once again, let me commend the gentleman from Kentucky for taking out this time to give me and others who will follow me an opportunity to express our views of the current situation and the successes that are our military men and women and our government and the newly elected democratic governments in the Middle East are having.

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentleman from New Jersey for his aggressive and energetic leadership in the Subcommittee on Terrorism, Unconventional Threats and Capabilities of the Committee on Armed Services. In the 20 years that he has served in the House, he has seen the end of the Cold War, of one dramatically large threat replaced by an even more pernicious threat with the rise of global terror and asymmetric threats.

This is a decisive time in our history, and it is important that we stand together as a people. I regret the occasional rhetoric that we hear even in this body that tears down the efforts of our leaders, of our soldiers, sailors, airmen and Marines to effectively carry out their mission.

But there is also a mission at home that we have. As the dynamics of the threats to the United States have changed, it intruded upon our lives on September 11, the protection of our homeland, of our communities, of our children and our families. It is a critical, critical priority.

It is now a special opportunity to introduce a distinguished member of law enforcement who is also now a distinguished Member in this body from the State of Washington. I would like to yield to the gentleman from Washington (Mr. REICHERT), who has established a great record of persistence, the ultimate captor with a great team of law enforcement people of the Green River Killer, who also brings profound insights into law enforcement and port security, homeland security, domestic law enforcement and is now adding great value to the entire people of the United States here in the House. I yield to the gentleman from Washington.

Mr. REICHERT. Mr. Speaker, I thank my good friend the gentleman from Kentucky (Mr. DAVIS) for allowing me a few minutes to speak tonight.

I have had experience on the streets of this country and in protecting our communities and our families, and it has been an honor to serve for 33 years in the King County sheriff's office in Seattle, Washington.

Since September 11, our job has changed a little bit. We have had to focus on possible terrorists in our community. This country is at war. It is a different war, a war like we have never fought before. We call it the War on Terror.

Some may disagree with how we got into this war, why we are here and may want to even end this War on Terror. Some have even called it a war of choice. This was not a war of choice. Our country, our Nation was attacked. On September 11, we suffered human loss in a tragic attack on this Nation.

Then what happened? Our armed services jumped into action, and the men and women of our military came to our aid, came to protect this country and went to war.

Some might ask, well, why would people volunteer for the armed services, why would anyone, law enforcement officers or people who serve in the military, why would they volunteer to sacrifice their life? Why would they volunteer to sacrifice time away from their families or put them in need for their care and attention and put their lives in danger? Why would men and women do that?

As I thought about that, it reminded me of a story that happened a few years ago. I have a 28-year-old son who now is or he was 10 when this happened, but it was a hot summer day in Seattle. It was one of the few hot summer days we had, and I was mowing the lawn and he was following behind me. As we were mowing the lawn and he was tugging on my shirt, he said, Dad, let me mow the lawn, I know I can do this. I was a little bit unsure about having my 10-year-old son run the lawn mower. My wife came out and said, Dave, the phone was ringing; it is for you.

I went in to answer the phone. My son was still tugging at my shirttail, Dad, I can do this, let me mow the lawn. So I said, Dan, if you can start that lawn mower, you can mow the lawn.

So I watched from the window as I was on the telephone, and Dan pulled and tugged and pulled and tugged and pulled and tugged on this rope to start this lawn mower, and the sweat was just pouring down his face, and I thought soon he would give up, but he kept on going.

Finally, then he came to the point where he was so exhausted he had to stop and pause, and he put his head down and he wondered, where do I turn now, what do I do. This was a proud moment for me as a father because he stopped, he looked up, he put his hands together, and you could read his lips. He said, please, Lord, start this lawn mower. Then he bent over and pulled on the rope, and the lawn mower started. So I thought to myself, you know what, if God wants Dan to mow the lawn, I am not going to stop him.

Here is the moral of the story. Here is a young boy who has faith and hope and trust that small children have. If you stop and think about the faith and the hope and the trust that our kids have, that our children and grandchildren have today in each and every one of us, parents, grandparents, aunts, uncles, Members of Congress, I do not care who you are, those children are looking to us for leadership.

What has happened here is our military is fighting, sacrificing their lives because they know they cannot give in to terrorists because those little eyes that you look into, that hold that faith, that hope and that trust must never lose that hope, faith and trust.

This country needs to be free. We must support our men and women in

uniform to preserve the faith, hope and trust that every one of our children in this Nation have, and when we passed the supplemental yesterday and supporting our troops for the training, equipment and tools that they need to conduct this war and do their job, we sent them a clear message: We support you and we love you. We care for you and we thank you for keeping our country free and for making sure that our children never lose that faith, hope and trust that they have in all of us and in this great Nation.

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentleman from Washington State and also salute all members of law enforcement, our fire, EMS and first responders who are working literally around the clock to make this Nation safe.

Indeed, I want to salute our soldiers, sailors, airmen and Marines. My former comrades, classmates, former comrades when I was an enlisted soldier and those who I went to the military academy with and served on active duty with, who are still serving this country today. I applaud your efforts. We love you and we thank you for the sacrifices that you are making to give us a safer tomorrow, a safer Nation, a safer future and hope for the world.

In our have it now, you deserve a break, have it your way society we can easily forget that all true freedom came at a great price. It came with persistence. It came with faith. It came with hope and real hope is not what we see now. Hope is something that we do not yet have, that we are waiting for, that we are pursuing aggressively with great hunger, and that freedom ultimately, as all true freedom came, with the shedding of blood, the willingness to lay down our lives for our friends.

In the prior generations, that has been done willingly, acceptingly, and now we have a great generation that has raised up to defend this Nation to prepare and protect this country for our children and grandchildren as they come forward.

There is a liberal intellectual elite in this country that say the people of the Arabic world are not capable of embracing freedom. I wholeheartedly disagree with that. As one who has learned to love the Arabic culture over the last 27 years, I have seen in ordinary men and women that spark of desire for freedom, a desire to be free, a desire to give their children hope and opportunity and freedom and to grow up in a safe community, to be able to pass on the tenets of their faith, to live with a future that is secure, a future that has promise.

Let me share with you another perspective, another view. I want to share some excerpts from an e-mail that I received from my neighbor down the street. His name is Colonel Charlie Waylon, and he is a reservist.

Working as an emergency room physician, he answered the call after September 11 to join a special forces unit first in the liberation of Afghanistan. Then he came back again in Operation Iraqi Freedom and is now on his third tour in theater, willingly serving, making a difference in the lives of our soldiers and Marines but also making a difference in the lives of the Iraqi people.

He is a colonel, and his son reports soon to Fort Benning, Georgia, for infantry basic training. They, along with the rest of our soldiers, are constantly in my prayers and my wife Pat's prayers. It is e-mails like this that I receive on a regular basis that convince me that we are doing the right thing, and not only that, that we are winning.

Before my friend went to Iraq, he was asked three questions by one of his neighbors: Are we winning? Is it worth the price? Are we accomplishing anything?

Having spent some time now in theater for the third time, he says the answers to all three are an unequivocal yes. Let me say that again. It is an unequivocal yes.

What gives him that authority to speak is his experience on the ground, having seen that situation develop over time.

First, let us focus on the big picture. We are not engaged in a war in Iraq itself, the main war on the ground. We are engaged in a war of world views, one that does not value freedom, one that values hatred and closed societies over openness and freedom and true discourse; one that does not value the true dignity of the individual, the preciousness of all life but discards that for the sake of a theology of hatred. It does not represent the center of mass of people in that part of the world.

The fact that the Iraqis would rise up and go to the polls in numbers greater than turnout in elections in the United States of America says the man and woman on the street cares deeply, deeply about embracing this opportunity for freedom. Who are we to walk away from them in their time of need right now?

□ 1800

We are now fighting a counterinsurgency, and it has two goals. One, it wants to overthrow the democratically elected government of Iraq which has just held its first session, and try to run the United States out of the country.

What needs to be clear is that we are not alone in facing this enemy. 70 percent of the eligible voters in Iraq turned out for the election. Outside the Sunni Triangle that number approached 85 percent. In my district in the 2002 election only 38 percent of the registered voters turned out to vote. Who are we to criticize those efforts of those valiant people?

We all mourned when we heard that a bomb exploded outside an Iraqi police training center and killed 120 recruits. But if we can find one positive aspect in that needless tragedy, that atrocity, it is that 120 Iraqis felt safe enough to even sign up to become police officers; that they had courage to invest their lives, to lay their lives down, to put them on the line to protect their families, their communities and ultimately their nation. And the exciting thing is that the men come back the next day. They come back to serve because they understand what is at stake.

Moderate Shiite clerics are not asking us to leave Iraq. The Kurds are not asking us to leave, and the overwhelming majority of Iraqis are not asking us to leave. They want us to stay, to stand by them while they train up, while they become strong and stabilize their own country and bring forth their flavor in terms of their culture of the freedoms that they are taking hold of.

Let us look at what has been achieved so far by those detractors of the policy of this country who have said that this war was a war of choice. It was imposed upon us, I might remind them.

And I would also state, Mr. Speaker, that since in the last year Libya has denounced weapons of mass destruction and opens its doors to the United Nations weapons inspectors, it has opened its doors to Western trade, a desire to become part of the community of nations, and it has renounced terrorism. A former perpetrator of terrorism has repented of that and now are beginning to walk in a new direction, seeing the inevitability of the rise of freedom in the Middle East.

In the fall of 2004 Afghanistan held free and open elections. Women who under the rule of the Taliban could barely leave their homes walked freely to polling places and voted.

In January Palestine elected a national leader in a United Nations supervised election in which women also voted. We are hopeful that the situation with the Palestinian people will lead to a free government, a peaceful government that can coexist alongside the democracy in Israel.

Also in January the Iraqis held their unprecedented election, and again, women voted in overwhelming numbers.

One of my West Point classmates shared with me in a confidential e-mail his perspective on seeing women coming to the polls to vote. He saw elderly women, young mothers with their children clinging to them standing, ignoring the ordnance flying about them, who had the courage to take hold of this once in a lifetime, once in a generation, once in a century opportunity to make a difference, to transform what had been an oppressive atrocity ridden, closed society in which the individual did not matter, but only to feed an appetite of megalomaniacal

power of a dictator. That has been cast down. These people are seizing that opportunity.

The unfolding events in Lebanon and Syria's declaration that it will begin withdrawing from Lebanon is an outstanding indicator that as we stay the course and we link arms with freedom loving peoples in that part of the world, that we will see peaceful resolution to the challenges that we face, and these terrorists will be repudiated for the inhumane individuals that they are.

My friend ends his e-mail by stating that it is not just men and women who are helping lead their countries toward a brighter future. Women who spent years living under dictatorial regimes that demanded their silence are stepping up and playing a major role in the spread of democracy.

He says, and I quote, I want women fully enfranchised throughout this part of the world. I want them voting. I want them involved in government because in my opinion, he states, if they are, this will be a safer, saner and less militant world.

As we transition to other topics relating to this, I would like to introduce a distinguished colleague of mine, a member of my entering class in the Congress. He is the gentleman from Texas (Mr. MCCAUL). He brings a very pertinent record of professional achievement into this body, and can speak with an authority on a wide variety of issues related to the global war on terror.

Prior to being elected to the United States Congress, Mr. MCCAUL served as an Assistant United States Attorney whose charge was counterterrorism investigation and prosecution in the great State of Texas.

Mr. Speaker, I now yield to the gentleman from Texas.

Mr. MCCAUL of Texas. Mr. Speaker, I thank the gentleman from Kentucky for his leadership in managing this very important debate here today. As the gentleman mentioned, I have a background in counterterrorism in the Justice Department. I know this war on terror firsthand. I serve on the Homeland Security Committee and the International Relations Committee.

You know, many believe that the war on terror began on September the 11th, 2001, but the fact of the matter is we have been at war for several decades. You do not have to go back very far for evidence of that. As recently as 1993 an individual by the name of Ramzi Yousef entered the United States claiming political asylum. He was detained and given a notice to appear. He failed to appear at that hearing. Instead he would join the first al Qaeda cell in downtown Manhattan.

We recently passed the REAL ID Act to make it more difficult for those like Ramzi Yousef to obtain political asylum in this country.

After joining his fellow classmates from the bin Laden academy, he engaged in a conspiracy to blow up the World Trade Center. Fortunately, the Towers remained standing that day. But that day would come later. And that was Osama bin Laden's dream.

Then the embassies in Africa were bombed, and the USS *Cole*. In 1997, bin Laden openly and publicly declared war against the United States. The only thing that troubled him was that the United States would not respond back to his declaration of war. It seemed like the United States was a sleeping giant, and it would not be until the bloodiest alarm of 9/11 that the giant would finally awake.

And now, to the present. There is positive news in this war on terror. We have rooted out al Qaeda in its caves in Afghanistan. We have killed or captured nearly 75 percent of the leadership. We have liberated Afghanistan and held free elections for the first time in the country's history, and we have liberated Iraq. We know that Zarqawi in Iraq has significant ties to bin Laden. We know that al Qaeda today says it has the right to kill 4 million Americans, 2 million of them children. It is a threat that we take very serious today, and it is a threat that we are responding to.

We have seen significant and positive developments in terms of the Syrians pulling out of Lebanon.

Rarely in the history of the world has freedom moved so swiftly through a region. In places where oppression, tyranny and inhumane treatment once flourished, we now find nations waking up to the reality of self-ruled governments and the benefits that come with their new democracies. In Iraq for the first time in more than a generation, people are speaking up for or questioning governments, a new right for many of them. And this discourse is occurring not in closed rooms or the hidden chambers of a dictator's prison, but in the legislative halls of a free Iraq and Afghanistan.

As recently as this week, we as a Congress passed an emergency wartime supplemental bill. We have an opportunity to continue our commitment to the brave fighting men and women who are helping ensure this birth of democracy by providing the necessary tools to protect themselves, by providing the body armor that they need, by providing the armed Humvees that they need, and by increasing death benefits from $12,000 to $100,000.

The United States Government and Coalition Forces have trained and equipped nearly 82,000 Iraqi police and highway patrol officers, and along with soldiers, the United States and its allies are well on the way to helping Iraqis defend and protect themselves in their own country.

In all, more than 142,000 Iraqi police officers and soldiers, many of whom have already taken over the responsibilities of protecting their freedom, have received training. About 130,000 of those troops helped ensure the success of the Iraqi elections, some even died to protect those vital votes. Add to that of Iraq's 18 provinces, 12 are now being patrolled and policed by Iraqis. And on February 21, the 40th Iraqi National Guard Brigade officially assumed control of its area of operation in and around Baghdad. This is the first Iraqi brigade to stand alone and have direct control over an area of operation. While the Coalition Partners continue to advise the brigade, the areas will be under complete Iraqi control.

With the $5.7 billion proposed to train Iraqi troops in the supplemental budget, we are making a confident investment in a nation that will uphold the democracy those in those lands have fought so hard for.

But our need to help spread freedom also includes Afghanistan. We voted on a $1.3 billion investment to be made there to stabilize this emerging democracy and eventually reduce U.S. forces in the area. We have seen American forces quietly making tremendous progress in a land which for so long had none. Already, Americans have trained 36,000 national and local Afghani police officers, 1,000 border security agents and 400 highway patrol officers. Coalition Forces have set up six training locations to make it efficient to train these troops, and we must remember by training these troops we are spreading and securing democracy, and therefore making us safer here at home. With each and every Iraqi and Afghanistan troop trained, America is one step closer to bringing its sons, its daughters, its husbands and wives home for good.

I would like to close with a very powerful story. It is a story of Janet and Bill Norwood. It is the story of Sergeant Byron Norwood. As many Members recall, at the State of the Union, Mr. and Mrs. Norwood sat right over there. The President talked about how their son, Byron, lost his life. He lost his life in an incredibly brave story. He rescued seven Marines held hostage by insurgents. He saved seven Marines' lives from the insurgence in Iraq, and paid the ultimate sacrifice in the process. It was a defining moment in the State of the Union, the warm embrace between Janet Norwood and Safia from Iraq.

I would like to close by reading a card that I received from Mrs. Norwood. With each parent I have talked to who lost a loved one in Iraq, they all said the same thing, ''Finish the job.''

This is a picture of Sergeant Byron Norwood. And in the card written to me, Mrs. Norwood said, ''Dear Representative MCCAUL.

''We want you to know how much we have appreciated your visits to our

home. It was a pleasure to meet you and Linda and to be able to share more about Byron with you. Knowing that you and so many other Americans honor and respect his sacrifice helps greatly to ease our sorrow.

''Thank you also for the flags. The one that was flown over the Capitol on the day that Byron died will always have a special place in a beautifully displayed box with other treasures from Byron's Marine Corps service. He would be so amazed and so proud.

''The whole idea of the Post Office naming is such a stunning honor. One of the things we worried about was that people would soon forget about Byron. If your bill passes, that will never happen, and that is such a great comfort.

''If you ever become aware of any way I can be of service in my new role as a Gold Star Mother, either to the government or to the Gold Star Moms, please let me know. Sincerely, Janet.''

Mr. Speaker, this is what it is all about. This brings this war on terror home to the homes of every family in this Nation, and it is a war that we will prevail in.

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentleman for his profound words. No more powerful words can be spoken than those of a mother who has lost a son, whose blood was shed literally to protect our freedoms, the lives of his fellow men.

In the words of our Lord, We share no greater love as a person than he who lays down his life for his friends.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. DELAY) for today on account of attending a funeral.

Mr. GARY G. MILLER of California (at the request of Mr. DELAY) for today after 4:00 p.m. on account of illness.

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:)

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CARDOZA, for 5 minutes, today.

Mr. COOPER, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Mr. SCOTT of Georgia, for 5 minutes, today.

Mr. BOYD, for 5 minutes, today.

Mr. SALAZAR, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

Mr. CUELLAR, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

(The following Members (at the request of Mrs. BLACKBURN) to revise and extend their remarks and include extraneous material:)

Mrs. BLACKBURN, for 5 minutes, today.

Mr. MURPHY, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

ADJOURNMENT

Mr. DAVIS of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Monday, March 21, 2005, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 103, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon, (at 6 o'clock and 15 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Monday, March 21, 2005, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 103, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1286. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Peanuts, Tree Nuts, Milk, Soybeans, Eggs, Fish, Crustacea, and Wheat; Exemption from the Requirement of a Tolerance; Technical Correction [OPP-2005-0001; FRL-7698-9] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1287. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983; and Standards of Performance for Steel Plants: Electric Arc Furnances and Argon-Oxygen Decarborization Vessels Constructed After August 17, 1983 [OAR-2002-0049; FRL-7874-9] (RIN: 2060-AJ68) received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1288. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; North Carolina Update to Materials Incorporated by Reference [NC-200429; FRL-7868-7] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1289. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, El Dorado County Air Quality Management District (Mountain Counties Portion), Imperial County Air Pollution Control District, and South Coast Air Quality Management District [CA 307-0460a; FRL-7874-6] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1290. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference [PA200-4200; FRL-7843-2] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1291. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference [MN-86-1; FRL-7867-5] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1292. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Mississippi: Final Authorization of State Hazardous Waste Mangement Program Revision [FRL-7875-7] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1293. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District [CA 207-0435a; FRL-7871-1] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1294. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plan for Designated Facilities and Pollutants; Forsyth County, Mecklenburg County and Buncombe County, North Carolina, and Chattanooga-Hamilton County, Knox County, and Memphis-Shelby County, Tennessee [R04-OAR-2004-NC-0003-200426; FRL-7877-3] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1295. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California

State Implementation Plan, Great Basin Unified Air Pollution Control District and Ventura County Air Pollution Control District [CA 309-0474; FRL-7872-4] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1296. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Connecticut; Plan for Controlling MWC Emissions From Existing Municipal Waste Combustors [R01-OAR-2004-CT-0004; A-1-FRL-7877-6] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1297. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Dyes and/or Pigments Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA Hazardous Substance Designation and Reportable Quantities; Designation of Five Chemicals as Appendix VIII Constituents; Addition of Four Chemicals to the Treatment Standards of F039 and the Universal Treatement Standards [RCRA-2003-0001; FRL-7875-8] (RIN: 2050-AD80) received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1298. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Rates for Pilotage on the Great Lakes [USCG-2002-11288] (RIN: 1625-AA38) received March 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1299. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations; Rowing Regattas, Indian Creek, Miami Beach, Florida [CGD07-05-010] (RIN: 1625-AA08) received March 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1300. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Severn River, College Creek, Weems Creek and Carr Creek, Annapolis, MD [CGD05-04-196] (RIN: 1625-AA08) received March 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1301. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; Humboldt Bay Bar Channel and Humboldt Bay Entrance Channel, Humboldt Bay, California [CGD11-04-010] (RIN: 1625-AA11) received March 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1302. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Fireworks Display for the Columbian Government, Bayside Park, Miami, Florida [COTP Miami 04-105] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1303. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks for Disney at Bay Front Park, Miami, Florida [COTP Miami 04-140] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1304. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Miami New Year's Fireworks Display at Bay Front Park, Miami, FL. [COTP Miami 04-149] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1305. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Dunkin Donuts Fireworks—Boston, Massachusetts. [CGD01-04-119] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1306. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Mononhansett Island, Massachusetts [CGD01-04-131] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1307. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Dunkin Dounuts Fireworks Display, Providence, Rhode Island [CGD01-04-134] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1308. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Red Sox Fireworks—Boston, Massachusetts. [CGD01-04-135] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1309. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Metro North Railroad Bridge over the Norwalk River, Norwalk, Connecticut [CGD01-04-136] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1310. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York [CGD01-04-150] (RIN: 1625-AA11) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. SENSENBRENNER: Committee on the Judiciary. House Concurrent Resolution 53. Resolution expressing the sense of the Congress regarding the issuance of the 500,000th design patent by the United States Patent and Trademark Office (Rept. 109–22). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 683. A bill to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment; with an amendment (Rept. 109–23). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1038. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes (Rept. 109–24). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 366. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act; with an amendment (Rept. 109–25). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 185. A bill to require the review of Government programs at least once every 5 years for purposes of evaluating their performance (Rept. 109–26). 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. OBERSTAR (for himself, Mr. DINGELL, Mr. LEACH, Ms. PELOSI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EHLERS, Mr. NADLER, Mr. BOEHLERT, Mr. MICHAUD, Mr. WOLF, Mr. HONDA, Mr. GILCHREST, Mr. BLUMENAUER, Mr. SHAYS, Mr. PASCRELL, Mr. SAXTON, Mr. FILNER, Mr. CASTLE, Mr. BISHOP of New York, Mr. CUMMINGS, Mr. DEFAZIO, Mr. CAPUANO, Ms. NORTON, Mr. MENENDEZ, Mr. WEINER, Mr. CHANDLER, Ms. CARSON, Mr. THOMPSON of California, Mrs. TAUSCHER, Mr. CARNAHAN, Ms. BERKLEY, Ms. SCHWARTZ of Pennsylvania, Mr. WALSH, Mr. VAN HOLLEN, Ms. JACKSON-LEE of Texas, Mr. LYNCH, Mr. KILDEE, Mr. GRIJALVA, Mr. OWENS, Mr. SABO, Mr. KUCINICH, Mr. MCNULTY, Mr. CASE, Ms. LEE, Mr. ANDREWS, Mr. SHERMAN, Mr. PAYNE, Ms. WATERS, Mr. MCDERMOTT, Mr. SANDERS, Mr. LANGEVIN, Mr. ALLEN, Mrs. CAPPS, Ms. SLAUGHTER, Mr. PALLONE, Ms. MCCOLLUM of Minnesota, Mr. LEWIS of Georgia, Mr. LARSON of Connecticut, Mr. GORDON, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. WEXLER, Ms. WOOLSEY, Mr. GUTIERREZ, Ms. KILPATRICK of Michigan, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, Ms. ESHOO, Mr. GEORGE MILLER of California, Mr. HOLT, Mr. CROWLEY, Mr. HINCHEY, Mr. INSLEE, Mr. LEVIN, Ms. ZOE LOFGREN of California, Mr. VISCLOSKY, Mrs. LOWEY, Mr. NEAL of Massachusetts, Mr. FARR, Mr. KIND, Mr. RUPPERSBERGER, Mr. BROWN of Ohio, Mr. LANTOS, Ms. DELAURO, Mr. DOYLE, Mr. UDALL of Colorado, Mr. HASTINGS of Florida, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. DEGETTE, Mr. SCHIFF, Mr. DOGGETT,

Ms. LINDA T. SÁNCHEZ of California, Mr. SPRATT, Mr. MILLER of North Carolina, Mr. LIPINSKI, Mr. UDALL of New Mexico, Mr. ISRAEL, Mr. STARK, Mr. STRICKLAND, Mr. THOMPSON of Mississippi, Mr. DAVIS of Alabama, Mr. CARDIN, Mr. PRICE of North Carolina, Mrs. MCCARTHY, Mr. MARKEY, Mr. WU, Mr. CONYERS, Mr. SERRANO, Mr. RANGEL, Mr. STUPAK, Mr. BERMAN, Mr. BUTTERFIELD, Mr. RYAN of Ohio, Mr. ENGEL, Mrs. DAVIS of California, Mr. WAXMAN, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Ms. WASSERMAN SCHULTZ, Mr. EVANS, Mr. BECERRA, Mr. KANJORSKI, and Ms. SOLIS):

H.R. 1356. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Transportation and Infrastructure.

By Mr. WELDON of Florida (for himself, Mr. STUPAK, Mr. SENSENBRENNER, Mrs. MILLER of Michigan, Mr. WOLF, Mr. OBERSTAR, Mr. CANTOR, Mr. RYUN of Kansas, Mr. MURTHA, Mr. PITTS, Mr. HOSTETTLER, Mr. SULLIVAN, Mr. FERGUSON, Mr. NEUGEBAUER, Mr. GARRETT of New Jersey, Mr. BUYER, Mr. CHABOT, Mr. TAYLOR of Mississippi, Mr. AKIN, Ms. FOXX, Mr. SHUSTER, Mr. NORWOOD, Mr. SMITH of New Jersey, Mr. WHITFIELD, Ms. ROS-LEHTINEN, Mrs. JO ANN DAVIS of Virginia, Mr. BERRY, Mr. WILSON of South Carolina, Mr. DELAY, Mr. SHIMKUS, Mr. BRADY of Texas, Mr. TERRY, Mr. KENNEDY of Minnesota, Mr. SOUDER, Mr. BILIRAKIS, Mr. MCINTYRE, Mr. SESSIONS, Mr. PETRI, Mr. BAKER, Mr. RENZI, Mr. HAYES, Mr. BACHUS, Mr. TANCREDO, Mr. TIAHRT, Mr. GOODE, Mr. BURGESS, Mr. STEARNS, Mr. BARRETT of South Carolina, Mr. MCCOTTER, Mr. COSTELLO, Mr. KING of Iowa, Mr. MCHENRY, Mr. NEY, Ms. HART, Mr. KINGSTON, Mr. SKELTON, Mr. MOLLOHAN, Mr. WAMP, Mr. FOSSELLA, Mr. HERGER, Mr. ADERHOLT, Mr. HAYWORTH, Mr. BROWN of South Carolina, Mr. SHADEGG, Mr. GUTKNECHT, Mr. JONES of North Carolina, Mr. LUCAS, Mr. GRAVES, Mr. GINGREY, Mr. BOUSTANY, Mr. WALSH, Mr. MILLER of Florida, Mr. WESTMORELAND, Mr. THORNBERRY, Mr. MCCAUL of Texas, Mr. BISHOP of Utah, Mr. RYAN of Wisconsin, Mr. BLUNT, Mr. POMBO, Mrs. MYRICK, Mr. EHLERS, Mr. PENCE, Mr. SAM JOHNSON of Texas, Mrs. CAPITO, Mr. WICKER, Mr. EVERETT, Mr. GREEN of Wisconsin, Mr. DAVIS of Kentucky, Mr. PICKERING, Mr. FORBES, Mrs. BLACKBURN, Mr. WELLER, Mr. FITZPATRICK of Pennsylvania, Mr. MARSHALL, Mrs. CUBIN, Mr. FRANKS of Arizona, Mr. PLATTS, Mr. DUNCAN, Mr. ROGERS of Michigan, Mr. INGLIS of South Carolina, Mr. LEWIS of Kentucky, Mr. GOODLATTE, Mr. CRENSHAW, and Mr. HALL):

H.R. 1357. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary.

By Mr. HAYES:

H.R. 1358. A bill to amend title 10, United States Code, relating to payment of mental health counselors under TRICARE; to the Committee on Armed Services.

By Mr. DAVIS of Florida:

H.R. 1359. A bill to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects; to the Committee on Transportation and Infrastructure.

By Mr. KIRK (for himself, Mr. BASS, Mr. PLATTS, Mr. SHIMKUS, Mr. KENNEDY of Minnesota, and Mr. DENT):

H.R. 1360. A bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, Education and the Workforce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER:

H.R. 1361. A bill to improve the ability of the Federal Government to coordinate and conduct stabilization and reconstruction operations in countries or regions that are in, are in transition from, or are likely to enter into, conflict or civil strife, and for other purposes; to the Committee on International Relations.

By Mr. LIPINSKI (for himself and Mr. INGLIS of South Carolina):

H.R. 1362. A bill to amend title XVIII of the Social Security Act to provide for the public disclosure of prices for hospital and ambulatory surgical center procedures and drugs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself and Mr. HYDE):

H.R. 1363. A bill to establish a statute of repose for durable goods used in a trade or business; to the Committee on the Judiciary.

By Mrs. DAVIS of California:

H.R. 1364. A bill to amend title 28, United States Code, to enable the Supreme Court to review decisions in which the Court of Appeals for the Armed Forces denied relief; to the Committee on the Judiciary.

By Mr. BACA (for himself, Mr. BECERRA, Mr. CARDOZA, Mr. COSTA, Mr. CUELLAR, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Ms. SOLIS, Ms. VELÁZQUEZ, Mr. HONDA, Mr. CONYERS, Mr. DOGGETT, Mr. LANTOS, Mr. BERMAN, Mr. AL GREEN of Texas, Ms. LEE, Ms. WATERS, Mr. SCHIFF, Ms. WATSON, Ms. MILLENDER-MCDONALD, Mr. CASE, Mr. SANDERS, Mr. FARR, Mr. UDALL of New Mexico, Ms. ESHOO, Ms. SLAUGHTER, Mr. VAN HOLLEN, Mr. PALLONE, Mr. KIND, Mr. GEORGE MILLER of California, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCCOLLUM of Minnesota, Mr. INSLEE, Mr. GENE GREEN of Texas, Mr. BUTTERFIELD, Mr. WEINER, Ms. ZOE LOFGREN of California, Ms. CARSON, Mr. SCOTT of Georgia, Mr. MORAN of Virginia, Mr. SNYDER, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. SCHAKOWSKY, Ms. DELAURO, Mr. OWENS, Mr. KUCINICH, Mr. MARKEY, Mr. MOORE of Kansas, Ms. DEGETTE, Mr. MCGOVERN, Mrs. CAPPS, Mr. TOWNS, Mr. CUMMINGS, Mr. RANGEL, Mr. HASTINGS of Florida, Mr. JEFFERSON, Mr. WAXMAN, Mr. MEEKS of New York, Ms. WOOLSEY, Mr. MCDERMOTT, Mrs. MCCARTHY, Mr. KENNEDY of Rhode Island, Ms. PELOSI, Mr. NADLER, Mr. FALEOMAVAEGA, Mr. HINCHEY, Ms. HARMAN, Ms. BORDALLO, Mr. PASCRELL, Ms. WASSERMAN SCHULTZ, Mr. WYNN, Mr. KILDEE, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, and Mr. UDALL of Colorado):

H.R. 1365. A bill to award a congressional gold medal on behalf of Cesar E. Chavez in recognition of his service to the Nation; to the Committee on Financial Services.

By Mr. BILIRAKIS:

H.R. 1366. A bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability; to the Committee on Armed Services.

By Mr. BOUCHER (for himself, Mr. COSTELLO, Mr. RAHALL, and Mr. STRICKLAND):

H.R. 1367. A bill to amend title 11 of the United States Code to protecting the labor rights of current and former employees of coal industry employers that are debtors under such title; to the Committee on the Judiciary.

By Mr. BURGESS (for himself, Mr. POE, and Mr. MARCHANT):

H.R. 1368. A bill to provide the Secretary of the Army with additional and enhanced authority with respect to water resources projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANNON (for himself, Mr. CARTER, Mr. SMITH of Texas, and Mr. GOHMERT):

H.R. 1369. A bill to prevent certain discriminatory taxation of natural gas pipeline property; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. FLAKE, Mr. DUNCAN, Mr. PETERSON of Pennsylvania, and Mrs. MUSGRAVE):

H.R. 1370. A bill to require the Secretary of the Interior to develop a multipurpose cadastre of Federal real property to assist with Federal land management, resource conservation, and development of Federal real property, including identification of any such property that is no longer required to be owned by the Federal Government, and for other purposes; to the Committee on Resources.

By Mrs. CAPITO:

H.R. 1371. A bill to amend title 37, United States Code, to ensure equal treatment for members of reserve components who perform inactive-duty training in determining their entitlement for hazardous duty pay, aviation incentive pay, diving duty special pay, and foreign language proficiency pay; to the Committee on Armed Services.

By Mrs. CAPPS (for herself and Mr. SIMMONS):

H.R. 1372. A bill to amend title XVIII of the Social Security Act to impose minimum nurse staffing ratios in Medicare participating hospitals, and for other purposes; 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. CARDOZA (for himself and Mrs. JO ANN DAVIS of Virginia):

H.R. 1373. A bill to amend title 10, United States Code, to provide leave for members of the Armed Forces in connection with adoptions of children, and for other purposes; to the Committee on Armed Services.

By Mr. COOPER (for himself, Mr. FOLEY, Mr. WAMP, and Mr. GORDON):

H.R. 1374. A bill to amend the Immigration and Nationality Act to permit aliens who are independent living assistants to be accorded status as J nonimmigrants to provide in-home living and home support services to adults with disabilities; to the Committee on the Judiciary.

By Mr. CULBERSON (for himself, Mr. AL GREEN of Texas, Mrs. BIGGERT, Mr. BRADY of Texas, Mr. BURGESS, Mr. CUELLAR, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. HALL, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DANIEL E. LUNGREN of California, Mr. MCCAUL of Texas, Mr. NEUGEBAUER, Mr. POE, Ms. SCHAKOWSKY, Mr. SESSIONS, and Mr. THORNBERRY):

H.R. 1375. A bill to award a congressional gold medal to Michael Ellis DeBakey, M.D; to the Committee on Financial Services.

By Mr. TOM DAVIS of Virginia (for himself, Mr. WAXMAN, Mr. PLATTS, Mr. ABERCROMBIE, Mr. TIBERI, Mr. RUPPERSBERGER, Mr. RAMSTAD, Mrs. CAPPS, Mr. LAHOOD, Mrs. CHRISTENSEN, Mr. TERRY, Mr. JACKSON of Illinois, Mr. LEACH, Ms. ZOE LOFGREN of California, Mr. SHAYS, Mr. MCDERMOTT, Ms. PRYCE of Ohio, Mr. FILNER, Mr. KIRK, Mr. HINCHEY, Mrs. MILLER of Michigan, Ms. LEE, Mr. MORAN of Virginia, Mr. SHERMAN, Mr. VAN HOLLEN, Mr. RUSH, Mr. WYNN, and Mrs. MALONEY):

H.R. 1376. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Ms. BALDWIN, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CONYERS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MATHESON, Mrs. MCCARTHY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PLATTS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SNYDER, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Ms. WOOLSEY, and Mr. WU):

H.R. 1377. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON (for herself and Mr. BERRY):

H.R. 1378. A bill to amend the Controlled Substances Act with respect to the regulation of ephedrine alkaloids, including ephedrine and pseudoephedrine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. MCCRERY, Mr. MURPHY, Mr. FOLEY, Mr. HERGER, Mr. SHAW, Mr. GREEN of Wisconsin, Ms. BALDWIN, Mr. PETERSON of Pennsylvania, and Mr. SAM JOHNSON of Texas):

H.R. 1379. A bill to amend the Internal Revenue Code of 1986 to treat electric transmission property as 15-year property for depreciation purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. FORD, Mr. SENSENBRENNER, Mr. HOLT, Mr. WAXMAN, Mr. PLATTS, and Mr. PALLONE):

H.R. 1380. A bill to amend the Internal Revenue Code of 1986 to expand incentives for education; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. TANNER, and Mrs. WILSON of New Mexico):

H.R. 1381. A bill to amend title XVIII of the Social Security Act to provide incentives linking quality to payment for skilled nursing facilities and to establish a Long-Term Care Financing Commission; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. MCHENRY, Mr. FEENEY, Mr. MILLER of Florida, Mr. PENCE, Mr. PAUL, Mr. TANCREDO, and Mr. JONES of North Carolina):

H.R. 1382. A bill to provide for a one-year delay in the implementation of the voluntary prescription drug benefit program, and to provide for a one-year extension of the Medicare prescription drug discount card and transitional assistance program and of the coverage of prescription drugs under the Medicaid 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. FORD:

H.R. 1383. A bill to direct the President to transmit to the Congress each year a comprehensive report on the national homeland security strategy of the United States; to the Committee on Homeland Security.

By Mr. GINGREY (for himself, Mr. KINGSTON, Mr. BRADLEY of New Hampshire, Mr. JINDAL, Mr. SOUDER, Mr. WILSON of South Carolina, Mr. MARSHALL, Mr. MCCOTTER, Mr. DUNCAN, Mr. MCHENRY, Mr. SESSIONS, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. BARRETT of South Carolina, Mr. WESTMORELAND, and Mr. MILLER of Florida):

H.R. 1384. A bill to amend chapter 44 of title 18, United States Code, to update certain procedures applicable to commerce in firearms and remove certain Federal restrictions on interstate firearms transactions; to the Committee on the Judiciary.

By Mr. GOODE:

H.R. 1385. A bill to include Nelson County, Virginia, in the Appalachian region for purposes of the programs of the Appalachian Regional Commission; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida (for himself, Mr. REHBERG, Mr. OSBORNE, Ms. HERSETH, Mr. CASE, Mr. OTTER, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Georgia, Mr. UDALL of New Mexico, Mrs. CHRISTENSEN, Mrs. NAPOLITANO, Mr. HAYWORTH, Mr. SIMPSON, Mr. PLATTS, Mr. UDALL of Colorado, Mr. TERRY, Ms. BORDALLO, Mr. BLUMENAUER, Mr. HINOJOSA, Mr. SALAZAR, Mr. DAVIS of Florida, Mr. ETHERIDGE, Mr. WEXLER, Mr. GRIJALVA, and Mrs. CUBIN):

H.R. 1386. A bill to establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. BRADY of Texas, Mr. BERRY, Mr. MCCRERY, and Mr. COSTA):

H.R. 1387. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 1388. A bill to amend the Internal Revenue Code of 1986 to make permanent the increase in expensing of certain depreciable business assets enacted by the Jobs and Growth Tax Relief Reconciliation Act 2003 and extended by the American Jobs Creation Act of 2004; to the Committee on Ways and Means.

By Mr. HINCHEY:

H.R. 1389. A bill to prohibit the importation, manufacture, distribution, or storage of ammonium nitrate compound without a license, to prohibit the receipt of ammonium nitrate compound without a license or permit, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLT (for himself, Mr. GEORGE MILLER of California, Mr. SIMMONS, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Ms. WOOLSEY, Mr. HINOJOSA, Mrs. MCCARTHY, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. BISHOP of New York, Mr. BROWN of Ohio, Ms. CORRINE BROWN of Florida, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. HOLDEN, Mr. DELAHUNT, Mr. RUSH, Ms. BALDWIN, Ms. CARSON, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Ms. SLAUGHTER, and Mr. ALLEN):

H.R. 1390. A bill to provide access and assistance to increase college attendance and completion by part-time students; to the Committee on Education and the Workforce.

By Mr. HOLT:

H.R. 1391. A bill to suspend temporarily the duty on allyl ureido monomer; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 1392. A bill to suspend temporarily the duty on methacrylamido etheleneurae monomer; to the Committee on Ways and Means.

By Ms. HOOLEY (for herself, Mr. MCCOTTER, Ms. ZOE LOFGREN of California, Mr. CUMMINGS, and Mr. BRADY of Pennsylvania):

H.R. 1393. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make volunteer members of the Civil Air Patrol eligible for Public Safety Officer death benefits; to the Committee on the Judiciary.

By Ms. HOOLEY:

H.R. 1394. A bill to amend the Small Business Act to clarify that the Administrator of the Small Business Administration is authorized to make economic injury disaster loans in response to disasters caused by drought; to the Committee on Small Business.

By Ms. HOOLEY:

H.R. 1395. A bill to amend the Controlled Substances Act to provide a minimum mandatory prison sentence for manufacturing methamphetamine on properties where children reside, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 1396. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish recall authority regarding drugs, to increase criminal penalties for the sale or trade of prescription drugs knowingly caused to be adulterated or misbranded, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. MCNULTY, and Mr. LARSON of Connecticut):

H.R. 1397. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1398. A bill to amend the Clean Air Act to require that, after the year 2010, all gasoline sold in the United States for motor vehicles contain not less than 10 percent ethanol and that all diesel fuel sold in the United States for motor vehicles contain not less than 5 percent biodiesel, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTUR (for herself and Mr. LATOURETTE):

H.R. 1399. A bill to expand the number of individuals and families with health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and 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. KELLER:

H.R. 1400. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island:

H.R. 1401. A bill to amend the Public Health Service Act to establish a program of grants for the detection and control of colorectal cancer; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island (for himself and Mr. RAMSTAD):

H.R. 1402. A bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits; to the Committee on Education and the Workforce, 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 Ms. KILPATRICK of Michigan (for herself, Ms. LEE, Ms. WOOLSEY, Mr. DEFAZIO, Mrs. NAPOLITANO, Mr. TOWNS, Ms. WATSON, Mr. MCDERMOTT, Mr. PALLONE, and Mrs. MALONEY):

H.R. 1403. A bill to amend title 10, United States Code, to establish in the Department of Defense an Office of the Victim Advocate, to prescribe the functions of that office, and for other purposes; to the Committee on Armed Services.

By Ms. KILPATRICK of Michigan (for herself, Mr. COOPER, Mr. WAMP, Ms. BORDALLO, Mr. MCDERMOTT, Mr. PAYNE, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. OWENS, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Mr. RUSH, Mr. RANGEL, Ms. NORTON, Mr. MEEHAN, Mr. JEFFERSON, Mrs. MALONEY, and Mr. GORDON):

H.R. 1404. A bill to posthumously award a congressional gold medal to Wilma G. Rudolph; to the Committee on Financial Services.

By Mr. LARSON of Connecticut (for himself, Ms. DELAURO, Mr. ENGLISH of Pennsylvania, Mr. ETHERIDGE, Mrs. JOHNSON of Connecticut, Mrs. MCCARTHY, Mr. MCINTYRE, Mr. SHAYS, Mr. SIMMONS, and Mr. WELDON of Pennsylvania):

H.R. 1405. A bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes and wage withholding property tax rebates and other benefits provided to volunteer firefighters and emergency medical responders; to the Committee on Ways and Means.

By Mr. LATHAM:

H.R. 1406. A bill to amend title 37, United States Code, to increase the authorized weight allowances for the shipment of baggage and household effects of senior noncommissioned officers of the uniformed services; to the Committee on Armed Services.

By Mr. LATOURETTE:

H.R. 1407. A bill to provide that certain wire rods shall not be subject to any antidumping duty or countervailing duty order; to the Committee on Ways and Means.

By Ms. LEE (for herself, Mr. LEACH, Mr. FALEOMAVAEGA, Mr. PALLONE, Mr. LANTOS, Ms. ROS-LEHTINEN, and Mr. ACKERMAN):

H.R. 1408. A bill to provide assistance to combat HIV/AIDS in India, and for other purposes; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. HYDE, Mr. LANTOS, Mr. LEACH, and Ms. MCCOLLUM of Minnesota):

H.R. 1409. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. PAYNE, and Mr. OWENS):

H.R. 1410. A bill to provide for coverage of hormone replacement therapy for treatment of menopausal symptoms, and for coverage of an alternative therapy for hormone replacement therapy for such symptoms, under the Medicare and Medicaid Programs, group health plans and individual health insurance coverage, and other Federal health insurance programs; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Government Reform, and Veterans' Affairs, 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. LINDER:

H.R. 1411. A bill to amend the Internal Revenue Code of 1986 to clarify that a convention or association of churches includes individuals (with or without voting rights) as well as churches; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself, Mr. SAXTON, Mr. ANDREWS, Mr. CASTLE, and Ms. SCHWARTZ of Pennsylvania):

H.R. 1412. A bill to amend the Ports and Waterways Safety Act to require notification of the Coast Guard regarding obstructions to navigation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY (for herself, Mr. SHAYS, Mrs. MALONEY, Ms. KAPTUR, Mr. DOGGETT, Mr. GEORGE MILLER of California, Mr. EVANS, Mr. WEXLER, Mr. MOORE of Kansas, Ms. WOOLSEY, Mrs. JONES of Ohio, Mr. ENGLISH of Pennsylvania, Mr. ENGEL, Ms. SOLIS, Mr. SERRANO, Mr. OWENS, Mr. CUMMINGS, Mr. MCDERMOTT, Mr. PAYNE, Mr. BROWN of Ohio, Ms. ZOE LOFGREN of California, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. SANDERS, Mr. BOEHLERT, Mr. WAXMAN, Mr. LIPINSKI, Mr. ALLEN, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. DELAHUNT, Mr. GRIJALVA, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. LANTOS, and Mr. MCINTYRE):

H.R. 1413. A bill to make the protection of vulnerable populations, especially women and children, who are affected by a humanitarian emergency a priority of the United States Government, and for other purposes; to the Committee on International Relations.

By Mr. MARKEY (for himself, Ms. NORTON, Mr. KUCINICH, Mr. PALLONE, Ms. LEE, Mrs. MALONEY, Mr. THOMPSON of Mississippi, Mr. HOLT, Mrs. JONES of Ohio, Ms. BERKLEY, Mr. GRIJALVA, and Mr. DOGGETT):

H.R. 1414. A bill to direct the Secretary of Homeland Security to issue regulations concerning the shipping of extremely hazardous materials, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY (for herself and Mr. DINGELL):

H.R. 1415. A bill to improve the National Instant Criminal Background Check System, and for other purposes; to the Committee on the Judiciary.

By Mrs. MCCARTHY:

H.R. 1416. A bill to repeal the reduction in Medicare payment for therapeutic shoes and inserts for individuals with diabetes effected by section 627 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; 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. MCCRERY (for himself, Mr. NEAL of Massachusetts, Mr. SHAW, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. HULSHOF, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. CANTOR, Ms. HART, Mr. BEAUPREZ, Mr. MCDERMOTT, Mr. JEFFERSON, Mr. BECERRA, and Mr. CROWLEY):

H.R. 1417. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income; to the Committee on Ways and Means.

By Mr. MEEHAN (for himself and Mr. WEINER):

H.R. 1418. A bill to amend chapter 89 of title 5, United States Code, and chapter 55 of title 10, United States Code, to provide that any health benefits plan which provides obstetrical benefits shall be required also to provide coverage for the diagnosis and treatment of infertility; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H.R. 1419. A bill to require that Homeland Security grants related to terrorism preparedness and prevention be awarded based strictly on an assessment of risk, threat, and vulnerabilities; to the Committee on Homeland Security.

By Mr. MORAN of Virginia (for himself, Mr. DUNCAN, and Mr. ROSS):

H.R. 1420. A bill to prohibit as indecent the broadcasting of any advertisement for a medication for the treatment of erectile dysfunction; to the Committee on Energy and Commerce.

By Mr. NUSSLE (for himself, Mr. TANNER, Mr. LATHAM, Mr. KING of Iowa, Mr. BOSWELL, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Kentucky, and Mr. WAMP):

H.R. 1421. A bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit; to the Committee on Ways and Means.

By Mr. OSBORNE (for himself, Mr. SHAYS, Mr. KING of New York, Mr. ETHERIDGE, and Mr. LEACH):

H.R. 1422. A bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself, Mrs. MCCARTHY, Mr. KENNEDY of Rhode Island, Mr. WEINER, Mr. DELAHUNT, Mr. PAYNE, Mrs. MALONEY, Mr. CAPUANO, and Ms. SCHAKOWSKY):

H.R. 1423. A bill to ban the manufacture, sale, delivery, and transfer of handguns that cannot be personalized, and to provide for a report to the Congress on the commercial feasibility of personalizing firearms; to the Committee on the Judiciary.

By Mr. PAYNE (for himself, Mr. TANCREDO, Mr. MEEKS of New York, Ms. LEE, Mr. CAPUANO, Mr. CONYERS, Mr. RANGEL, Mr. PITTS, Mr. THOMPSON of Mississippi, and Mr. RUSH):

H.R. 1424. A bill to impose sanctions against perpetrators of crimes against humanity and genocide in Darfur, Sudan, and for other purposes; to the Committee on International Relations.

By Mr. PETRI (for himself, Mr. GEORGE MILLER of California, Mr. DOGGETT, Mr. BROWN of Ohio, Mr. SANDERS, Mr. BISHOP of New York, Mr. FILNER, Mr. MCDERMOTT, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. GRIJALVA, Mr. HINCHEY, Mr. KUCINICH, Mr. WU, Mr. VAN HOLLEN, Ms. WATSON, Mr. ETHERIDGE, Ms. MOORE of Wisconsin, Mr. CUMMINGS, Ms. MCCOLLUM of Minnesota, Mr. ISRAEL, Mrs. JONES of Ohio, Ms. BORDALLO, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, Mr. TIERNEY, Mr. KILDEE, Mr. BROWN of South Carolina, Ms. PELOSI, and Mr. ALEXANDER):

H.R. 1425. A bill to ensure that the Federal student loans are delivered as efficiently as possible, so that there is more grant aid for students; to the Committee on Education and the Workforce.

By Mr. PICKERING (for himself, Mr. DOYLE, Mr. TAYLOR of Mississippi, Mr. LARSON of Connecticut, Mr. LYNCH, Mr. TANNER, Mr. DUNCAN, Mr. KILDEE, Mr. MCCOTTER, Mr. ABERCROMBIE, Mr. WICKER, Mr. RYUN of Kansas, Mr. PAYNE, Mr. HYDE, Mr. HINCHEY, Mr. WALSH, Mr. TERRY, Mrs. WILSON of New Mexico, Mr. SHIMKUS, and Mrs. BLACKBURN):

H.R. 1426. A bill to amend title XIX of the Social Security Act to provide public access to quality medical imaging procedures and radiation therapy procedures; to the Committee on Energy and Commerce.

By Mr. PLATTS:

H.R. 1427. A bill to amend title 31, United States Code, to eliminate the 10-year limitation on the collection of nontax debt; to the Committee on the Judiciary.

By Mr. POMBO (for himself, Mr. GILCHREST, and Mr. DICKS):

H.R. 1428. A bill to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes; to the Committee on Resources.

By Ms. PRYCE of Ohio (for herself, Ms. ROS-LEHTINEN, Mrs. MILLER of Michigan, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mrs. CAPITO, Ms. HARRIS, Mrs. JOHNSON of Connecticut, Mr. LATOURETTE, Mrs. MYRICK, Mrs. BONO, Mrs. KELLY, Ms. FOXX, Mrs. DRAKE, Ms. HART, Mr. DENT, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Ms. HOOLEY, Ms. SLAUGHTER, Mrs. DAVIS of California, Ms. ESHOO, Ms. KILPATRICK of Michigan, Ms. KAPTUR, Mrs. CAPPS, Ms. BALDWIN, Ms. CARSON, Ms. DELAURO, Ms. ZOE LOFGREN of California, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, and Ms. WOOLSEY):

H.R. 1429. A bill to provide for the conveyance of certain real property by the Administrator of General Services; to the Committee on Transportation and Infrastructure.

By Mr. RADANOVICH (for himself and Mr. CARDOZA):

H.R. 1430. A bill to authorize the Secretary of the Interior to complete a study of the feasibility of establishing the National Parks Institute in Central California; to the Committee on Resources.

By Mr. RAHALL (for himself, Mr. FARR, Mr. KIND, Mr. LEACH, and Mr. SHAYS):

H.R. 1431. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to modify requirements for the appointment and training of members of Regional Fishery Management Councils, and for other purposes; to the Committee on Resources.

By Mr. RANGEL:

H.R. 1432. A bill to require the Secretary of the Treasury to redesign the $1 coin to commemorate Dr. Martin Luther King, Jr; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 1433. A bill to require the Secretary of the Treasury to mint coins in commemoration of Associate Justice Thurgood Marshall; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 1434. A bill to designate the Federal building to be constructed at 799 First Avenue in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H.R. 1435. A bill to amend the Internal Revenue Code of 1986 to deny the foreign tax credit and the benefits of deferral to companies doing business directly or through subsidiaries in Sudan until the Government of Sudan takes demonstrable steps to end genocide in Sudan; to the Committee on Ways and Means.

By Mr. RENZI:

H.R. 1436. A bill to remove certain use restrictions on property located in Navajo County, Arizona; to the Committee on Resources.

By Mr. ROHRABACHER:

H.R. 1437. A bill to eradicate the poppy plant in Afghanistan; to the Committee on International Relations.

By Mr. ROHRABACHER (for himself, Mr. TANCREDO, Mr. CUNNINGHAM, Mr. GOODE, Mr. SULLIVAN, and Mr. GARRETT of New Jersey):

H.R. 1438. A bill to amend title II of the Social Security Act to exclude from creditable wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mr. ENGEL, Mr. PALLONE, Ms. KILPATRICK of Michigan, Mr. TOWNS, Ms. NORTON, Mr. DAVIS of Illinois, Mr. OWENS, Mr.

HINOJOSA, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Mr. LEWIS of Georgia, Mr. GUTIERREZ, Mr. FATTAH, Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, Mr. KUCINICH, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. LIPINSKI, Mr. COSTELLO, Mr. WEXLER, and Mr. ANDREWS):

H.R. 1439. A bill to authorize the Secretary of Education to enter into a partnership with a qualified local educational agency to conduct a model school-to-work program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SANDERS (for himself, Mr. ABERCROMBIE, Mr. PAUL, Mr. BOUCHER, Mr. MCDERMOTT, and Ms. WATSON):

H.R. 1440. A bill to prohibit the Federal Communications Commission from imposing penalties for indecent broadcasts on providers of video over cable television systems, satellite carriers, the Internet, or non-broadcast providers; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY (for herself, Mr. GRIJALVA, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Ms. BORDALLO, Mrs. CHRISTENSEN, Ms. LEE, Mr. RANGEL, Mr. PALLONE, Ms. BALDWIN, Ms. CARSON, Ms. WATSON, and Mr. FARR):

H.R. 1441. A bill to require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities; to the Committee on Financial Services.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 1442. A bill to complete the codification of title 46, United States Code, ''Shipping'', as positive law; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. WAXMAN, Mr. TERRY, Mr. DINGELL, Mr. MCHUGH, Mr. MCNULTY, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. VAN HOLLEN, Mr. FORD, Mr. KIND, Mr. LANGEVIN, Mr. TOWNS, Mr. ROSS, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. GRIJALVA, Mr. PALLONE, Mr. PAUL, Mr. MORAN of Virginia, Ms. LEE, Mr. LANTOS, Mr. DOGGETT, Mr. SCHIFF, Mr. ALLEN, Mr. DAVIS of Florida, Ms. SCHAKOWSKY, Mr. STRICKLAND, Mr. GORDON, Mr. ENGEL, Mr. HINCHEY, Mr. COOPER, Ms. BALDWIN, and Mr. MCDERMOTT):

H.R. 1443. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the Medicaid Program for such children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHAYS:

H.R. 1444. A bill to suspend temporarily the duty on certain meatless frozen food products; to the Committee on Ways and Means.

By Mr. SOUDER (for himself, Mrs. MCCARTHY, Mr. JINDAL, Mr. WEINER, Mr. CANTOR, Mr. VAN HOLLEN, and Mr. PRICE of North Carolina):

H.R. 1445. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SOUDER (for himself, Mr. BURTON of Indiana, Mr. PETERSON of Pennsylvania, Mr. BOEHLERT, Ms. BORDALLO, Mr. CASE, and Mr. KENNEDY of Minnesota):

H.R. 1446. A bill to amend the Controlled Substances Act to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself, Ms. ROS-LEHTINEN, Mr. WILSON of South Carolina, Mr. WESTMORELAND, Mr. TOWNS, and Mr. WAXMAN):

H.R. 1447. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services under part B of the Medicare Program, and for other purposes; 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. STUPAK:

H.R. 1448. A bill to direct the Commandant of the Coast Guard to convey the Coast Guard Cutter MACKINAW, upon its scheduled decommissioning, to the City and County of Cheboygan, Michigan, to use for purposes of a museum; to the Committee on Transportation and Infrastructure.

By Mr. SULLIVAN (for himself, Mrs. MUSGRAVE, Mr. WICKER, Mr. RADANOVICH, Mr. WILSON of South Carolina, Mr. SOUDER, Mr. NORWOOD, Mrs. MYRICK, Mr. MCHENRY, Mr. INGLIS of South Carolina, Mr. FLAKE, and Mr. KING of Iowa):

H.R. 1449. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Government Reform.

By Mr. TANCREDO:

H.R. 1450. A bill to require additional tariffs be imposed on products of any nonmarket economy country until the President certifies to the Congress that that country is a market economy country, and to direct the Secretary of the Treasury to deposit the amounts generated from those tariffs into the Social Security trust funds; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. BOEHLERT, Mr. ALLEN, Mr. GILCHREST, Mr. GRIJALVA, Mrs. JOHNSON of Connecticut, Ms. SCHAKOWSKY, Mrs. KELLY, Mrs. CAPPS, Mr. MCHUGH, Mr. DOGGETT, Mr. SAXTON, Mr. MARKEY, Mr. SHAYS, Ms. SOLIS, Mr. SMITH of New Jersey, Mr. ENGEL, and Mr. WALSH):

H.R. 1451. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. FOSSELLA, Mr. NEAL of Massachusetts, Mr. MCHUGH, Mr. CROWLEY, Mr. ISRAEL, Mrs. MCCARTHY, Mrs. MALONEY, Mr. ENGEL, Mr. ACKERMAN, Mr. WILSON of South Carolina, Mr. SOUDER, Mr. PAYNE, Mr. DELAHUNT, Mr. MEEHAN, Mr. EVANS, Mr. BRADY of Pennsylvania, Mr. HOLDEN, and Mr. BISHOP of New York):

H.J. Res. 38. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. BACHUS, Mr. STEARNS, Mrs. EMERSON, Mr. ROGERS of Alabama, Mr. ALEXANDER, Mr. BARTLETT of Maryland, Mr. DAVIS of Tennessee, Mr. TAYLOR of Mississippi, and Mr. GOHMERT):

H.J. Res. 39. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. DELAY:

H. Con. Res. 103. Concurrent resolution providing for an adjournment of the two Houses; considered and agreed to.

By Mr. BASS:

H. Con. Res. 104. Concurrent resolution congratulating Bode Miller for winning the 2004-2005 World Cup overall title in Alpine skiing; to the Committee on Government Reform.

By Ms. BERKLEY (for herself, Mr. GIBBONS, and Mr. PORTER):

H. Con. Res. 105. Concurrent resolution recognizing the 100th anniversary of the founding of Las Vegas, Nevada; to the Committee on Government Reform.

By Mrs. CAPITO:

H. Con. Res. 106. Concurrent resolution expressing the sense of Congress that a site in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the 40 members of the Armed Forces who lost their lives in the air crash at Bakers Creek, Australia, on June 14, 1943; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida:

H. Con. Res. 107. Concurrent resolution supporting the goal of increased homeownership in the United States and recognizing the importance of homeownership programs, fair lending laws, and fair housing laws in achieving that goal; to the Committee on Financial Services.

By Ms. KILPATRICK of Michigan:

H. Con. Res. 108. Concurrent resolution expressing the sense of the Congress that the community development block grant program should remain under the administration of the Secretary of Housing and Urban Development; to the Committee on Financial Services.

By Mr. RANGEL:

H. Con. Res. 109. Concurrent resolution honoring Army Specialist Shoshana Nyree Johnson, former prisoner of war in Iraq; to the Committee on Armed Services.

By Mr. RANGEL:

H. Con. Res. 110. Concurrent resolution expressing the sense of Congress that Katherine Dunham should be recognized for her groundbreaking achievements in dance, theater, music, and education, as well as for her work as an activist striving for racial equality throughout the world; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Con. Res. 111. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Con. Res. 112. Concurrent resolution expressing the sense of the House of Representatives that Lena Horne should be recognized as one of the most popular performers of the 1940s and 1950s and for her outspoken opposition to racial and social injustice; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 113. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue a

postage stamp commemorating Congressman Adam Clayton Powell, Jr; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 114. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring Roy Campanella, and that the Citizens' Stamp Advisory Committee should recommend the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 115. Concurrent resolution expressing the sense of Congress that Romare Howard Bearden should be recognized as one of the preeminent artists of the 20th century for his artistic genius and visual creativity in the depiction of the complexity and richness of African American life in the United States; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 116. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring Arthur Ashe, and that the Citizens Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 117. Concurrent resolution expressing the sense of Congress that Zora Neale Hurston should be recognized for her achievements as a novelist and anthropologist, and for her contributions to the Harlem Renaissance movement; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 118. Concurrent resolution expressing the sense of Congress that Madame C. J. Walker should be recognized for her achievements in business, her inventions, and her commitment to the African-American community; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 119. Concurrent resolution expressing the sense of Congress that Arthur Schomburg should be recognized for his leadership and contributions in documenting, recording, and researching the historical contributions to society of peoples of African descent and for his efforts to combat racial and ethnic discrimination in the United States; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. GRIJALVA, Mr. BROWN of Ohio, Mr. HINCHEY, Mr. MCDERMOTT, Mrs. JONES of Ohio, Ms. WOOLSEY, Ms. KAPTUR, Mr. JACKSON of Illinois, Ms. WATERS, Mr. MCGOVERN, Mr. MARKEY, Mr. BAIRD, Ms. CARSON, Mr. LANTOS, Mr. PAYNE, Mr. MCNULTY, Mr. EMANUEL, Mr. OWENS, Mr. SERRANO, Mr. HASTINGS of Florida, Ms. SOLIS, Mr. RANGEL, and Mr. CROWLEY):

H. Con. Res. 120. Concurrent resolution expressing the sense of the Congress with regard to the world's freshwater resources; to the Committee on International Relations, and in addition to the Committees on Financial Services, and 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. JONES of North Carolina:

H. Res. 167. A resolution expressing the sense of the House of Representatives with respect to Second Lieutenant Ilario Pantano, United States Marine Corps; to the Committee on Armed Services.

By Mr. MCHENRY (for himself, Mr. SAM JOHNSON of Texas, Mr. FLAKE, Mr. BARTLETT of Maryland, Mr. FEENEY, Mr. CULBERSON, Mr. LUCAS, Mr. COLE of Oklahoma, Mr. SHADEGG, Mr. GINGREY, Mr. NEUGEBAUER, Mrs. MYRICK, Mr. PITTS, Mr. AKIN, Mr. WELDON of Florida, Mr. TANCREDO, Mr. PAUL, Mr. PENCE, Mr. MILLER of Florida, and Ms. HART):

H. Res. 168. A resolution expressing the sense of the House of Representatives that Social Security is a vital program facing bankruptcy, which must be reformed; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself and Ms. ESHOO):

H. Res. 169. A resolution recognizing the importance of sun safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. HINCHEY, Mr. DEFAZIO, Ms. WATSON, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLAY, Mr. CLEAVER, Mr. STARK, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. PAYNE, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. SERRANO, Ms. LEE, Mr. OWENS, Mr. GRIJALVA, Mr. NADLER, Mrs. MALONEY, Ms. WATERS, Mr. FARR, Mr. RAHALL, Mr. PALLONE, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. HONDA, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. RYAN of Ohio, Mr. FILNER, Ms. KAPTUR, Mr. GUTIERREZ, Mr. BROWN of Ohio, and Mr. GEORGE MILLER of California):

H. Res. 170. A resolution of inquiry requesting the President to transmit certain information to the House of Representatives respecting a claim made by the President on February 16, 2005, at a meeting Portsmouth, New Hampshire, that there is not a Social Security trust; to the Committee on Ways and Means.

By Mr. DREIER:

H. Res. 171. A resolution supporting the creation of the Office of the Coordinator for Reconstruction and Stabilization at the Department of State, and for other purposes; to the Committee on International Relations.

By Mr. BURTON of Indiana (for himself, Mr. EMANUEL, Mr. TANCREDO, Mr. FRANKS of Arizona, Mr. CHABOT, and Ms. WATSON):

H. Res. 172. A resolution expressing the condemnation of the House of Representatives on the one year anniversary of ethnic violence in Kosovo that occurred on March 17 and 18, 2004, and expressing condolences to the families of individuals who were killed or injured; to the Committee on International Relations.

By Ms. HARMAN (for herself, Mr. HASTINGS of Florida, Mr. REYES, Mr. BOSWELL, Mr. CRAMER, Ms. ESHOO, Mr. HOLT, Mr. RUPPERSBERGER, and Mr. TIERNEY):

H. Res. 173. A resolution expressing the sense of the House of Representatives that the Director of National Intelligence should establish and oversee the implementation of a uniform, multi-level security clearance system across the intelligence community to fully leverage the cultural and linguistic skills of subject matter experts and others proficient in foreign languages critical to national security; to the Committee on Intelligence (Permanent Select).

By Mr. MEEKS of New York (for himself, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCNULTY, Mr. SESSIONS, Mr. CONYERS, Mr. CROWLEY, Mr. JEFFERSON, Mr. ISSA, Mr. SANDERS, Ms. BORDALLO, and Ms. SOLIS):

H. Res. 174. A resolution congratulating the people of Malaysia and honoring Datuk Siti Norma Binti Yaacob regarding her recent appointment as the first female Chief Judge of Malaya, Malaysia; to the Committee on International Relations.

By Mr. NADLER (for himself, Mr. TOWNS, Mr. MCNULTY, Mrs. MCCARTHY, Mr. SERRANO, Mr. HINCHEY, Mr. CROWLEY, Mrs. MALONEY, Mr. WEINER, Mr. ACKERMAN, Mr. HIGGINS, Mrs. LOWEY, Mr. OWENS, Mr. MEEKS of New York, Mr. BOEHLERT, Mr. BISHOP of New York, Mr. ISRAEL, Mr. ENGEL, Mr. KUHL of New York, Mr. RANGEL, Ms. VELÁZQUEZ, Mr. KING of New York, Mr. FOSSELLA, Mr. MCHUGH, Mr. REYNOLDS, Mr. SWEENEY, Mr. WALSH, Mrs. KELLY, and Ms. SLAUGHTER):

H. Res. 175. A resolution recognizing the importance of establishing a national memorial at the World Trade Center site to commemorate and mourn the events of February 26, 1993, and September 11, 2001; to the Committee on Resources.

By Mr. RANGEL:

H. Res. 176. A resolution honoring Dick Brown: New York's greatest ambassador to Washington; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 177. A resolution expressing the sense of the House of Representatives that Sugar Ray Robinson should be recognized for his athletic achievements and commitment to young people; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 178. A resolution honoring the life of Betty Shabazz; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 179. A resolution expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN (for himself, Mr. LEACH, Mr. TOWNS, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, Mr. MCGOVERN, and Mr. FRANK of Massachusetts):

H. Res. 180. A resolution expressing the sense of the House of Representatives that a United Nations Emergency Peace Service capable of intervening in the early stages of a humanitarian crisis could save millions of lives, billions of dollars, and is in the interests of the United States; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. GORDON.

H.R. 20: Mr. SMITH of Texas.

H.R. 21: Mr. TANCREDO, Mr. BRADY of Texas, Ms. WATERS, Ms. VELÁZQUEZ, and Mr. SMITH of Texas.

H.R. 22: Mr. MCDERMOTT.

H.R. 23: Mr. HASTINGS of Florida, Ms. LORETTA SANCHEZ of California, Mr. MORAN of Virginia, Ms. MILLENDER-MCDONALD, Ms. SCHAKOWSKY, Mr. PASCRELL, Mr. BERMAN, Mr. ROSS, Mr. NEAL of Massachusetts, Mr. CUMMINGS, Mr. LYNCH, Ms. CORRINE BROWN of Florida, Mr. MCGOVERN, Mr. CARNAHAN, Mr. ROHRABACHER, Mr. PAYNE, Mr. WEXLER, Mr. PALLONE, Mr. WEINER, Mr. DAVIS of Alabama, Mr. CARDOZA, and Mr. GARRETT of New Jersey.

H.R. 29: Mr. MOORE of Kansas.

H.R. 34: Mr. NEUGEBAUER, Ms. FOXX, Mr. COOPER, Mr. RYAN of Ohio, Mr. CONAWAY, Mr. SHUSTER, Mr. ROGERS of Alabama, Mr. UDALL of Colorado, Mr. EMANUEL, and Mr. SMITH of Washington.

H.R. 47: Mr. BOREN.

H.R. 63: Mr. RUSH, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. PETERSON of Minnesota, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, and Mr. CROWLEY.

H.R. 68: Mr. CARDOZA.

H.R. 98: Mr. GERLACH.

H.R. 131: Mr. BLUMENAUER, Mr. GRIJALVA, and Mr. MCDERMOTT.

H.R. 151: Mr. WEINER and Mr. WEXLER.

H.R. 197: Mr. FILNER.

H.R. 198: Mr. GORDON.

H.R. 215: Mr. FRANK of Massachusetts.

H.R. 216: Mr. LEWIS of Kentucky.

H.R. 225: Mr. TOWNS.

H.R. 239: Mrs. DRAKE and Mrs. MUSGRAVE.

H.R. 282: Mr. SESSIONS, Mr. CARTER, Mr. SIMPSON, Mr. KNOLLENBERG, Mr. CUELLAR, Mr. GUTIERREZ, and Mr. SCOTT of Georgia.

H.R. 297: Mr. WU, Mr. PRICE of North Carolina, Mr. TIERNEY, Mr. TOM DAVIS of Virginia, Mr. KENNEDY of Rhode Island, Ms. BERKLEY, and Ms. LEE.

H.R. 302: Mrs. DRAKE.

H.R. 303: Mr. RANGEL and Mr. RUPPERSBERGER.

H.R. 305: Mrs. MUSGRAVE and Mr. HOBSON.

H.R. 311: Mr. BOREN.

H.R. 312: Mr. GUTIERREZ, Mr. JENKINS, and Mr. RUPPERSBERGER.

H.R. 341: Mr. MORAN of Kansas.

H.R. 356: Mr. INGLIS of South Carolina, Mr. SULLIVAN, Mr. JONES of North Carolina, and Mr. MOLLOHAN.

H.R. 359: Mr. OTTER.

H.R. 366: Mr. SOUDER, Mr. KUHL of New York, and Mr. WELLER.

H.R. 373: Mr. EMANUEL, Ms. MCCOLLUM of Minnesota, Ms. KILPATRICK of Michigan, Mr. CASE, and Mr. CONYERS.

H.R. 376: Mr. RAHALL and Ms. WATERS.

H.R. 400: Mr. KOLBE and Mr. FLAKE.

H.R. 407: Mrs. DRAKE.

H.R. 457: Mr. MARSHALL.

H.R. 458: Mr. LEWIS of Kentucky and Mr. POMEROY.

H.R. 475: Ms. SCHAKOWSKY.

H.R. 489: Mr. MATHESON and Mr. SALAZAR.

H.R. 500: Ms. HARRIS.

H.R. 513: Mr. LEWIS of Georgia.

H.R. 517: Mr. UDALL of Colorado, Mr. LARSEN of Washington, and Mr. SIMPSON.

H.R. 525: Mr. GALLEGLY and Mr. BEAUPREZ.

H.R. 537: Mr. BASS.

H.R. 550: Mr. BUTTERFIELD, Mr. DINGELL, and Mr. BERRY.

H.R. 583: Mr. WHITFIELD, Mr. PEARCE, Mr. CARNAHAN, and Mr. BISHOP of New York.

H.R. 595: Mr. SANDERS and Mr. CASE.

H.R. 596 Mr. FITZPATRICK of Pennsylvania.

H.R. 606 Mr. LEWIS of Georgia and Ms. BORDALLO.

H.R. 627 Mrs. JOHNSON of Connecticut, Mr. LARSON of Connecticut, and Mr. SIMMONS.

H.R. 653 Mr. GONZALEZ and Mr. BROWN of Ohio.

H.R. 658 Mr. KUHL of New York.

H.R. 669 Mr. PRICE of North Carolina.

H.R. 670 Mr. LEWIS of Georgia, Mr. SIMMONS, and Mr. HYDE.

H.R. 682 Mr. SODREL.

H.R. 685 Mr. WELDON of Florida, Mr. SHAW, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ISTOOK, and Mr. MATHESON.

H.R. 691 Mr. RUPPERSBERGER.

H.R. 697 Mr. PLATTS, Mr. RUPPERSBERGER, Mrs. MILLER of Michigan, Mr. MORAN of Virginia, Mr. RYAN of Ohio, Mr. SHERMAN, Mr. MEEHAN, and Ms. HERSETH.

H.R. 698 Mr. SHADEGG and Mr. SESSIONS.

H.R. 699 Mr. GOODE and Mrs. MUSGRAVE

H.R. 710 Mr. KIND and Mrs. MALONEY.

H.R. 712 Mr. FEENEY and Mr. FORBES.

H.R. 713 Mr. WICKER.

H.R. 719 Mr. GREEN of Wisconsin, Mr. PETERSON of Minnesota, Mr. BOSWELL, Mr. MOORE of Kansas, Mr. SHIMKUS, and Mr. PICKERING.

H.R. 721 Mr. CONAWAY.

H.R. 747: Mr. SMITH of Washington, Mr. GENE GREEN of Texas, Mrs. NAPOLITANO, Mr. CUELLAR, Mr. GRIJALVA, and Mr. BACA.

H.R. 752: Mr. RUPPERSBERGER.

H.R. 765: Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. BAKER, Mr. HOSTETTLER, Mr. BOUCHER, and Mr. TERRY.

H.R. 771: Mr. PAUL.

H.R. 791: Ms. SCHWARTZ of Pennsylvania.

H.R. 793: Mr. CARDIN, Mr. CUMMINGS, and Mr. LOBIONDO.

H.R. 798: Mr. SMITH of New Jersey, Mr. WALDEN of Oregon, Mrs. EMERSON, and Mr. BERRY.

H.R. 799: Ms. SCHAKOWSKY.

H.R. 800: Mr. COX, Mr. HOSTETTLER, Ms. GINNY BROWN-WAITE of Florida, Mr. GREEN of Wisconsin, Mr. COLE of Oklahoma, Mr. TIBERI, Mr. SHADEGG, and Mr. LINDER.

H.R. 809: Mr. OTTER.

H.R. 817: Mr. KENNEDY of Rhode Island and Mr. TOM DAVIS of Virginia.

H.R. 827: Mr. MCDERMOTT.

H.R. 838: Mr. DAVIS of Florida, Mr. RANGEL, and Ms. SLAUGHTER.

H.R. 845: Mrs. MUSGRAVE.

H.R. 867: Mr. MORAN of Kansas.

H.R. 869: Mr. MCDERMOTT and Mr. WAXMAN.

H.R. 871: Mr. FARR.

H.R. 881: Mr. OWENS, Ms. GRANGER, Mr. GARRETT of New Jersey, and Mr. WAMP.

H.R. 884: Mr. WALSH, Mr. FARR, Mrs. JOHNSON of Connecticut, Ms. ROYBAL-ALLARD, Mr. SHIMKUS, Mr. KUHL of New York, and Mr. GRIJALVA.

H.R. 896: Mr. ENGEL.

H.R. 914: Mr. SOUDER.

H.R. 916: Mr. HINCHEY, Mr. MCINTYRE, and Mr. KILDEE.

H.R. 923: Mr. MEEHAN and Mrs. DRAKE.

H.R. 927: Mr. REGULA.

H.R. 928: Mr. GONZALEZ, Mr. GRIJALVA, and Ms. WATSON.

H.R. 934: Mrs. MCCARTHY and Mr. ABERCROMBIE.

H.R. 935: Ms. LORETTA SANCHEZ of California, Mr. FRANK of Massachusetts, Mr. SCOTT of Georgia, Ms. LEE, Mr. BURTON of Indiana, Ms. WOOLSEY, Mr. CLAY, and Ms. ZOE LOFGREN of California.

H.R. 969: Mr. BECERRA and Ms. CORRINE BROWN of Florida.

H.R. 972: Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAHUNT, Mr. BUTTERFIELD, and Ms. SLAUGHTER.

H.R. 973: Mr. BAIRD.

H.R. 974: Mr. BAIRD.

H.R. 985: Mr. FITZPATRICK of Pennsylvania, Mr. SHAW, and Mr. BARROW.

H.R. 997: Mr. RADANOVICH and Mr. DAVIS of Kentucky.

H.R. 998: Mr. LEWIS of Kentucky and Mr. LARSON of Connecticut.

H.R. 1001: Mr. REYES and Mr. GONZALEZ.

H.R. 1049: Mr. SAM JOHNSON of Texas.

H.R. 1106: Mr. FRANK of Massachusetts and Mr. RANGEL.

H.R. 1107: Ms. MCCOLLUM of Minnesota and Mr. RANGEL.

H.R. 1120: Mr. SABO.

H.R. 1124: Mr. LAHOOD, Mr. FRANK of Massachusetts, and Mr. CASE.

H.R. 1125: Mrs. MCCARTHY.

H.R. 1130: Ms. NORTON, Mr. CUMMINGS, Mr. ABERCROMBIE, Mr. BROWN of Ohio, and Mr. FARR.

H.R. 1131: Mr. LANGEVIN.

H.R. 1145: Mr. SHIMKUS, Mr. ORTIZ, Mr. GONZALEZ, and Mr. MILLER of North Carolina.

H.R. 1147: Mr. BUTTERFIELD and Mr. LANTOS.

H.R. 1158: Mr. EHLERS.

H.R. 1183: Mr. TIBERI.

H.R. 1185: Ms. VELÁZQUEZ.

H.R. 1186: Mr. TIBERI.

H.R. 1194: Mr. ROSS.

H.R. 1202: Mr. LEVIN.

H.R. 1214: Mr. MCGOVERN, Mr. HINCHEY, and Mr. CARNAHAN.

H.R. 1216: Mr. MURPHY.

H.R. 1217: Mr. CAPUANO, Mr. STRICKLAND, Mr. WALSH, and Mr. BISHOP of New York.

H.R. 1219: Mr. FORBES, Mr. GILLMOR, and Mr. SESSIONS.

H.R. 1237: Mr. MCNULTY, Mr. ENGLISH of Pennsylvania, Mr. MCGOVERN, Mr. SIMMONS, Mr. BROWN of Ohio, and Mr. BUTTERFIELD.

H.R. 1245: Mr. SHAYS, Mr. FILNER, Ms. SOLIS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. RYAN of Ohio, Mr. BAIRD, and Mr. GRIJALVA.

H.R. 1246: Mr. MOORE of Kansas, Mr. CASE, Mr. FOLEY, Mr. PALLONE, Mr. GENE GREEN of Texas, Mr. EDWARDS, Ms. SCHAKOWSKY, Mr. DAVIS of Florida, Mr. MARCHANT, Mr. STRICKLAND, Mr. HOBSON, Mr. OLVER, Mr. TERRY, and Mr. KILDEE.

H.R. 1247: Mrs. MUSGRAVE.

H.R. 1248: Mrs. MUSGRAVE.

H.R. 1249: Mr. COSTELLO, Mr. MEEHAN, Mr. GORDON, and Ms. SCHAKOWSKY.

H.R. 1259: Mr. BUTTERFIELD, Mrs. MCCARTHY, Mr. SCOTT of Virginia, Mr. MCDERMOTT, and Ms. BORDALLO.

H.R. 1286: Mr. GARRETT of New Jersey, Mr. SHIMKUS, and Mr. MCHUGH.

H.R. 1290: Mrs. DAVIS of California and Mr. WEXLER.

H.R. 1293: Mr. DAVIS of Illinois.

H.R. 1295: Mr. FORD and Mr. THOMPSON of Mississippi.

H.R. 1299: Mrs. CUBIN and Mr. BEAUPREZ.

H.R. 1300: Mr. BROWN of Ohio, Mr. DAVIS of Alabama, Mr. KUCINICH, Mr. SANDERS, Ms. WOOLSEY, Mr. MCDERMOTT, and Mr. CUMMINGS.

H.R. 1306: Mr. SHAW, Mr. SOUDER, Mr. BOSWELL, and Mr. SAM JOHNSON of Texas.

H.R. 1309: Ms. WOOLSEY, Mr. MCDERMOTT, Mrs. JONES of Ohio, and Mr. OWENS.

H.R. 1313: Mr. MCHUGH, Mr. MCCOTTER, Mr. ALEXANDER, Mr. SOUDER, Mrs. DAVIS of California, and Mr. BILIRAKIS.

H.R. 1322: Mr. OLVER, Mr. MCDERMOTT, Mr. SHERMAN, Mr. GEORGE MILLER of California, and Mr. WAXMAN.

H.R. 1335: Mr. PASCRELL.

H.R. 1345: Mr. CHOCOLA.

H.J. Res. 10: Mr. CARDOZA.

H.J. Res. 23: Mr. REHBERG.

H.J. Res. 27: Mr. DEFAZIO.

H.J. Res. 37: Ms. SCHWARTZ of Pennsylvania.

H. Con. Res. 43: Mr. SESSIONS.
H. Con. Res. 47: Mrs. DAVIS of California.
H. Con. Res. 50: Mr. MCCAUL of Texas.
H. Con. Res. 57: Mr. BUTTERFIELD and Mr. MEEK of Florida.
H. Con. Res. 69: Mrs. MUSGRAVE.
H. Con. Res. 74: Mr. GRIJALVA, Mr. OWENS, and Ms. MILLENDER-MCDONALD.
H. Con. Res. 76: Mrs. MUSGRAVE.
H. Con. Res. 83: Mr. SCOTT of Georgia and Mr. HOSTETTLER.
H. Con. Res. 87: Mr. KILDEE and Mr. WEXLER.
H. Con. Res. 91: Mr. BISHOP of New York, Mr. MCNULTY, Mr. ACKERMAN, Mr. WAXMAN, Mr. MOORE of Kansas, Ms. LINDA T. SÁNCHEZ of California, Mr. ROSS, Mr. SNYDER, Mr. BERRY, Mr. BOREN, Ms. SLAUGHTER, Mr. NADLER, Mr. SHERMAN, Mr. Crowley, Mrs. MCCARTHY, Mrs. LOWEY, Mr. SERRANO, Mr. OTTER, Mr. WEINER, Mr. MEEK of Florida, Mr. RYAN of Ohio, and Ms. WASSERMAN SCHULTZ.
H. Con Res. 96: Mr. EHLERS.
H. Con Res. 97: Mr. VAN HOLLEN.
H. Res. 27: Ms. LEE, Mr. KUCINICH, Mr. SHAW, Ms. KAPTUR, Mrs. JONES of Ohio, Mr. BLUMENAUER, Mr. OWENS, Ms. CARSON, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Ms. SLAUGHTER, Mr. PAYNE, and Mr. ENGEL.
H. Res. 30: Mr. ALEXANDER, Mr. BUTTERFIELD, Ms. CARSON, Mr. CUELLAR, Mr. GREEN of Wisconsin, Mrs. MCCARTHY, and Mr. MCDERMOTT.
H. Res. 67: Mr. RUPPERSBERGER, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, Ms. HERSETH, Ms. KAPTUR, Mr. LANTOS, Mr. MORAN of Virginia, Ms. PELOSI, Mrs. CAPPS, and Mrs. MCCARTHY.
H. Res. 84: Mr. HOBSON.
H. Res. 85: Mr. GILCHREST.
H. Res. 127: Mr. COSTA and Mr. HINOJOSA.
H. Res. 131: Mr. FALEOMAVAEGA and Ms. MATSUI.
H. Res. 137: Mr. DAVIS of Tennessee, Mr. SALAZAR, Mr. NORWOOD, and Mr. FORTENBERRY.
H. Res. 146: Mr. SOUDER.
H. Res. 148: Mr. FITZPATRICK of Pennsylvania.
H. Res. 158: Mr. KIND, Mr. WAXMAN, and Mr. BOSWELL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were detailed from public bills and resolutons as follows:

H.R. 65: Mr. WEXLER.
H.R. 415: Mr. FOLEY.
H.J. Res. 23: Mr. CLEAVER.

SENATE—*Thursday, March 17, 2005*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray. We look to You today, O God, maker of heaven and earth. Unless You lay the foundation of our plans, we labor in vain. Unless You guard our Nation, our efforts to find security are futile.

As Your servants in the Senate seek to do Your will today, make it clear to them the path they should follow. In the flowing of pressure, help them to hear the whisper of Your wisdom. Empower them to anticipate the forces that threaten the freedom of this good land. Plant in each of our hearts a reverential awe of You that will lead to life.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 18, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the United States Government for the fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 and 2010.

Pending:

Bingaman (for Smith) Amendment No. 204, to create a reserve fund for the establishment of a Bipartisan Medicaid Commission to consider and recommend appropriate reforms to the Medicaid program, and to strike Medicaid cuts to protect states and vulnerable populations.

Carper Amendment No. 207, to provide for full consideration of tax cuts in the Senate under regular order.

Snowe Amendment No. 214, to ensure that any savings associated with legislation that provides the Secretary of Health and Human Services with the authority to participate in the negotiation of contracts with manufacturers of covered part D drugs to achieve the best possible prices for such drugs under part D of title XVIII of the Social Security Act, that requires the Secretary to negotiate contracts with manufacturers of such drugs for each fallback prescription drug plan, and that requires the Secretary to participate in the negotiation for a contract for any such drug upon request of a prescription drug plan or an MA–PD plan, is reserved for reducing expenditures under such part.

Harkin Amendment No. 172, to restore the Perkins Vocational Education program and provide for deficit reduction paid for through the elimination of the phase out of the personal exemption limitation and itemized deduction limitation for high-income taxpayers now scheduled to start in 2006.

Hutchison Amendment No. 218, to fully fund the level of Border Patrol Agents authorized by the National Intelligence Reform Act of 2004 and as recommended by the 9/11 Commission.

Landrieu Amendment No. 219, to establish a reserve fund in the event that legislation is passed to provide a 50 percent tax credit to employers that continue to pay the salaries of Guard and Reserve employees who have been called to active duty.

Salazar/Conrad Amendment No. 215, to provide additional funding for rural education, rural health access, and rural health outreach programs.

Conrad (for Dorgan) Amendment No. 210, to repeal the tax subsidy for certain domestic companies which move manufacturing operations and American jobs offshore.

Collins (for Lieberman/Collins) Amendment No. 220, to protect the American people from terrorist attacks by restoring $565 million in cuts to vital first-responder programs in the Department of Homeland Security, including the State Homeland Security Grant program, by providing $150 million for port security grants and by providing $140 million for 1,000 new border patrol agents.

Vitter Amendment No. 223, to express the sense of the Senate that Congress should provide dedicated funding for port security enhancements.

Vitter Amendment No. 224, to restore funding for Corps of Engineers environmental programs to fiscal year 2005 levels.

Allen Modified Amendment No. 197, to increase by $1,582,700,000 over fiscal years 2006 through 2010 funding for Transportation (budget function 400) with the amount of the increase intended to be allocated to the Vehicle Systems account of the National Aeronautics and Space Administration for subsonic and hypersonic aeronautics research.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will immediately resume consideration of the budget resolution. We have an order in place from last night which sets aside specific debate times in relation to several amendments this morning. There is no debate time remaining on the resolution beyond this time agreement. Senators, therefore, can expect a lengthy series of votes to begin sometime around 1:30 today. This vote-arama will necessitate continued cooperation from all Members. I cannot stress enough the importance of every Senator staying on the floor or very close by throughout the afternoon and into the evening. This is always a trying and challenging period because of the unusual nature of what happens over the course of the day. But beginning around 1:30, we will start a series of votes that will go on for a while.

I encourage my colleagues to work with the managers to use restraint in not offering amendments if they are purely message amendments and are not substantive. It is going to be a challenge to bring everything to closure over the course of today and early into this evening already, so please use restraint in terms of whether to offer amendments.

TERRI SCHIAVO

I know we want to get started, but I did want to bring to the attention of my colleagues an issue that we do have to act on before we leave. I do so on behalf of a number of my colleagues on both sides of the aisle who have come up and said: There is an important issue facing the country that we have not addressed in the past and that other systems of government and other branches of government have inadequately addressed, and, therefore, it is time for the U.S. Senate to speak.

It centers on the fact that if we don't act or if somebody does not act, a living person who has a level of consciousness, who is self-breathing, will be starved to death in the next 2 weeks—thus the action that is required to be done either later tonight or tomorrow in order to prevent that starvation to death by Terri Schiavo.

I first heard about the situation facing Terri Schiavo actually several years ago, but the immediacy of it has played out in the last several days because of this decision that has been made, not by her parents who want to keep her alive, not by her family who wants to keep her alive, but by her husband.

From a medical standpoint, I wanted to know a little bit more about the case itself, so I had the opportunity to review the initial tapes that were made, the physical examination on which the case was ultimately based, the fact that she was in a persistent vegetative state, and scores of neurologists had come forward and said that it

doesn't look like she is in a persistent vegetative state. It is a strange word, ''vegetative state,'' that connotes all sorts of things to lay people. It is a medical term that means that she is not in a coma. Persistent vegetative state is a specific diagnosis that typically has to be made over a period of multiple examinations, usually multiple days, and some neurologists say should be made over several weeks. The facts of this case are that it was made by a single, or maybe two, but a single examination over a very short period of time. The professionals themselves who have viewed those tapes question that initial diagnosis.

The other questions arise: Does she have any hope of being rehabilitated? I talked personally to one of the neurologists who examined her, and he said, absolutely, she can greatly improve, substantially improve if she is given the appropriate rehabilitation. I asked myself, had she expressed her wishes about the end of her life? She had no written directive in terms of what would happen if such an event struck her. Did she have an advanced medical directive? The answer is no.

So we have come to the point where on this floor we are going to have to face the question of whether we believe that a conscious woman who is breathing on her own—and yes, she has a severe disability, similar to what cerebral palsy might be. She can't physically feed herself. She can't verbally express her desires at this juncture, but she has no legal direction.

The question is, Should we allow her to be starved to death? I mention that because it is an important case. It has to do with the culture of life. I believe this body is going to have to speak on this particular matter before we leave for recess.

I yield the floor.

AMENDMENT NO. 204

The PRESIDENT pro tempore. Under the previous order, there will be 60 minutes of debate equally divided in the usual form in relation to the Medicaid amendment No. 204 offered by the Senator from Oregon, Mr. SMITH. Who yields time?

The Senator from Oregon.

Mr. SMITH. Mr. President, on the Bingaman amendment, I would like to yield 4 minutes to Senator BAUCUS, 4 minutes to Senator CORZINE. I believe after that Senator STABENOW will take 4 minutes and Senator CLINTON for 4 minutes as well, and perhaps Senator ROCKEFELLER following if time remains.

The PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I strongly support the Smith-Bingaman-Coleman amendment to strike the reconciliation instruction to the Finance Committee to cut Medicaid by $15 billion. Some say this amendment is not important because the budget is just a blueprint and the Finance Committee would never make these cuts. That is just not true. A vote for this budget is a vote for cuts, plain and simple. If the reconciliation instruction is to cut, the Finance Committee is under instruction to cut.

Once we pass this budget, the reconciliation instructions are binding. The Finance Committee would be bound to find the $15 billion in savings. Although it would be difficult for the committee to reach agreement on these cuts, the committee would make the cuts. The Finance Committee has never failed to comply with reconciliation instructions. I do not believe that it would start this year. Those who say it is just a blueprint, that is a smokescreen. It is not accurate.

The administration says we need to address waste and abuse in Medicaid. They say these cuts will end the abuse of intergovernmental transfers. I urge my colleagues to not be swayed by these allegations. The administration has been negotiating reform of intergovernmental transfers on a State-by-State basis for the past 2 years. They have already squeezed significant savings through this new policy, and there will not be much further savings if Congress goes down this road. How do I know this? Because Montana is one of the States that was required to revise its intergovernmental program to comply with new State rules last year.

Keep in mind that the change in policy has never been published. There has been no notice, no invited comments, no rulemaking—never; no State Medicaid director's letter, none.

So how much in savings remains in reform of intergovernmental transfers? The Congressional Budget Office says zero, no savings. So let's not fool ourselves into thinking we are really cutting fraud and abuse in Medicaid with these cuts. Rather, these cuts will hurt people. In fact, in Montana, the proposed cuts would mean a loss of health coverage for 2,800 seniors or more than 12,000 children.

These cuts are definitely shortsighted. If Congress simply starts cutting Medicaid without considering the overall effects, it would force people to seek care in emergency rooms, and even higher spending would result, or even more people could lose coverage altogether.

Some say these are small and represent only a 1-percent cut in the program's growth over 5 years. But the President's $45 billion net Medicaid cut over 10 years is more than the $39 billion Congress has allocated to CHIP coverage for millions of uninsured children during the 10-year lifetime of that program.

I applaud the leadership of Senators Bingaman, Smith, and Coleman. I urge my colleagues to join me in supporting this important amendment.

This is important. I strongly urge our colleagues to do what is right, to not make these cuts. It is going to directly affect people. Support the Smith amendment.

The PRESIDENT pro tempore. The Senator from New Jersey is recognized for 4 minutes.

Mr. CORZINE. Mr. President, I, too, rise to speak strongly and forcefully in support of the bipartisan amendment Senators SMITH and BINGAMAN have offered. The idea of cutting $15 billion in the Medicaid Program mandated under this resolution is a bad fundamental choice for our Nation. It is also a bad policy-setting device because it lets the budget process drive Medicaid reform. This amendment directs the creation of a Medicaid commission to investigate and consider possible improvements.

A thoughtful, reasoned approach to limiting the growth in the cost of the Medicaid Program, which is driven by enrollments and the high cost of health care. And while there may be fraud and abuse, the big issue is that we have a health care problem and how do we finance it. It is being ignored by using what I think is a shotgun approach as opposed to the thoughtful, reasoned approach of how Medicaid reform should be done. That is what this amendment does.

Last week, Senators WYDEN, MURRAY, JOHNSON, and I offered a successful amendment during the markup of the budget resolution. The sense of the Senate was agreed to unanimously by the Budget Committee. As a part of this resolution, it states that the Finance Committee shall not achieve any savings under reconciliation that would cap Federal Medicaid spending, shift Medicaid costs to the States or providers, or undermine the Federal guarantee of Medicaid health insurance.

If this amendment is not accepted—and it is not possible, in my view, to cut $15 billion from Medicaid without violating that agreement—what we are going to be doing is shifting $15 billion to the States; if not to the States, to the local governments; if not to the local governments, to the health care providers. It is going to be charity care. It is going to be paid for. We are making a clear choice of transferring the responsibility for all of this care to someone else, moving it off the Federal books on to State and local or even private providers. Maybe we are shifting it on to the streets of our cities and the homeless.

We are making another choice, too, which is unacceptable. The fact is, we are trying to force others to make a choice of whether we say hospice care is more important than mental illness treatment or more important than people having the ability to have hearing and other kinds of specialty treatments. We are taking away the options of how we treat health care and, by the way, preventative care. We are also

making a choice which I find completely hard to understand. Why have we decided that this $15 billion we have mandated the Finance Committee to find, why are we saying this $15 billion is so much more important than the cumulative $204 billion or the tax cuts for those making over $1 million? Isn't this a society that believes in sharing the responsibility for all of us to have access to a better life? We live in a society which provides enormous opportunity for so many, and many of us have benefitted from it, and we are making a clear choice that it is more important that this $15 billion be cut than $204 billion that is accumulating for tax cuts to the very wealthy. I do not think these are the choices the American people would make if they had those choices laid before them.

I don't understand. We are saying the most vulnerable should be dealt with without rational and reasoned expectations of where those cuts are going to come, and we are making all kinds of choices that are embedded in these kinds of issues. I believe the idea of a commission to stand back and find that reasoned and informed judgment is important.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. GREGG. Will the Senator yield for a question, and I will give him a minute to answer it?

Mr. CORZINE. Certainly.

Mr. GREGG. Does this amendment raise taxes to pay for the $15 billion that would be called for to put in this budget, or does it increase the deficit with more spending?

Mr. CORZINE. The Senator from New Hampshire knows very well that what we are discussing is whether you extend tax cuts for those who earn over a million dollars. It is a debate we can have about language, about extension or raising, but at least this Senator would argue that it is more important to make sure that we have a health insurance program for everyone in this society rather than tax cuts for millionaires. These cuts will force states to raise taxes in order to raise the funds that will be necessary to maintain health care under Medicaid.

Mr. GREGG. To reclaim the time, the Senator did not answer the question. Maybe he is not familiar with the answer, but the answer is that this amendment increases the deficit by $15 billion.

The PRESIDENT pro tempore. The Senator's time has expired.

Four minutes is yielded to Senator STABENOW.

Ms. STABENOW. I thank the Chair.

First I say to our esteemed colleague who chairs the Budget Committee, I think, as I have said before, he has done an excellent job on the committee and the floor in allowing important discussions and input. We all know this is about choices and priorities. We last year passed the tax loophole closings, as they have been called, some $23 billion in a business tax bill, a tax bill that I supported that did not end up becoming law. We have already joined saying there are dollars we believe would better be spent in other ways, in fairness from a tax standpoint that tax loopholes should be closed, and those equal more than what we are talking about here in terms of health care for our most vulnerable citizens.

We also, as my colleague from New Jersey has said, have choices in this country about where everyone will contribute to the quality of life, what it means to be an American, to the strength of America, to what we are proud of and our best values, or whether only some people will do that. This is a debate about values and choices. That is what a budget resolution is. It is a picture of who we are. It is a picture of our values. I can't think of anything that is worse in this budget resolution than the picture that says for the most vulnerable children, the poorest children, or poorest seniors in the country, we are going to take away health care for them. That doesn't fit with what I know about my faith and beliefs about helping the least of these. It does not reflect what the people of Michigan believe about what is important in supporting each other in community and caring about each other.

In a way it balances priorities. Obviously, we want dollars that are spent efficiently and effectively, and we want to give the States flexibility. In my home State, I am very proud of what they have been able to do in bulk purchasing for prescription drugs under Medicaid and working with other States and saving dollars, and we certainly know we want flexibility for them under Medicaid. But we also know that Medicaid is the single greatest provider of health insurance, covering over 21 million children, our future; 800,000 children in Michigan, our future. How many times do we say children are our future?

Well, this budget does not reflect that. It does not reflect that as it relates to funding their future skills and technology and education, and it certainly doesn't reflect their future if you are a poor child whose parents do not have health care.

Let me speak about a couple of people in Michigan. Betty Counts, who lives in Detroit with her daughter Yvette, who has mental and physical handicaps, is quoted in the Detroit News as saying, ''It's getting more frustrating trying to get the services I need and the help my daughter needs.'' And the budget cuts will certainly make things worse for her.

Ask Jimia Williams how much Medicaid means to her. She lives in Flint and has a 19-month-old son who has seizures and asthma. She works 35 to 40 hours a week—and most of the people we are talking about are people who are working; 80 percent of the uninsured are working 1 job, 2 jobs, 3 jobs that do not provide health insurance—but her only source of health insurance right now is Medicaid. Medicaid pays for her young son to see a neurologist and get treatments for his seizures and his asthma, and it also pays for his medication, inhalers for both of them. She said, ''Without Medicaid I would not be able to pay for my son's medical needs.''

I could go on to so many different situations, but the bottom line of this vote is about our values and our choices.

The PRESIDENT pro tempore. The Senator's time has expired.

Ms. STABENOW. This amendment reflects what is best about America. I urge its adoption.

The PRESIDENT pro tempore. Who yields time?

The Senator from New York is recognized for 4 minutes.

Mrs. CLINTON. Mr. President, I, too, come to the floor in support of the Smith-Bingaman amendment, and I thank our colleagues for bringing this amendment forward. What it does is very simply and very profoundly say, wait a minute, let's not cut Medicaid right now. Let's take the $15 billion in cuts that are in this budget resolution and restore them. But that is not the end of it. Let's also put together a bipartisan commission so that we can take a hard look at Medicaid and try to figure out how to improve service delivery and quality and do more to make it cost effective.

I am very proud to cosponsor this amendment because I believe this is the right way to go. I believe wholeheartedly that we should be on a much faster track to return to fiscal discipline and to reduce the unprecedented deficits we are running. But I do not believe slashing Medicaid funding is the answer to getting our fiscal house in order, and it is regrettable that we would have in this same budget room for millions and millions of dollars more in tax cuts while we attempt to balance our budget on the backs of our most vulnerable citizens.

I can look at the growth in Medicaid and certainly see the same strategy that everyone else has. In part it is part of the sluggish economy, the loss of health insurance benefits for so many people who do still have jobs. I know in my own State the Medicaid Program grew between 2000 and 2004. In fact, in the last 4 years in America, we have seen 35 million more Americans receive their health insurance through Medicaid. We now have 45 million uninsured Americans. I think that number would be above 50 million if we did not have Medicaid as a health care safety net.

This budget resolution hits New York especially hard, cutting our Medicaid

funding by almost $2 billion. Let me just tell you what that means. We provide insurance to 4.1 million New Yorkers through Medicaid. That includes 1.7 million children, 1.4 million adults, and 1 million elderly and disabled beneficiaries. These are people who are the frail elderly in nursing homes. These are the children of those who are working but do not have health insurance. These are people living with chronic diseases. For these people, Medicaid truly is their last resort. They have nowhere else to turn.

As some of you know, I just spent 5 days in the hospital in New York City with my husband, and we are very fortunate we can go to one of the finest hospitals in the world to get the care that is necessary, but I know very well that that hospital has two-thirds of its income coming in Medicare and Medicaid. It is in an area in New York City where there are a lot of poor people, people who get up every day and go to work. They get on the subways, the trains, they get to work, they work hard, but they do not have health insurance. Medicaid enables them to go to that hospital just like my husband can go to that hospital.

We need Medicaid reform. That is what Senators SMITH and BINGAMAN are proposing. Let us do the right diagnosis about what is wrong with Medicaid. Let us do what we need to do to get it on a better footing, but let me add that the costs in Medicaid have gone up more than the cost of private insurance. This is not just a problem in Medicaid, this is a problem in the health care system, and we are going to make our problem worse if we do this cutting of Medicaid without this type of bipartisan amendment.

If we tried to cut in New York, for example, we would have to make some horrible choices. Should we cut out children? Should we eliminate 100,000 beneficiaries, most of whom are in nursing homes?

The PRESIDING OFFICER (Mr. SUNUNU). The Senator's time has expired.

Mrs. CLINTON. I urge adoption of this very important and necessary amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BINGAMAN. Mr. President, let me once again do what I did last evening, and that is commend Senator SMITH for his leadership on this important issue. This is a very important test of what our priorities are and also whether we are essentially going to try to take advantage of those we think are less organized to resist.

There are a lot of ways we can save money in health care costs that the Federal Government underwrites. In fact, I have an amendment I am going to be offering later on today where I will propose some significant cuts, substantially more than we are talking about here, that can be saved in Medicare because I believe we should look at health care as an area where we need to constrain the growth in costs. But the problem is this budget does not do anything about Medicare. This budget particularly does not do anything about the enormous growth in the cost of Medicare as a result of last year's prescription drug bill. There are a lot of provisions in that bill which clearly overfund health maintenance organizations, HMOs, provide a slush fund to be used by the Secretary of Health and Human Resources. There is an enormous amount of money sloshing around in that legislation, but there is no effort in the budget to get at any of that. Instead, we have said, let's go after $15 billion of cuts in the areas that affect these less organized lobbies, these less organized groups, these groups that are not going to speak up so strongly and resist the cuts.

That is why Senator SMITH's initiative is so important. That is why it is so important that we have a national commission to give us recommendations as to how we can intelligently save money in health care costs in future years.

There are ways that we can better coordinate health care delivery under Medicare and health care delivery under Medicaid. Forty-two percent of the cost of Medicaid is spent on people who are covered by Medicare. Now, we need to do a better job of coordinating those programs, and there are opportunities for saving money. Of course, none of that has been studied, and none of that has been given to us in the way of recommendations. All we are presented with in this budget is a recommendation that we cut $15 billion and somehow or another essentially shift that cost to the States.

I know there is some discussion up and down the halls that maybe Secretary Leavitt has made some arrangement with the Governors and they are agreeable to this $15 billion cut. I have spoken with our Governor, Governor Richardson of New Mexico, who is head of the western Democratic Governors—maybe all the Governors; I am not exactly sure of the title he holds these days. He is a leader on this issue, and he has assured me there is no deal and that these cuts that are proposed in this budget will adversely affect us in New Mexico.

We are struggling to continue the services we have traditionally provided under Medicaid. We are struggling to deal with the fact that more and more people are insisting on services in Medicaid because they are losing their private health insurance. That is why the cost of Medicaid overall has been going up, because more and more people are dependent on Medicaid.

This is an important amendment. Senator SMITH deserves the support of all of our colleagues on this amendment. I urge all our colleagues to support it. I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SMITH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Oregon has 8 minutes remaining.

Mr. SMITH. Mr. President, a vote for this amendment to defer these cuts to this commission and a reform effort that is bipartisan is not about being against reducing the deficit. It is, in fact, a way to achieve reductions, if that is what it comes to, in a way that takes care of the most vulnerable people in our society.

We are talking about 52 million Americans. Of these, we are talking about the elderly who are in nursing homes. Of these, we are talking about the chronically ill people without income who suffer from cancer or HIV. We are talking about the children of the working uninsured. We are talking about people who have no other recourse except, if they lose their health care, to go to the emergency rooms of our community hospitals. When they go there without the ability to pay, they are served, but we are all then later served the passing on of these costs in the form of higher prices to private plans and businesses—small businesses especially—that struggle mightily to continue providing health care.

Right now every year 3 percent—and it grows by that number—lose their insurance from their businesses because of the escalating costs largely driven by the inefficient distribution of health care.

It is very important for my colleagues to understand that this is not a vote against a budget of fiscal responsibility. This is a way to proceed toward fiscal responsibility in a way that is thoughtful. It is really important, when we talk about a population that is vulnerable—those covered by Medicaid—that we do this carefully, that we do it thoughtfully, that we do it right instead of just doing it fast.

The truth is, when you put this kind of cut, $15 billion, under reconciliation, that means it will be cut. Reconciliation is a Damocles sword that hangs over this place and has the ability to disrupt the regular process, taking it from a committee and right to the floor without the participation that, frankly, we have the privilege to provide but the duty not to shirk.

It is my belief that this proposal of a commission, made up of 23 members—Governors, Senators, Congressmen, providers, advocates, local officials—a bipartisan commission that can deal

with the necessary reforms that must come to Medicaid can do them in a way that works for the population that has to be served and to disqualify those who game the system or abuse the system.

I readily acknowledge there is much in Medicaid that is broken. The truth is, we have not had a Medicaid commission since Medicaid's creation in 1965, and now we propose to let the budget drive the policy when we ought to be letting the policy drive the budget.

Given that we are going to do this and need to do it to modernize Medicaid, given the vulnerability of the population served, given the chance to do this right instead of just doing it fast, to let the policy drive the budget instead of the budget driving the policy with this vulnerable population, I plead with my colleagues to stand up to their duty and make sure that Congress is not circumvented, to defend the 52 million people in America who are counting on us to do it right, and not just to do it fast.

If we pass this, the reductions will come, but the reforms and the flexibility necessary at the State level to accommodate that will not be done in a more thoughtful and bipartisan way.

I see no others of my colleagues seeking recognition, so I simply close by asking Republicans and Democrats to be careful with this issue. Of all the choices we make around here on issues affecting the American people, this one calls for the most care, the most caution, the most thought, and the greatest degree of sensitivity because it involves the blind, the lame, the poor, the needy, those who have no recourse if we pull away this central strand in the safety net of America's social promise.

Ms. STABENOW. Mr. President, will my friend from Oregon yield for a moment?

Mr. SMITH. I will be happy to yield.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to thank the Senator from Oregon for his leadership. He and the Senator from New Mexico, Mr. BINGAMAN, have led an effort I am proud to cosponsor. His eloquence is meaningful. This is an opportunity for us to work in a bipartisan way, to lay out a process to achieve what we all want in terms of efficiencies, but to do it in a way that is thoughtful, caring, and appropriate, and to allow us to make the best decisions without hurting the most vulnerable people in this country.

I thank the Senator for his leadership.

Mr. SMITH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. SMITH. Mr. President, I thank the Senator from Michigan for her kind words. I also say to my friend, the chairman of the Budget Committee, Senator GREGG is a terrific fellow, one of the best people I know in this place. He has a tough job. I know I have made it more difficult. I, at a personal level, apologize to him for that, but I want him to know—I want all my colleagues to know—how personally and passionately I feel about this as someone who helped to create the Oregon health plan, to find ways to serve more with preventive medicine, in ways that stretch the dollar and serve more people who have no other recourse. I take that responsibility very seriously.

I am trying to reflect that with the best of motives, with an equal commitment to finding a budget that will represent our values and our views that includes all the Members; that does, perhaps for a few days, delay some of the cuts that would fall, but if these cuts fall badly, we will hurt the most vulnerable people.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SMITH. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I had the great good fortune when I went to college to be taught by one of the historically strongest history professors in our Nation, a man named David Truman. He went on to be president of Mount Holyoke. He wrote probably the definitive treatise on American Government. One chapter in that treatise was dedicated to committees and commissions. He said that the commission is the place where you send issues when you do not want to have to deal with them, when you want to ignore them, when you want to obfuscate the issue, and when you want to basically kick the can down the road.

He was a brilliant professor and usually right, and in this case obviously totally correct.

This amendment, if it is adopted, will guarantee that the issue of Medicaid is not addressed. That is a guarantee in this decade. It does not kick the can down the road, it kicks the can down the road a decade because we will not do reconciliation again for a long time, I suspect. Next year is an election year, and Congresses are not inclined to make tough choices in election years. It has been 10 years since we did the last reconciliation bill, so it is unlikely reconciliation will occur again. And we are not going to pass in this Congress a bill which reforms a significant program on the entitlement side without using reconciliation because the courage simply is not here.

So let's talk about why it is absolutely critical that this year we address the Medicaid issue and why it is not going to impact any children and why all this ''wearing your heart on the sleeve'' language we heard around here is a large amount of puffery.

We had some very disturbing testimony—and I believe that is the term used by the Senator from North Dakota, and it is accurate—from the Comptroller of the Currency as we talked about the liabilities already on the books that our children are going to have to pay because our generation put them on the books. They add up now to $44 trillion. That is ''trillion'' dollars. Mr. President, $44 trillion of liabilities is already on the books.

This chart shows that, $44 trillion. To try to put that in perspective because a trillion dollars is something nobody can understand. If you take all the taxes paid in America since the Revolution, it adds up to $38 trillion. So we have on the books more liabilities today than taxes paid in this country in the history of this country.

In fact, if you take the entire net worth of the United States today, and every American adds up all their net worth—all their houses, all their cars, all their jewelry, whatever they have, stocks, bonds, assets, real estate, it comes to $47 trillion. So we have on the books almost as much obligation as we have net worth.

The practical effect of that is that we are overwhelming the next generation with obligations which they will have to pay. Our children and our grandchildren are going to have to pay the taxes to support that $44 trillion worth of obligations we put on the books. So it is important that we look at from where those obligations come.

They come primarily from what is known as entitlement accounts, specifically three major accounts: Social Security, Medicare, and Medicaid. In fact, the vast majority of them do not come from Social Security, they come from Medicare and Medicaid. Health care represents $27 trillion of that $44 trillion of costs that are on the books that our children are going to have to pay because we have already committed them to do that to support the baby boom generation when it retires.

It is entitlements that are the issue. My colleagues have come forward and said: But we do not have to deal with Social Security, even though the President has been willing to discuss it. We do not have to deal with it, no; stiff arm Social Security. OK, that is off the table.

The President says he just amended the Medicare law, so he does not want to move on Medicare this year. OK, that is off the table.

That leaves one issue, one major program that should be looked at this year at least, and that, of course, is Medicaid.

The other side of the aisle and three speakers this morning have already said you can just address this problem by raising taxes. I note—it does not appear to be anybody has focused on this at all—but the amendment before us does not raise taxes, it raises the deficit. We heard all of yesterday, the day

before, and the day before that how the other side of the aisle did not want to raise the deficit; they wanted to be the party that was opposed to deficit spending. Today they come forward and the vast majority of the people sponsoring and supporting the program, the bill before us, which dramatically raises the deficit by $14 billion in the 5-year period, something like $60 billion in the 10-year period.

But even if you accept the fact that they want to raise taxes to pay for it, the issue is, Could you solve this problem, this outyear liability that is caused by all these entitlement accounts, Medicare, Medicaid, and Social Security, by raising taxes?

You cannot do it. This chart shows it so clearly. The cost of Medicare, Medicaid, and Social Security is the red line here. The blue line is the historical amount that the Federal Government spends, 20 percent of GDP. That is what we have historically spent, since World War II, essentially. You can see that the red line crosses the blue line in about the year 2029, 2028, in that period. These three programs—Social Security, Medicare, and Medicaid—will actually cost the Federal Government more than 20 percent of the gross national product.

What does that mean in practical terms? It means you wouldn't be able to spend any money on education, any money on roads, any money on national defense, because the entire Federal Government would be absorbed by paying for these three programs. Or, alternatively, you could take the approach the other side wants to take, which is raise taxes.

If you did that, you would have to double the tax rate on Americans in order to pay for this program. Working Americans, young Americans, these pages who are here today and are going to get a job, would find their ability to have a decent lifestyle would be dramatically reduced because they would have to pay twice as much in taxes as our generation has paid in order to support these Federal programs which are already on the books.

You cannot tax your way out of this. I don't care if you confiscate all the income of the two top brackets, you cannot get this system under control through taxes. You have to address the other side of the ledger, which is spending responsibly on these programs. That is what this bill tries to do. That is what the budget tries to do.

In a most minor way, a minuscule way, almost, we suggest in this budget we want to save $15 billion in the rate of growth—not cuts—in the rate of growth of Medicaid over the next 5 years; $15 billion. You say $15 billion is a lot of money. It is a lot of money, but you have to put it in context. Over the next 5 years, the Medicaid system is going to spend $1.12 trillion—that is trillion with a ''t''—and $15 billion on that amount is 1 percent, essentially. What we are actually trying to save in this bill is $14 billion.

This chart shows it. Medicaid spending will go up dramatically. It will go up by 39 percent. It will not go up by 41 percent. That is what it would do. It would go up by 41 percent if this bill doesn't go into place, but if this bill goes into place, it will go up by 39 percent. A 39-percent rate of growth in this program is what we are planning.

We have heard people come down here, especially the Senator from Oregon, and say if this language passes, lives will be lost. I think he said that. Children will be lost. That is absurd, misleading, inaccurate, and a total gross exaggeration. I wish the Senator had been a Governor because he would know that the Medicaid system today does not benefit children as much as he thinks it does. There is a large chunk of the Medicaid system today which is being gamed out of the system by States and being used in the general operations by the States to build roads, to put police officers on the road—a large chunk of it. That could be saved.

There is a large chunk of the Medicaid system today which is going to pharmaceuticals to pay dramatically more than what we pay under any other program for pharmaceutical products. That could be saved.

There is a large chunk of the Medicaid system today which is going to people who are gaming the system by what is known as spending down. That is when you, in a rather fraudulent way, get rid of your assets—give them to your kids or give them to somebody else in your family so that you can then come to the Government and say, Support me in a nursing home. So all the other Americans in this country who are playing by the rules end up supporting people who are breaking the rules and who are gaming the system through spending down. Huge amounts of dollars are pouring out of the system under those accounts.

A lot of money is being lost in this system simply because it is inefficiently run, because the Governors do not have the flexibility they need in order to get more service because they know how to deliver it, but instead they are hamstrung by all sorts of rules and regulations which make no sense to them and which undermine their capacity to deliver the service efficiently.

The President and innumerable Governors, responsible Governors in this country, have come forward and said you give more flexibility to the Governors and they can take a little less rate of increase in spending and deliver much more service to many more kids. So this concept that you cannot get to this 1-percent savings, that you cannot live on a 39-percent rate of growth in Medicaid without having children lose their lives and be not able to go to the emergency room for care, is scare tactics. Not only that, it is not right. Because if you cannot step up—especially as a Republican who supposedly is committed to fiscal responsibility, because that is what our party is supposed to be committed to—and say that you can deliver better service with more flexibility, then you are probably not a very good Governor. I doubt there are any Republican Governors, at least, and I suspect there are not a lot of Democratic Governors who don't believe they can do more with a lot more flexibility.

The President has listed seven or eight—actually, Governor Leavitt has—seven or eight different proposals, none of which impact services one iota and, in fact, some of which would significantly expand services to children, which could be accomplished if we reform the program and would slow the rate of growth in this program along the lines projected here.

So it is unconscionable that people would claim a $14 billion reduction in the rate of growth when you are having a $1.1 trillion expenditure, a reduction which represents 1 percent over 5 years, could not be accomplished in the context of a program where there are obviously so many problems which need to be addressed and which could deliver more efficient and more effective service.

It gets back to this point, of course. If we do not do this now, we are not going to do it. This is not an amendment to set up a commission, the purpose of which is to resolve the problem. This is an amendment to set up a commission to make sure the problem is never resolved. It is irresponsible because of that.

I do think it is important to note how this budget has been structured. A lot of people say this Federal budget is pretty meaningless and it is sort of a process we go through here. Of course, 2 out of the last 4 years we didn't even have one. To some degree they are correct, I regret to say.

We have in this budget three basic elements: discretionary spending, entitlement spending, and the other is taxes. On the discretionary side we set a discretionary cap. We have already seen 24 amendments or so offered on the floor that will affect that cap—in other words, Members not willing to accept the spending levels of this budget. They have to put money into this program or that program. We have another hundred or so amendments also pending which do exactly the same. So the willingness to discipline the discretionary side of the ledger is, to say the least, tepid. One would suspect there are going to be a lot of games played with that cap even if it gets into place before we get to the appropriations process. But it does, hopefully, limit the rate of growth and it does have some impact. But regrettably I have to admit it is at the margin.

Then there is a tax side. Most of the taxes, in this budget at least, are taxes which most people are going to vote for. That point was made yesterday—whether there are reconciliation instructions, most of these tax cuts are going to be extended. They are very popular: R&D, spousal stuff, tuition tax stuff.

No, the essence of this budget is whether we are going to address the fastest growing function of the Federal Government, the function of the Federal Government which is going to bankrupt our children and give them much less of a quality of life than we have had; whether our generation, the baby boom generation, which is now the generation that governs, is going to be willing to stand up and admit that we put too much on the books for our children to bear. That is the essence of this amendment. This amendment knocks out the only significant effort—well, there is one other dealing with the PBGC—the only significant effort to bring under control the rate of growth in the Federal Government in the outyears; the major piece of fiscal discipline.

In the short term you can argue the discretionary caps may help. But in the long term, which is where our big problem is and where we all acknowledge it to be, the only thing that is going to address that is if we reconcile the Medicaid number. If we do not do it this year, it is not going to be done. That is why I find this amendment to be so pernicious, because it is put forward as if the people who support it are for fiscal discipline when in fact its practical implication is to gut the only thing in this budget which actually will generate fiscal discipline. And it is being done by Republicans. You have to ask yourself how they get up in the morning and look in the mirror.

In any event, that is where we stand. I am not going to deny that this isn't a crucial vote. This is a crucial vote. If the Medicaid language is passed, if it is knocked out of the bill, I think I put in context the effect it has on this budget. More important, I hope I have put in context the effect it is going to have on our kids and our grandkids, because we will have said that in none of the three areas where the explosive growth is occurring—in none of these three areas where we are headed to this disaster, where our children are not going to be able to afford the costs that we have stuck them with—that in none of these three areas is this Congress willing to act. That would be more than an unfortunate event.

I reserve the remainder of my time.

Do I have any time?

The PRESIDING OFFICER. The Senator has 10 minutes 45 seconds.

Mr. GREGG. Mr. President, I reserve that time and yield the floor. I yield the remainder of the time on my side to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank Senator GREGG for the leadership he provided at the Budget Committee. This is never an easy job. I worked with Senator PETE DOMENICI when he was chairman, and we had this vote-arama and critical votes year after year. We got it done every year except for 2 out of the last 3 years. We need this blueprint in place so we can go forward, so we can have some modicum of controlling ourselves, controlling spending.

I don't like everything in this resolution, particularly. I think right now the aggregate of money for a State is too much; the aggregate amount of money for Treasury and IRS is too much. I would like to have more in agriculture, education, transportation. But if each one of us picks our issue where, ''Oh, no, we can't have any restraint here,'' we will never have any.

I enjoy listening to my colleagues on both sides of the aisle get up and give these great speeches about how we have a problem with the deficit, we have to have restraint, and then when it comes time to have restraint, to do things to help the economy grow, or control spending in any area, we all say: No, not my area.

We have to do it across the board. We know that the problem in the Federal Government is not on the discretionary side. It is not how much we are going to be spending on highways or education. The growth there has been relatively restrained. That is true in most of these categories. The problem is in the mandatory area. Frankly, I have never liked mandatory areas. What does mandatory mean, you get it no matter what? Then a Governor or legislature can keep adding people, keep adding people, perhaps for good reason, perhaps political reasons.

All of a sudden, you have a program that grows like topsy-turvy, totally out of control. It is going to bust State budgets. It already has. It will have a huge impact on the Federal budget.

These mandatory programs are going to cause situations where we cannot continue to afford to spend what we are spending in the future, what we committed to on Social Security, Medicare, and Medicaid.

Do I think this is a great program? Yes. I personally know what they mean. I have benefited from them. I have seen what they don't do. When my father was killed in an automobile accident after 30 years of paying into Social Security, because of the marital situation and my age, our family got nothing out of it.

I would like to have some sort of system where people pay and they have an opportunity for their families to benefit, if they so choose.

Medicare—I know what it means to people who are aged and have health problems. I think what we did on the prescription drug issue was a huge mistake. We didn't have real reforms. In fact, we put more burdens on Medicare, and we are not going to be able to afford what we have gotten into on Medicare. But Medicaid is the subject for discussion. My State has wrestled with this. Over the past few years, we kept adding people and programs to it until it was not a problem for a while, but for the last 2 years it is absolutely totally out of control, and my poor State of Mississippi, there is a $270 million hole. The Governor and legislature fought about it, cussed about it, struggled with it. Finally, last Sunday night at midnight they came up with an agreement.

What was the agreement? They couldn't figure out any way to pay for it or to cut it, and they borrowed the money from the tobacco trust fund, and said: Don't worry, we will pay it back later. Excuse me? I don't think that is a very good or permanent solution. The States need help. We need to be thoughtful in how we reform Medicaid to make sure those we are committed to giving help really do get it, and that it is done in a controllable, reasonable way.

The Federal Government is part of the problem. We have to match the funds.

The President made a very small recommendation of some savings in the Medicaid area. Then the Senator from New Hampshire took that, and actually he took some of the savings and added some of it back in areas where it was badly needed, for a net savings of only $14 billion in this resolution over 5 years. If we cannot support that, we might as well fold our tent.

Let me say to my colleagues here, too, that we are going to have to do this. We are going to have to do it now and later.

When we come back out of conference, we are going to have serious reforms, or a way to get to reforms and some savings in the Medicaid area because we cannot continue down this road.

I am sorry. I am embarrassed to say that Democrats seem to not want to have any kind of restraint, and, unfortunately, some of my Republicans colleagues, too.

This is an important vote. It is not the only important vote. It is not one that will destroy the whole process, but it is going to tell a whole lot about who we are.

I don't see how anybody who votes for this amendment to knock out this little, tiny savings can ever raise their voice again and say they are worried about deficits and Federal Government spending to go on too long. I realize I am talking in very broad terms and not going into any specificity.

This is an important vote. I plead with my colleagues, show some restraint. We have shown so little restraint for several years. We have all been a part of that. But now we are paying the price. We have these deficits which we have to cut. It is estimated this resolution would cut the deficit about half over the next 5 years. I believe that is right. It is probably not enough. We probably should do more.

The red line and the red ink on the chart in these entitlement programs is going to swamp us. Some people say we can do that later. Can we do it better later? No. Every year we wait, it gets worse. It makes the reforms and the necessary savings more difficult and larger.

I just wanted to urge my colleagues to support the Budget Committee's action and support this resolution. Don't vote to take out the tiny savings in Medicaid that is included here. The States have to be doing some of that. They show a lot more restraint and leadership than we do on them. They have one thing that is different: they have to have balanced their budgets every year. It is in their constitutions. My poor State does. Maybe someday we will still have to come back to that at the Federal level.

I thank Senator GREGG for his leadership, and I thank him for yielding.

Mr. GREGG. I appreciate the appropriate comments of the Senator from Mississippi.

Mr. JOHNSON. Mr. President, I rise today to discuss devastating cuts to Medicaid included the fiscal year 2006 budget we are now debating. Medicaid has been the most successful health care safety net program our nation has ever established, protecting low-income children, the elderly and the disabled from being uninsured. Fifty-two million people count on this program and without it, these individuals would be forced to seek out care in our emergency rooms, and would likely mean that many low-income seniors in nursing homes would not have appropriate care in older age.

As you know, the budget before us includes $14 billion in cuts to the Medicaid program over the next 5 years. This is a startling number and represents the single largest cut to any program in this budget. Fourteen billion in cuts is almost as large as the entire State Health Insurance Program or SCHIP budget for the next 3 years, and equal to Federal Medicaid spending in six mid-sized States or 18 small States. If we allow this reconciliation instruction to move forward, it will have very harmful effects for those most in need all across America. These reductions will force states to cut services as well as cut access entirely for certain populations.

In my home State of South Dakota, it is estimated that these Medicaid cuts could cause a loss of coverage for 800 elderly people. These are largely individuals with severe chronic illnesses that require nursing home care. It will also cut coverage for 4,000 children in South Dakota by the end of 2010; children who would have otherwise been covered under the program if the Federal dollars would continue. These are the most vulnerable citizens in my State whose families have likely sold the farm and exhausted all of their resources just to pay for health care. They are the sickest and the poorest, and this budget tells them that we do not care.

Beyond the devastating effect on those most in need, the budget cuts will inappropriately shift the entire burden of care to cash-strapped States that are already struggling with growing health care costs and will not be able to afford these additional burdens. More than half of all States will see their Federal matching rates decline in 2006 and they will also be required to start making payments back to the Federal Government to finance the new Medicare drug coverage for dual eligibles or those people eligible for both Medicare and Medicaid. Additional Medicaid burdens are of great concern to me and the majority of Governors have also expressed their opposition to the current Medicaid budget.

These budget cuts not only mean that many South Dakotans will lose State coverage, but it also means that the State will have to cut services for those who are lucky enough not to be dropped from the Medicaid program. Cuts in services may mean that people on Medicaid will no longer be able to obtain health services such as breast cancer treatment, rehabilitative care or prescription drugs. The impact of these cuts in care will not just go away because Medicaid stops paying for treatment. Hospitals, health centers and other providers will wind up treating those patients in our emergency rooms and as charity care patients, absorbing those costs. Also, individuals who lose coverage will not have access to preventive care and will likely delay treatment until hospital care is needed. This increases the costs to the system, since a trip to the hospital is going to be much more expensive than if they would have had coverage to go to the doctor or get a prescription drug before getting sick.

Costs within the program are rising, but this is not because the Medicaid program is inefficient. The driving force behind rising costs is the result of many things. The surge in costs are due in part to Congress having failed to deal with the millions of low-income workers who are uninsured, and that Medicare does not pay for long-term nursing home care. Census data has revealed that there were 5.1 million more people uninsured in 2003 than in 2000. An unstable economy has left workers with lower incomes and employers dropping health coverage. Statistics show that two-thirds of those losing coverage are in low-income jobs. Because of these access to coverage problems, Medicaid is filling a critical gap that most in our nation support—ensuring kids have basic medical care, providing low-income working families with health coverage that keeps them healthy and productive, and making sure that seniors have the care they need in old age. These factors do not make the case for cuts to Medicaid, but rather indicate that we should be doing more to expand the program for those who lack coverage. The SCHIP program was a great example of that, and we should be doing more to pull those that are low-income and uninsured under this umbrella.

The overall rise in health care costs are also contributing to the increased expenses in Medicaid. New technologies and the skyrocketing costs of prescription drugs are sending all health care costs through the roof. Under these circumstances, Medicaid's spending per enrollee has actually been more efficient than other health care payors. The program spending has increased more slowly than private insurance spending and Medicare.

More and more poor people will need programs like Medicaid if the trends continue as they have in recent years. We should be working on solutions to reduce the costs of health care in the United States, but cutting Medicaid is not the answer. We need to closely examine our care system broadly and reduce costs by promoting the use of information technology in health, emphasizing prevention techniques that keep people healthy, and reducing the costs of prescription drugs. It will also be crucial that we closely examine our long-term care system, which accounts for almost one-third of Medicaid spending and will likely increase as our senior population increases in numbers. This is where the discussion must turn to, rather than placing the blame on the Medicaid program which has been a cost efficient, successful program ensuring coverage for millions of Americans most in need.

We will be voting soon on an important amendment offered by Senators SMITH and BINGAMAN, as well as many others, that will strike the reconciliation instructions to the Finance Committee for Medicaid, and strike the function that directs that committee to cut the $14 billion for that program. In its place, the amendment will create a $1.5 million reserve fund to create a Medicaid Commission. I am pleased to be a cosponsor of this amendment. We do have a need to address the skyrocketing costs of our Federal health care programs and health care in general, and I think the establishment of a commission on Medicaid is a smart way to begin to find solutions. I will

support this amendment and I urge all of my colleagues to do the same. We need to get our priorities straight with this budget. A budget that proposes to cut billions in health care coverage for our most vulnerable citizens while at the same time including $23 billion in tax cuts for capital gains and dividends is not a budget that represents my values or the values of the American people.

AMENDMENT NO. 204

Mr. MCCAIN. Mr. President, our Nation is facing very difficult fiscal realities which are only going to become more difficult and expensive the longer we wait to take action. The Federal Government can no longer afford ''business as usual.'' According to the GAO, the unfunded Federal financial burden for public debt, including future Social Security, Medicare, and Medicaid payments, totals more than $40 trillion or $140,000 per man, woman and child. At what point do we listen to the wake up call?

The Federal Reserve Chairman, Alan Greenspan, has recently warned Congress and the Nation that, ''In the end, the consequences for the U.S. economy of doing nothing could be severe. But the benefits of taking sound, timely action could extend many decades into the future.'' We must all work together to reduce the crippling $412 billion budget deficit and the mounting unfunded Federal financial burden.

I commend the administration for submitting a budget request that proposes reduced funding for a number of programs. I clearly understand that every program is important to certain constituencies, and Medicaid is at the top of the list for many. The Medicaid program provides critical services to some of the most vulnerable people in our nation. In my home State of Arizona, we have an outstanding Medicaid program, the Arizona Health Care Cost Containment System, that represents a model for other States.

Unfortunately, not every state Administers its program as efficiently as Arizona. The reality is, Medicaid costs are skyrocketing out of control. It is time we took a long hard look at this program—as every other program for that matter and develop proposals to ensure that Medicaid will continue to serve the neediest Americans over the long term.

Let me be clear. I do not support across the board cuts to the Medicaid program. In fact, I believe such an action could have a disastrous effect on many important efforts that ensure access to care for many Americans who have nowhere else to turn. Additionally, I recognize that cuts to Medicaid that result in reduction of covered individuals would flood hospital emergency rooms with additional uninsured patients, forcing hospitals to absorb additional cost for uncompensated care. Arizona has one of the highest uninsured populations in the country and a large number of undocumented immigrants, our hospitals are already struggling to absorb the cost of providing uncompensated care, dramatically reducing medicare eligible populations could severely impact the hospital system in my State and in many others.

In debating potential cuts to the Medicaid program, we must work to ensure that the federal government does not further exacerbate these existing problems. Any effort to reform Medicaid must be made in a cautious and deliberative manner.

We simply must start to control spending and make some very difficult decisions among competing priorities. I was pleased to have joined with Senators SMITH and BINGAMAN in cosponsoring S. 338, the bipartisan commission on Medicaid Act of 2005, which was introduced on February 9, 2005. I cannot vote for the pending amendment because I believe strongly that the fiscal reality of Medicaid must be addressed sooner rather than later. And I have been around here long enough to know that too often we need to have our feet held to the fire to really make meaningful progress on difficult issues. So I hope that we can agree to cut waste in the Medicaid program and also create a bipartisan task force to provide recommendations for how best to reform the program for the long run. In my judgment, only through comprehensive reforms can we prevent across the board cuts in Medicaid in the long term. We should begin our reform efforts today.

Mr. KOHL. Mr. President, I rise today in strong support of the Smith-Bingaman amendment. I am proud to cosponsor this amendment to strike the proposed $15 billion in cuts to Medicaid and instead create a Medicaid Commission.

In an effort to climb our way out of record Federal budget deficits, the Budget resolution we are considering this week will cut Medicaid by $15 billion over the next 5 years. This cut would be devastating to millions of low-income families, children, disabled and senior citizens who are served by Medicaid.

I recognize that Medicaid—like all health care programs continues to face higher health care costs. But it is unconscionable to arbitrarily slash billions of dollars from a safety net program like Medicaid, and at the same time, give away billions of dollars worth of tax cuts in the same budget.

The main problem causing Medicaid spending growth is not that it is bloated or inefficient. New studies by the Urban Institute and the Kaiser Family Foundation show that Medicaid spends less, per patient, than private health insurance plans and that its costs have grown more slowly in the last four years than private-sector insurance premiums.

The real cost driver in Medicaid is the economy, which continues to cause a strain on the ability of businesses to offer health insurance coverage to their employees. More and more employers are dropping health insurance coverage, pushing low-wage working families onto public programs, while the overall cost of health care continues to skyrocket. Cutting $15 billion from Federal Medicaid spending is only going to make matters worse by forcing the problem down to States, which already face severe budget crises.

A $15 billion cut in Medicaid could translate to a loss of $300 million for Wisconsin. It would be extremely difficult for Wisconsin and other States to absorb a cut of this magnitude while continuing to provide the level of services on which families depend. A cut of this size has the potential to deprive thousands of poor families needed medical care and greatly increase the already record number of uninsured Americans.

I do not object to having a thorough discussion about how we can make Medicaid work better to serve low-income Americans. But it is unacceptable to force arbitrary cuts in Medicaid without first taking the time to consider the future efficiency and operation of the Medicaid program. Medicaid is an essential source of health care for 53 million of our nation's most vulnerable citizens, and any changes to the program should be driven by informed, reasoned policy and not by arbitrary budget targets.

I urge my colleagues to reject these harmful cuts.

Mr. ROCKEFELLER. Mr. President, I rise today to talk about Medicaid, a program that is very important to my home State of West Virginia. Over the past few days I have listened to my colleagues characterize the $15 billion in Medicaid cuts contained in this budget as marginal, minor, and not a big deal. I want to remind my colleagues that this budget isn't simply about numbers. It is about the policies behind the numbers that have an impact on real people who would not have access to health care in the absence of Medicaid.

Medicaid is the absolute bedrock of our nation's health care system. It is the fulfillment of the promise the Federal Government has made to our Nation's most vulnerable citizens that they will have access to affordable health care when times get tough.

It finances nearly 40 percent of all births in the United States. Without it, many pregnant women would forego the prenatal visits and pregnancy-related care that are vital for a child's healthy start. Medicaid provides coverage for one in five of our Nation's children, many of whom would otherwise be uninsured. It pays for half of all nursing home care and is the largest single purchaser of long-term care services in the country.

In every State throughout our Nation, Medicaid keeps hospitals, doctors, nursing homes, and clinics operating in our communities. And, more importantly, it provides our most vulnerable citizens—pregnant women, children, the elderly, and the disabled—with access to meaningful and affordable health care.

The $15 billion in Medicaid cuts being proposed by this administration matter to the more than 50 million children, pregnant women, seniors, and disabled individuals who rely on Medicaid to meet their health care needs. Some of my colleagues would have you believe that these cuts will have no impact at all on the number of kids covered by Medicaid or the number of people who can access care in nursing homes. They even argue that these cuts will lead to Medicaid expansions because Governors will have greater flexibility over the use of their dollars.

Well, these statements simply are not true. Fewer dollars do not equal greater flexibility. Fewer dollars mean that States, medical providers, and individual beneficiaries are going to have to shoulder more of the burden of rapidly rising health care costs. Cost-shifts of this magnitude will undoubtedly lead to eligibility restrictions, benefit reductions, increased beneficiary cost-sharing, and provider payment cuts or freezes.

States are already struggling with the numerous unfunded mandates that the Federal Government has passed down in recent years. Twenty-nine states, including my home state of West Virginia, are facing a drop in their Federal medical assistance percentage, FMAP, next year because of a change in the statutory formula used to compute FMAP.

When the Medicare drug benefit starts on January 1, 2006, states will be required to finance a significant portion of the cost. This will be the first time since the enactment of Medicare and Medicaid in 1965 that a specific Medicare benefit will be financed in significant part by state payments. The Congressional Budget Office, CBO estimates that, at a minimum, states will pay $48 billion toward the Medicare prescription drug benefit in the first 5 years. These costs could be much greater if more dual eligibles sign up for prescription drug coverage or if States have to cover the costs of drugs for dual eligibles that private drug plans do not cover.

West Virginia is scheduled to lose $36 million in Federal Medicaid matching funds in 2006. And, it is still unclear how much implementation of the Medicare prescription drug law will cost. The additional cuts proposed by the President could result in West Virginia losing as much as $100 million in Federal Medicaid matching funds next year alone. The hospitals, doctors, nursing homes and clinics in my State cannot afford to absorb cuts of this magnitude.

This budget isn't about reducing the Federal deficit. Otherwise, we would have eliminated the $70 billion in tax cuts that are contained this budget. We would have taken an objective look at entitlement spending, and not just focused on the program that provides health benefits to the working poor. We would have reined in excessive overpayments to private plans under Medicare and found ways to lower Medicare prescription drug costs.

This budget isn't about reforming the Medicaid program for the better. Otherwise, it would have addressed the real reasons Medicaid cost are going up: significant decreases in employer-sponsored health coverage and Medicare's gaps in long-term care coverage. Otherwise, the administration would have provided specific policy proposals for strengthening Medicaid for the future, instead of vague ideas that even the Congressional Budget Office could not score. If this budget were truly about improving Medicaid, then the administration would not be attempting to shoehorn sweeping changes to the program into an arbitrary budget number. Instead, Medicaid policy would determine the budget number.

I would like to say to my colleagues that Democrats are happy to discuss strengthening the Medicaid program for the future. We are happy to work toward reforming the program for the better. However, the prescription for Medicaid must adequately address the larger problems with our health care system that have an impact on the program. This is clearly not the case with this budget.

The bottom line is that this budget is about choices, and this administration has chosen to unfairly target low-income working families. This budget robs the most vulnerable in our society, while simultaneously giving greater tax breaks to the rich. This is unacceptable. The Federal Government has a responsibility to maintain its commitment to Medicaid in order to protect access to health care for working Americans.

That is why I oppose the $15 billion in Medicaid cuts included in the budget and will vote for the Smith-Bingaman amendment to strike these cuts from the budget resolution.

Mr. AKAKA. Mr. President, I support the floor amendment offered by my colleagues Senators BINGAMAN and SMITH to strike the cuts from Medicaid and the State Children's Health Insurance Program, SCHIP, in the budget resolution.

The budget resolution includes $15.2 billion in reductions in mandatory programs that are part of Function 550, which is limited to health programs. Medicaid and SCHIP are the only mandatory programs in this category that are under the jurisdiction of the Senate Finance Committee.

The reductions in Medicaid included in the budget resolution will lead to further cuts in coverage and benefits for people in need. They will prevent individuals from being able to access health care, which will increase the burden on our public health system. In Hawaii, Medicaid and QUEST, Hawaii's program that provides health coverage through managed care plans for eligible lower income residents, provided essential health services to nearly 190,000 people in 2002. For those in rural Hawaii, particularly the elderly, Medicaid provides access to health care that they might otherwise have to go without. The Medicaid cuts will further erode the ability of hospitals, clinics, physicians, and other medical providers to meet the health care needs of our communities. These very same health care providers already are confronted with inadequate reimbursements, rising costs, and an increasing demand to provide care for the uninsured.

Without doubt, the Medicaid reductions in the Senate budget plan would adversely affect health care coverage for low-income, uninsured Americans. Medicaid programs are demanding a larger share of state spending than they have in recent years. Reducing the Federal commitment to Medicaid will push additional costs to the States and increase the number of people who are uninsured or under-insured.

Contributing to the obstacles in delivering quality health care to those who need it the most are the critical losses that a majority of states will see in their Federal Medical Assistance Percentage, FMAP. The FMAP formula is designed to pay a higher FMAP to states with lower per capita income relative to the national average. According to the Federal Funds Information for States in its report, Fiscal year 2006 FMAP projections, 30 States are projected to experience cuts in their FMAP. This aggregate FMAP cut translates into an $850 million reduction in FY 2006 Medicaid grants to the impacted states. The five states facing the largest FMAP decreases include Alaska, Wyoming, New Mexico, North Dakota, and South Dakota.

Hawaii faces a projected FMAP decline of 0.7 percent for FY 2006, which translates to a loss of $655,000 that could be used to provide health care to the citizens of my state. While it may seem like a small decline compared to larger, more prosperous states, let me assure you that the loss will be felt. In a June 2004 report by the Families USA organization, nearly one out of three people under the age of 65 went without health insurance for all or part of the 2-year period from 2002–2003 in Hawaii. More alarming is the statistic that nearly 82 percent of uninsured people in Hawaii are members of working families. The report went on to make the distinction that 61 percent of families

in Hawaii, at or below 200 percent of the Federal poverty level, were uninsured.

In 2005, it is estimated that the Hawaii Medicaid program will spend just over $929 million. Of this, the Federal Government will contribute nearly $544 million. A substantial portion of Hawaii's health care industry relies on Medicaid spending. In 2002, Medicaid payments infused Hawaii's hospital system with more than $106 million. In addition, Medicaid is the primary payer for 70 percent of Hawaii's certified nursing facility residents. Any cut in Medicaid funding will have a profound effect on the economic viability of Hawaii's health care system and its ability to care for people in need.

Medicaid costs for States have soared in recent years, driven by rising health-care costs, an aging population that relies largely on Medicaid to pay for nursing homes, and a recession that sent more people to state-supported health care. Medicaid reform needs to have a reform discussion that is not driven by an arbitrary budget number.

While I support improving the health care delivery system for all citizens of our country, the need for unique legislation to satisfy an essential, fundamental need is indicative of the flaws in the current Medicaid system and an issue that the commission proposed by this amendment can address. Medicaid needs more funding, not less. Escalating costs, the increase in the number of uninsured, FMAP cuts, and the clawback provision in the 2003 Medicare drug benefit legislation only serve to put more pressure on state budgets. I urge my colleagues to support this amendment to restore dollars available to provide essential Medicaid coverage to our country's most vulnerable citizens.

Mr. KENNEDY. Mr. President, Medicaid provides a critical safety net for 53 million Americans—low-income children, parents, disabled and elderly citizens who have nowhere else to turn for health care. Medicaid now provides health care for 1 in every 5 children. It pays for one-third of all births in this country, almost 40 percent of all long-term care expenses, a sixth of all drug costs, and half of the States' mental health services. It also is the largest payer of services for AIDS patients.

What does it say about the leadership of this Senate that it proposes to cut $15 billion from Medicaid? That program provides health care for 25 million children, 13 million low-income adults, and 15 million disabled and elderly Americans. These cuts are proposed at the very same time the budget once again proposes large new tax cuts tilted toward higher income households. Our colleagues say they have no choice but to make these cuts to Medicaid because of the large deficit. But the large deficit was created by the large tax breaks for the rich, not by Medicaid.

The budget is a blueprint of Congress' priorities for the Nation. This Congress once again shows that it cares more about those who have the most than it does about those who have the least. How can we possibly continue to give tax breaks each year to the wealthy, and reduce health benefits for the poor to pay for them. Those are not the values we stand for.

In fact, the budget cuts in the Senate resolution are even deeper than the cuts proposed in the administration budget. Even if the Finance Committee adopts every cut the President proposed to Medicaid, they will still need to come up with an additional $7 billion in cuts to meet the target in this bill.

We need to maintain the Federal commitment to medical care for the poorest of the poor. If we weaken the Federal commitment, these men, women, and children will go without care, or show up at the emergency room door. We know that lack of access to care causes harmful consequences. We cannot abandon our responsibility to provide for those among us who are less fortunate.

This budget will force the States to pick up costs that the Federal Government should be covering. It will result in a massive shift of responsibility from the Federal Government to the States. We already have shifted much of the cost of the elderly to the States, costs that should be covered by Medicare. More than 40 percent of all Medicaid expenditures are used to fill the gaps in Medicare. Medicaid pays for their long-term care, their prescription drugs, and their cost-sharing.

Medicaid is the largest source of long-term care today. The more than 7 million persons who are eligible for both Medicare and Medicaid are among the most vulnerable. Seventy percent of them have incomes below $10,000. Nearly one in four live in long-term care facilities. They are twice as likely to have Alzheimer's disease, and more likely to have diabetes and stroke than others on Medicare beneficiaries. They are a small proportion of the Medicaid population, but their costs are among the highest. Medicare will start paying for prescription drugs for the dually eligible next January, but the states will see little or no relief. In fact, because of the so-called ''clawback'' formula in the prescription drug law, many states will end up sending the federal government more money for picking up these drug costs than they would have spent without the drug bill. What kind of relief is that?

We can all agree that we need to improve Medicaid. We have an opportunity to improve the program, but that is not what this budget does. This budget is not driven by policy—it is driven by an arbitrary number that was picked by the leadership as their deficit reduction target. The Federal Government needs to maintain its commitment to health care, not try to weaken it and dump the costs on the states. We need to help the states provide health care, not cut federal funding and put a bigger burden on them. But that is exactly what this budget does.

Some on the other side describe these cuts as minor, or as reductions in growth, or as necessary Medicaid reforms. Don't believe a word of that. Nothing is further from the truth. There are no policy reasons for these cuts. They are large, harmful cuts that are being made so that they can say they are reducing the deficit. But if you look at the numbers, this budget doesn't reduce the deficit—it increases it over the next 5 years. Despite these harmful cuts in Medicaid, they add yet another round of tax breaks. Where is the fairness in that? It is Robin Hood in reverse steal from the poor to give to wealthy.

Our colleagues say we need to cut Medicaid because it is growing too fast. The reason is obvious. It is growing because over the past 4 years, more people are losing their jobs and their health care, falling into poverty, and finding themselves with no option but Medicaid. That is what is responsible for Medicaid's growth.

Over the past 4 years, the number of uninsured has climbed from 40 million to 45 million, and it is expected to continue growing for the foreseeable future. The number of uninsured would have been much greater without Medicaid. During the same time period that the number of uninsured increased by 5 million, the number of Americans on Medicaid grew by 9 million. If Medicaid had not been available to them, we would be facing 54 million uninsured. Is that the kind of policy the Nation wants to promote?

Medicaid enrollment grew 40 percent over the past 5 years, and it is projected to grow another 5 percent this year. Enrollment growth is causing Medicaid's rising cost, not inefficiencies, or fraud, or abuse. In fact, the cost of private employer-sponsored health insurance has grown at twice the rate of Medicaid. The percentage of Americans with employer-sponsored health insurance fell, but the number of Americans on Medicaid grew, and that growth was largely caused by the bad economy, the continuing decline of employer health insurance, and the soaring cost of prescription drugs.

Cutting costs is the wrong prescription for Medicaid. This amendment will give us time to assess Medicaid fairly, and base any changes on sound policy, not arbitrary budget cuts. These cuts will have a real impact on real people. Millions may lose their only hope for health care if we allow these cuts to stand. Emergency rooms will have more and more patients with nowhere else to turn, and the Nation's

health care safety net will continue to fray. That is not the kind of budget we ought to be approving.

I urge my colleagues to vote for the Smith-Bingaman amendment. Our goal on Medicaid is to improve it, not dismantle it.

Mr. OBAMA. Mr. President, over the last century, the Nation has witnessed tremendous advances in medical science and technology. We now have treatments and cures for diseases and conditions that were at one time surely fatal. Thirty years ago, if children developed cancer, doctors couldn't save their lives. Today, more than three-quarters of children with cancer survive. Heart disease is no longer the leading cause of death because of significant improvements in medical treatment and surgical procedures. Americans with AIDS are living many years longer and spending more time at home and not in hospitals because of new drug cocktails that prevent infections and other deadly complications.

The unfortunate and bitter irony is that while the number of medical breakthroughs continues to increase, so does the number of Americans who will never benefit from them. Right now, 45 million Americans have no health care coverage, and this number continues to rise. Over a 2-year period, over 85 million Americans have not had continuous insurance coverage. In this land of plenty and opportunity, 350,000 uninsured children with earaches and sore throats will never see a doctor. Sixteen million uninsured Americans cannot afford to fill prescriptions. Uninsured women who develop breast cancer are 40 percent more likely to die, as are 50 percent of uninsured men with prostate cancer. The Institute of Medicine has reported that 18,000 adults die every year because they are uninsured.

For many Americans, Medicaid represents their only real hope of obtaining health care. Nationally, 53 million people rely on Medicaid coverage, including 25 million children, 13 million low-income adults, and 15 million disabled and elderly Americans. Nearly 16 percent of people who live in rural areas have Medicaid coverage, including more than 1 in 4 children in these areas. One quarter of African Americans and 20 percent of Hispanics rely on Medicaid, as do 9 percent of women.

In my home State of Illinois, Medicaid provides health coverage for 2 million residents. Over 30 percent of children in Illinois receive health care through KidCare. Nearly 65 percent of nursing home residents rely on Medicaid coverage.

Despite Medicaid's critical role in providing access to care, the Republican budget proposes to cut Medicaid by $15 billion. This cut translates into an estimated $287 million loss for Illinois. Experts report this funding could provide health care coverage for 200,000 children or 135,000 working parents in my State.

Some of my colleagues argue that we have no choice but to make large cuts to Medicaid because of the deficit. But these deficits were created by huge tax breaks for the rich, not by Medicaid, and we should not balance the budget at the expense of health care for low-income children, their parents, pregnant women and seniors. We cannot keep tax cuts for the rich and cut basic health care for the poor. We cannot retreat from our Federal commitment to Medicaid and leave the States holding the bag.

I agree the Medicaid Program is not perfect. The Smith-Bingaman amendment to create a commission to study the program and make recommendations for improvement is a reasonable approach. Sound policy, not politics or deficit concerns, should guide any changes to the Medicaid Program, and I am not convinced that we have examined or discussed the full range of Medicaid-related issues and options before us.

We cannot and should not deny millions of Americans access to basic health care. Medicaid is the Nation's safety net, and we should strengthen it, not destroy it. I am going to vote yes for the Smith-Bingaman amendment to strike proposed cuts in funding for Medicaid, and I urge my colleagues to join me.

AMENDMENT NO. 229

Mr. GREGG. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, the pending amendment will be set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. FRIST, proposes an amendment numbered 229.

Mr. GREGG. 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 express the sense of the Senate regarding medicaid reconciliation legislation consistent with recommendations from the secretary of health and human services)

Beginning on page 58, strike line 11 and all that follows through page 61, line 24, and insert the following:

SEC. 504. SENSE OF THE SENATE REGARDING MEDICAID RECONCILIATION LEGISLATION CONSISTENT WITH RECOMMENDATIONS FROM THE SECRETARY OF HEALTH AND HUMAN SERVICES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to more than 50,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) The Medicaid program will spend $189,000,000,000 in fiscal year 2006.

(3) During the period from fiscal year 2006 through fiscal year 2010, the Medicaid program will spend $1,100,000,000,000.

(4) Over the same period, spending for the Medicaid program will increase by 40 percent.

(5) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(6) Medicaid supplements the Medicare program for more than 6,000,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spent nearly $40,000,000,000 on uncovered Medicare services in 2002.

(7) This resolution assumes $163,000,000 in spending to extend Medicare cost-sharing under the Medicaid program for the Medicare part B premium for qualifying individuals through 2006.

(8) Medicaid provides health insurance for more than 1/4 of America's children and is the largest purchaser of maternity care, paying for more than 1/3 of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(9) More than 16,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (71 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(10) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(11) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(12) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 45,000,000 in 2003, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions. More than 4,800,000 Americans lost employer-sponsored coverage between 2000 and 2003, during which time Medicaid enrolled an additional 8,400,000 Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Committee on Finance shall not report a reconciliation bill that achieves spending reductions that would—

(A) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(B) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(C) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system;

(2) the Secretary of Health and Human Services, working with bipartisan, geographically diverse members of the National Governors Association and in consultation with key stakeholders, shall make recommendations for changes to the Medicaid program that reflect the principles specified in paragraph (3); and

(3) the Committee on Finance, consistent with such recommendations, shall report a reconciliation bill that—

(A) allows any Medicaid savings to be shared by the Federal and State governments;

(B) would emphasize State flexibility through voluntary options for States; and

(C) would not cause Medicaid recipients to lose coverage.

Mr. GREGG. I yield back such time as I have.

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized.

Mr. SARBANES. Madam President, I ask what the time situation is and the parliamentary situation.

The PRESIDING OFFICER. The Senator will have 15 minutes equally divided on the amendment.

Mr. SARBANES. I yield myself 3 minutes of the 7½ minutes that I have available.

AMENDMENT NO. 156

Mr. SARBANES. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for himself, Mr. NELSON of Florida, Ms. STABENOW, Mrs. MURRAY, Mr. CORZINE, Mr. FEINGOLD, Mr. REED, Mr. LEAHY, Mr. KENNEDY, Mrs. CLINTON, Mr. DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. SCHUMER, Mr. DAYTON, Mr. JEFFORDS, Mr. DODD, Mr. OBAMA, Mrs. BOXER, Mr. HARKIN, Mr. BAUCUS, Mr. BAYH, Mr. BYRD, Mrs. LINCOLN, Mr. JOHNSON, Mr. KERRY, and Mr. LIEBERMAN, proposes an amendment numbered 156.

Mr. SARBANES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore funding for the Community Development Block Grant (CDBG) program and other programs proposed to be eliminated and to retain the administration of these programs at their current agencies by adopting proposals to close certain tax loopholes that were approved by the Senate in the last Congress)

On page 3 line 10, increase the amount by $427,000,000.

On page 3 line 11, increase the amount by $627,000,000.

On page 3 line 12, increase the amount by $455,000,000.

On page 3 line 13, increase the amount by $214,000,000.

On page 3 line 14, increase the amount by $103,000,000.

On page 3 line 19, increase the amount by $427,000,000.

On page 3 line 20, increase the amount by $627,000,000.

On page 3 line 21, increase the amount by $455,000,000.

On page 4 line 1, increase the amount by $214,000,000.

On page 4 line 2, increase the amount by $103,000,000.

On page 4 line 7, increase the amount by $1,890,000,000.

On page 4 line 16, increase the amount by $427,000,000.

On page 4 line 17, increase the amount by $627,000,000.

On page 4 line 18, increase the amount by $455,000,000.

On page 4 line 19, increase the amount by $214,000,000.

On page 4 line 20, increase the amount by $103,000,000.

On page 16 line 15, increase the amount by $1,219,000,000.

On page 16 line 16, increase the amount by $38,000,000.

On page 16 line 20, increase the amount by $365,000,000.

On page 16 line 24, increase the amount by $442,000,000.

On page 17 line 3, increase the amount by $207,000,000.

On page 17 line 7, increase the amount by $103,000,000.

On page 17 line 16, increase the amount by $671,000,000.

On page 17 line 17, increase the amount by $389,000,000.

On page 17 line 21, increase the amount by $262,000,000.

On page 17 line 25, increase the amount by $13,000,000.

On page 18 line 4, increase the amount by $7,000,000.

On page 30 line 16, decrease the amount by $427,000,000.

On page 30 line 17, decrease the amount by $1,826,000,000.

On page 48 line 6, increase the amount by $1,890,000,000.

On page 48 line 7, increase the amount by $427,000,000.

Mr. SARBANES. Madam President, first, let me say at the outset, because I neglected to do so the other day in the general debate, that I commend both the chairman of the Budget Committee and the ranking minority member of the Budget Committee for the fair and expeditious way in which consideration of this resolution was conducted in the committee. We have a new chairman. It is always a challenge, and I want to express to him my recognition of the fair process conducted in the committee, which is, of course, essential to the Senate working through controversial issues and trying to reach a solution.

This amendment would restore approximately $1.89 billion in cuts that are in the administration's proposed budget to the Community Development Block Grant Program and a number of other development programs that have been proposed for elimination. It would bring all of those programs back to the 2005 level. It is my view, and the view of a majority of the Members of the Senate expressed in a letter sent to Chairman GREGG and Senator CONRAD, that the administration of these 18 programs should remain as they are currently constituted.

In other words, the community development block grant should continue to be housed at HUD, the rural programs at USDA, and this effort to shift all of them over to the Department of Commerce, an idea which has not been considered, not examined, not brought to the floor of the Congress, ought not to be carried through.

I am going to focus on the CDBG Program primarily because very substantial cuts have been proposed in the budget.

Roy Bernardi, the Deputy Secretary of HUD, a former mayor of Syracuse, has said that the foundation of virtually all community and economic development occurring across the Nation is CDBG. This is the Deputy Secretary of HUD, formerly mayor of Syracuse. He said:

We must continue to support and build upon programs that work, those that have a proven record of flexibility and the ability to fit in with locally determined needs. CDBG is such a program and ranks among our Nation's oldest and most successful programs.

I have two letters strongly supporting full funding for the CDBG Program at HUD, signed by a host of State, city, and county organizations, such as the National League of Cities, the U.S. Conference of Mayors, National Association of Counties, and the National Governors Association.

I ask unanimous consent those two letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 4, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Hon. KENT CONRAD,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GREGG AND RANKING MEMBER CONRAD: As you prepare to consider the FY 2006 Budget Resolution, we the undersigned organizations want to convey our opposition to proposed cuts in the FY 2006 Department of Housing and Urban Development (HUD) budget. We respectfully request that you craft a Budget Resolution that will provide adequate budget authority for all HUD programs and maintain important community and economic development functions and funding at HUD.

Of particular concern to us is the proposed elimination of the Community Development Block Grant (CDBG) program along with 17 other federal community and economic development grant programs. We oppose in the strongest terms the elimination of CDBG, and we urge you to reject the proposed ''Strengthening America's Communities'' (SAC) Initiative and support full funding for the CDBG program at HUD.

As you know, the FY 2006 Budget would effectively eliminate 18 community and economic development programs, including CDBG, and create an entirely new initiative to be operated by the Department of Commerce. Proposed funding for this ''consolidated'' program would be $3.7 billion, a 35% reduction in funding when compared to total FY 2005 appropriations for the 18 programs targeted for elimination under the initiative. Consider that Congress funded the CDBG program alone at $4.7 billion in FY 2005, $1 billion more than the entire proposed budget for the SAC initiative.

Eliminating these 18 programs and substantially reducing the federal investment in community and economic development would have a devastating impact on state and local governments. Each of these existing programs is an important and necessary component of urban, suburban, and rural communities' efforts to revitalize neighborhoods, expand affordable housing opportunities and create economic growth. We believe that CDBG is the glue that holds these efforts together.

For 30 years, the CDBG program has served as the cornerstone of the federal government's commitment to partnering with state and local governments to strengthen our nation's communities and improve the quality of life for low- and moderate-income Americans. Since its inception, CDBG has made a real and positive difference in communities across America, and there is no shortage of CDBG success stories. Many of the groups that signed this letter have been working in partnership with HUD and the Office of Management and Budget (OMB) in a good faith effort to improve the CDBG program's ability to measure performance. As a result of this effort, HUD plans to unveil a new outcome-based measurement system in early 2005. As recently as November 2004, OMB endorsed this undertaking. We believe this new system will verify what is already obvious: CDBG works.

CDBG's emphasis on flexibility and local determination of priority needs through citizen participation is allowing state and local governments to achieve real results. According to HUD's ''Highlights of FY 2004 CDBG Accomplishments,'' CDBG funding led to the creation or retention of more than 90,000 jobs in the last year alone. Thanks to CDBG, in 2004 over 130,000 rental units and single-family homes were rehabbed, 85,000 individuals received employment training, 1.5 million youth were served by after-school enrichment programs and other activities, and child care services were provided to 100,065 children in 205 communities across the country. CDBG also funded nearly 700 crime prevention and awareness programs. Additionally, more than 11,000 Americans became homeowners last year thanks to CDBG funding. CDBG remains a smart, efficient form of investment, as it continues to leverage around three dollars for every dollar of federal investment. It certainly did not come as a surprise to us when HUD Secretary Alphonso Jackson, in a March 2nd appearance before the House Financial Services Committee, stated, ''The program works.''

The CDBG program's design is especially successful at targeting resources to those who need them most. In 2004, 95 percent of funds expended by entitlement grantees and 96 percent of state CDBG funds expended were for activities that principally benefited low- and moderate-income persons. A full half of persons directly benefiting from CDBG-assisted activities were minorities, including African Americans, Hispanics, Asians, and American Indians. Despite the fact that economic challenges and pockets of poverty exist in almost all American communities, adoption of the SAC initiative would almost certainly result in a complete loss of funding for a significant number of communities.

For all of the reasons detailed above, we believe that CDBG should remain at HUD and receive full funding of at least $4.7 billion in FY 2006. We also believe it is premature for the Budget Resolution to even address such a far-reaching change to the program before the numerous committees of jurisdiction have had sufficient opportunity to hold appropriate hearings on the topic. We urge you to craft a Budget Resolution reflecting those sentiments. More specifically, we strongly encourage you to include hnguage in your Resolution clearly stating that the Resolution ''does not assume enactment of the proposed 'Strengthening America's Communities' Initiative nor the proposed reduction in funding for the CDBG program included in the Administration's FY 2006 budget.''

We thank you for your favorable consideration of this request.

Sincerely,

Council of State Community Development Agencies.
The Enterprise Foundation.
Habitat for Humanity International.
Housing Assistance Council.
Local Initiatives Support Corporation.
National Association for County Community and Economic Development.
National Association of Counties.
National Association of Housing and Redevelopment Officials.
National Association of Local Housing Finance Agencies.
National Community Development Association.
National Conference of Black Mayors.
National League of Cities.
National Low Income Housing Coalition.
United States Conference of Mayors.

MARCH 15, 2005.

Hon. BILL FRIST,
Majority Leader, Office of the Senate Majority Leader, Capitol Building, Washington, DC.
Hon. HARRY REID,
Minority Leader, Office of the Senate Minority Leader, Capitol Building, Washington, DC.

DEAR MAJORITY LEADER FRIST AND MINORITY LEADER REID: As a diverse coalition of organizations representing the nation's community and economic development practitioners, elected officials and constituency groups, we are writing to express our overwhelming opposition to the Administration's proposal to eliminate 18 federal community and economic development programs and reduce federal grant assistance for distressed and underserved local communities by $2 billion each year. We strongly urge you to restore these vital resources as part of the FY2006 congressional budget resolution.

At a time when nearly every American business and community is confronting intense competition from emerging and developing nations, the federal government should be expanding its resources and assistance for local community and economic development. Instead, the Administration is recommending a 34 percent funding cut and more unfunded mandates for our nation's state and local governments. The President's plan would also significantly diminish and eviscerate the federal role in community development projects such as providing first-time access to clean and drinkable water, affordable housing and community facilities for our nation's poorer areas and citizens.

From our perspective as the constituencies at the frontlines of community and economic development, we feel strongly that the current federal investment of $5.7 billion each year is a solid, wise and effective investment in our nation's local communities. While we understand and recognize the current federal budget climate, we must point out that the proposed funding cut represents less than one-half of a percent of last year's federal deficit. More importantly, the $2 billion reduction in federal investments will result in the loss of at least $18 billion in matching and leveraging investments by the private sector and other governmental and nonprofit programs at the state and local level.

Our nation's distressed regions, communities and neighborhoods need national leadership, models of innovation and matching funds for locally-led projects and initiatives. Instead, we fear the Administration's proposal will result in more communities marking time in the land of lost opportunity.

Sincerely,

American Planning Association.
American Public Works Association.
Association for Enterprise Opportunity.
Center for Rural Affairs.
Coalition of Community Development Financial Institutions.
US Conference of Mayors.
Council of State Community Development Agencies.
Local Initiatives Support Corporation.
National Association of Counties.
National Association of Development Organizations.
National Association of Regional Councils.
National Association of RC&D Councils.
National Association of Local Housing Finance Agencies.
National Community Capital Association.
National Community Development Association.
National Farmers Union.
National Low Income Housing Coalition.
National Rural Funders Collaborative.
National Rural Housing Coalition.
Northeast-Midwest Institute.
Rural Community Advancement Program.
The Enterprise Foundation.

Mr. SARBANES. Madam President, the private sector strongly supports CDBG.

Doug Woodruff, Senior Vice President of the Bank of America, said at a recent Hill briefing:

> From the perspective of the private sector, the CDBG program provides a valuable and irreplaceable function in the continuum of efforts that surround many revitalization projects.
>
> The success of CDBG is unquestionable. It has produced over 2 million jobs in its 30-year history, and generated more than $50 billion in personal earnings.

I want to address one other point; that is, how do we restore the funding? That is always a question. It is a matter of priorities.

This amendment proposes to restore the funding by eliminating tax loopholes that were closed by this body in the last Congress. Ninety-two Members voted to do this. A lot of those provisions were dropped in conference.

Just 2 weeks ago, colleagues supported closing these loopholes in the

context of the minimum wage debate. Obviously, these loopholes should be closed. The headlines are screaming ''abusive tax shelter schemes.'' The GAO recently reported that 60 of the Nation's largest corporations used and abused tax shelter services in recent years.

Some want to cut other programs but this would mean taking from Peter to pay Paul. We have a perfect opportunity here to recoup valuable revenues that are now being lost through these tax shelter schemes. That is the tradeoff in this amendment.

I urge my colleagues to support it.

How much time do I have remaining?

The PRESIDING OFFICER. Two minutes forty seconds.

Mr. SARBANES. I yield half of that time to the Senator from Michigan.

Ms. STABENOW. Madam President, I appreciate very much having an opportunity to support this amendment and to be a cosponsor. I thank my colleague from Maryland for his leadership.

This is a small way in which we support local communities to create jobs, revitalize neighborhoods, support infrastructure, water, sewer, roads—those things that help create jobs.

From the highlights of the 2004 CDBG accomplishments, they show very specifically that they created or had the retention of more than 90,000 jobs last year. In a State like Michigan, this is incredibly important. Over 130,000 rental units and single-family homes were rehabbed, 85,000 individuals received employment training, 1.5 million children were served with afterschool enrichment programs, childcare services were provided to over 100,000 children and their families, 700 crime prevention and awareness programs, and 11,000 Americans became homeowners.

What is more important to each of us as parents than to be able to make sure we have shelter and a home for our children?

These are partnerships with local communities, small amounts of revenue that we bring together with our communities to make major impacts on the quality of life. That is what we are about—to partner with our local communities.

I urge the support of the amendment.

Mr. KENNEDY. Mr. President, I strongly support the Sarbanes amendment, which will prevent one the greatest failings of this President's Budget—its elimination of more than $2 billion from critically needed economic development and social service programs and the proposed consolidation of 18 valuable Federal programs into a single block grant under the so-called ''Strengthening America's Communities Initiative.''

I am heartened that so many of my colleagues have come together in opposition to these cuts—55 Senators wrote to the Budget Committee in an important show of bipartisanship 2 weeks ago.

Under the President's plan most American cities can expect at least a 35 percent cut in assistance from the Federal Government to help secure investment, house the poor, provide health care to the uninsured, and counsel the abused.

If the administration dislikes helping cities, they should have the decency to say so, instead of this charade where they try to hide massive cuts under the cloak of streamlining.

Their proposal insults the intelligence of mayors, community development officials, and social service agencies across the country—by cynically suggesting that somehow these cuts are going to make life better and be helpful to cities across America.

What makes these cuts so objectionable is they come at a time of great stress and difficulty for Americans who live in poverty. 1We are the wealthiest nation on earth. We are blessed with great abundance. Yet despite our great wealth, too many of our fellow citizens remain in the shadows, the prisoners of persistent and increasing urban and rural poverty.

The numbers are alarming. Today, nearly 36 million Americans live in poverty, and 3 million more working Americans live in hunger or on the verge of hunger today than in 2000. One out of five American children goes to bed hungry each night. We have it in our power to eliminate so much of this poverty.

At the very least, we shouldn't do anything to make it worse which is exactly what this ''Strengthening America's Communities'' plan from the White House would do. In the powerful words of the Gospel, ''To whom much is given, much is required.''

We need to pass the Sarbanes amendment, so that the work of tens of thousands of public officials, health officials, educators, community development experts toiling to improve living conditions in our cities isn't made any more difficult.

Mayors across the country on the front lines every day are struggling to create new jobs and attract capital investment. They are struggling to educate and house the children of the poor, and they are not fooled by this administration's misleading slogan ''Strengthening America's Communities,'' because they know it is the exact opposite.

My friend, Mayor Clare Higgins of Northampton isn't fooled. She recently wrote me urging Congress to save Community Development Block Grants, one of the very few tools she has to meet Northampton's needs and one of the biggest programs on the President's chopping block.

Most recently, Northampton invested $300,000 of these Federal funds to acquire the Interfaith Cold Weather Emergency Homeless shelter—the only cold weather shelter serving Hampshire County. It is a collaborative effort between area church groups and ServiceNet Inc., a local human service provider. Without these funds, there would be no cold weather shelter in Hampshire County.

Mayor Higgins wrote:

> Without CDBG funds, the City will be unable to develop a planned senior center, public services that provide emergency food, homeless services, child care and after school programming, literacy skills and health care would not be funded; the City's ability to promote and develop affordable housing will be severely limited, parks and playgrounds will not be improved, and the City's ability to provide funding for the redevelopment of the former Northampton State Hospital will cease.

Mayor Tom Menino of Boston—the former head of the U.S. Conference of Mayors—isn't fooled. He knows what's at stake and recently conducted an analysis of the budget cuts on his city.

> Since 1998 alone—

Mayor Menino stated at a recent press conference—

> the City of Boston has permitted almost 5,000 new units of affordable housing and permitted more than 12,000 other units. We have invested a total of $7.8 million in CDBG funds in 19 large developments that have created a total of 1,175 apartments including 517 units for the formerly homeless.

He went on to say that this budget for housing, community development, and social services threatens to ''throw the nation into the dark ages.''

That doesn't sound like he believes his community will be ''strengthened'' by the Bush administration's cuts.

Mayor Menino believes the President's budget will mean the loss of $8 million in Community Development Block Grant funding for Boston and the loss of $5.5 million in Community Services Block Grant funding.

On any given night in the City of Boston, there are nearly 6,000 homeless men, women, and children in the city. Shelters in Massachusetts have been overflowing for 6 straight years, with 4 beds available for every 5 adults.

Yet the very support he has relied on to help build 133 units of affordable housing for homeless people, to help 500 low-income homeowners rehabilitate their properties, and to provide 130 first-time homebuyers with their down payments is now in grave danger.

How exactly is the mayor supposed to strengthen Boston when the support he needs to do it is getting the axe under this budget?

Other local officials tell the same story.

A letter I recently received from Elizabeth Cohen, Executive Director of Rape Crises Services of Greater Lowell, says:

> Dear Senator Kennedy:
>
> We need your help . . . We use CDBG Funds to support multilingual sexual assault support services. We are the only program in the

Greater Lowell area and the only agency to have certified rape crisis counselors who speak Spanish and Khmer. With the elimination of this funding, we will have to cut back on these services, which will result in 100 Khmer-speaking clients being unable to have a counselor in their language . . .

As you know, immigrants and refugees already have many struggles when they move to a new city or new country. Having to deal with the trauma of sexual violence on top of the difficulties in housing, education, food and school can paralyze a family . . . Please don't let the President take away this funding for Lowell.

I ask the Senate, does this sound like we are strengthening communities with this budget?

In Lawrence—one of Massachusetts' and the Nation's poorest cities—CDBG funds have been used to amazing effect to leverage nearly $110 million of investment in the remedation and redevelopment of an abandoned industrial brownfield site known as the Lawrence Gateway Project.

The city has invested nearly $6 million of its CDBG funds in the project and formed a model partnership with GenCorp, a private company that has invested $75 million so far in the redevelopment.

Today, Lawrence is continuing to use its CDBG funds to meet debt service payments on loans made to clean the properties.

Without these Federal funds, the partnership with GenCorp could not exist, and the City would not be able to do anything about this 15-acre, fenced-in, desolate property, which would stand as a stark reminder of the city's industrial past rather than as a symbol of the kind of innovative development needed to build a stronger future for the city.

How will we be strengthening Lawrence by eliminating one of the best ways they have to create investment partnerships with private businesses?

In addition to the community development block grant, the Sarbanes amendment will also preserve the community services block grant. These funds strengthen communities by funding local agencies, which provide services such as literacy, child health care, after school activities, low-income housing, food stamps, emergency shelter, and other support.

In Worcester, Patsy Lewis of the Worcester Community Action Council sent me a letter on just how devastating the President's plans to eliminate this program are.

Simply put, Patsy wrote, they would have to reduce or close their GED classes and partnerships for at-risk students in the public schools. The agency may even be forced to close.

Perhaps the President can explain how a community can be ''strengthened'' by eliminating GED programs.

Another person who isn't fooled about the effect of the President's devastating ''Strengthening America's Communities,'' budget cuts is Steve Teasdale, executive director of the Main South Community Development Corporation in Worcester, which is doing incredible work attacking poverty in one of Massachusetts most economically distressed neighborhoods.

The Main South Community Development Corporation was formed in 1986, when concerned citizens came together to revitalize the neighborhood surrounding Clark University, which was reeling from the economic and social devastation wrought by the loss of Worcester's industrial base.

The obstacles in Main South's path are considerable:

Between 1960 and 2000, the population of the neighborhood fell 35 percent from 5,600 to 3,700. The housing stock fell by 29 percent.

Over 40 percent of the population lives below the poverty line—and 17 percent have incomes lower than 50 percent of the poverty level.

At 11.4 percent, unemployment is double the city's rate of 6.3 percent. Over half of neighborhood households are headed by single parents.

The challenges confronting the community are great, and Federal funds made available through the community services block grant, the community development block grant, and HUD's section 108 loan program have been absolutely essential to the extraordinary successes of Main South in recent years.

CDBG funds were used at the outset to match a challenge grant from the Ford Foundation that provided for the creation of the entity, and enabled Main South to attract outside investment. The result is numerous accomplishments for the neighborhood.

Since 1988, Main South has acquired and rehabilitated 246 units of low and moderate income housing—137 of which had been abandoned, and 78 of which were fire-damaged, many from arson. The new homes added $500,000 annually to Worcester's tax rolls.

In addition, as a direct result of Main South's housing rehabilitation, over $20 million of investment has flowed back into the community. Three ongoing private developments represent another $40 million of capital brought into the area.

Because of this Federal support, Main South has been able to be a true partner to Clark University, providing greater educational opportunity to neighborhood families—through a homework center, computer training classes, and career placement services.

In fact, because of the success of the partnership, Clark University lets neighborhood high school students take college classes and provides full tuition to neighborhood students who make the grade academically. This is extraordinary.

All of this has been made possible by the commitment and dedication of concerned community leaders—and the relatively modest sums of Federal support that are in danger with this budget before us.

Now Main South is taking on its greatest project, the Kilby-Gardner-Hammond Neighborhood Project.

This partnership between the Boys and Girls Club, the City, Clark University, and Main South will revitalize 30 acres of distressed industrial property consisting of over 40 vacant, trash-strewn lots.

It aims to transform the neighborhood through the construction of a $7 million new Boys and Girls Club, between 70 to 80 affordable housing units, and a new outdoor track and field complex for Clark University students and neighborhood children alike.

It is a transformative project, with a total investment impact of $30 million, much of that made possible by Section 108 loan guarantees that this budget would eliminate.

Without Section 108, Teasdale and Main South would never have been able to acquire the properties to put this project together. This fact alone should cause us to reject the administration's ''strengthening communities'' proposal—because it will do nothing of the sort.

The question has to be asked, [Teasdale recently wrote] is what would happen in these neighborhoods if such funding was severely restricted or cut back. The answer can only be assumed to be that the current problems in these areas would get worse as capital investment once again withdraws to safer havens and the social service needs of the resident populations are stripped away. Crime, substance abuse, lack of recreational and educational opportunities for the youth of these areas and the incidence of poverty can all be expected to increase if CDBG funding is no longer available.

The long-term social and financial costs associated with such cut backs would be deeply damaging and although the immediate impact would be most severely felt in our poorer urban communities the resulting social distress would eventually affect everyone.

Steve Teasdale and the leadership of the Main South Community Development Corporation know more about the day-to-day challenges affecting our poorer urban communities and the difficulties associated with urban economic revitalization than any of us, because they live it every day.

I ask my colleagues to consider his words and vote for the Sarbanes amendment, so we can save these critically important poverty prevention and economic development programs.

The Senate has a moral obligation not to make it harder for communities to solve the complicated issues of poverty and community development they face. Without the Sarbanes amendment, that is exactly what the Senate will allow to happen.

Mrs. FEINSTEIN. I rise today in support of Senator SARBANES' amendment to the Budget resolution that would restore funding to the Community Development Block Grant, CDBG, program

and 17 other community and economic development programs proposed to be eliminated.

These programs are vital to our Nation's low and moderate income neighborhoods, as these are the communities who need these programs the most.

Despite the proven results of the CDBG program and the other 17 community and economic development programs, the fiscal year 2006 budget proposes to consolidate these programs into a single Commerce Department program, resulting in a $1.89 billion cut.

In fiscal year 2005, the total budget for all 18 community and economic development programs proposed to be consolidated, including CDBG, was $5.6 billion.

The administration's proposal only provides $3.7 billion for all 18 programs, leading to a $1.89 billion cut in community development funds.

This major reduction would have a devastating impact on our Nation's neediest communities and families who rely on these programs.

The loss of funds would also impact our Nation's economy, affecting small businesses who receive loans to finance projects that lead to the creation and retention of jobs.

The Sarbanes' amendment would restore the proposed $1.89 billion cuts to the CDBG program and 17 other community and economic development programs, such as the Community Development Loan Guarantees Program and Community Development Financial Institutions Fund; retain the administration of these important programs at their current agencies. For example, the CDBG program would remain at HUD and not be transferred to the Department of Commerce; accomplish this by closing tax loopholes that an overwhelming majority of Senators voted to close in the last Congress.

While the vote to close tax loopholes was not enacted, it offers us a bipartisan way to save community and economic development programs.

The Community Development Block Grant Program is one of the most effective Federal domestic programs to revitalize urban and rural communities.

Over the past 30 years, cities, counties, and States have used more than $105 billion in CDBG funds.

Over 95 percent of CDBG funds have gone to projects and activities principally benefiting low- and moderate-income individuals and families such as housing development, recreation centers, clinics, day-care facilities, and job creation and training.

According to HUD's ''Highlights of Fiscal Year 2004 CDBG Accomplishments,'' CDBG funding led to the creation and retention of more than 90,000 jobs and 85,000 individuals received employment training nationwide in the last year alone.

In 2004, CDBG funds also helped with the rehabilitation of over 130,000 rental units and single family homes, and allowed more than 11,000 Americans to achieve the American Dream and become homeowners.

Additionally, nearly 700 crime prevention and awareness programs were funded and child care services were provided to 100,065 children in 205 communities across the country.

In my State of California, CDBG grants are critical to both urban and rural cities who rely on these funds to serve many low-income neighborhoods.

In fiscal year 2005, California received over $526 million in CDBG funds, accounting for 12.8 percent of the total $4.1 billion grant program.

Of these funds, for example, California cities and counties received $82.8 million to the city of Los Angeles and $34.6 million to Los Angeles County; $24.6 million to the city of San Francisco; $11.5 million to Riverside County; $8.4 million to San Bernardino County; and $5.5 million to Fresno County.

Over the past 5 years, the diverse use of CDBG funds have allowed Los Angeles County to develop almost 9,000 affordable housing units, to create and preserve over 2,000 jobs, to remove over 32 million square feet of graffiti, and to provide loans and technical assistance to over 5,000 businesses among other programs.

Cuts to the CDBG program would greatly hurt Los Angeles County's low income residents, the primary beneficiaries of CDBG-funded services.

According to 2000 Census data, 17.9 percent of Los Angeles County residents had incomes below the poverty level, a far higher poverty rate than the 12.4 percent national average.

CDBG funds have not only benefited large urban counties like Los Angeles, but rural counties and cities in California as well. Here are a few examples:

The city of Porterville in the Central Valley, which has a population of over 39,000 and an unemployment rate of 12.3 percent, has utilized CDBG funds to rehabilitate over 50 homes and assist more than 200 first time homebuyers purchase their first home. Many of these first time homebuyers are farm worker families.

The city of Victorville, located in San Bernardino County, served over 2,900 senior citizens, youth, homeless, disabled, victims of domestic violence, and low-income families in 2004 with CDGB funds. Over $551,550 in CDBG grants were provided to low-income senior and disabled homeowners to rehabilitate their homes, ensuring that Victorville citizens have a safe place to live.

As you can see, CDBG funds are crucial to closing the disparity between rich and poor in so many communities in California and throughout the country.

As a former mayor, I know that CDBG resources are the most flexible dollars within city government, making them extremely valuable to the economic vitality of local communities.

We cannot allow these funds to be cut.

To do so would send the wrong message to our country's neediest communities and families who rely on these funds the most.

Although CDBG is one of the main community development programs slated for consolidation and cuts in the fiscal year 2006 budget, there are 17 other important programs that would be impacted as well.

Specifically, I would like to touch on a few of the following programs that have had a substantial benefit to counties and cities:

Community Development Loan Guarantees, section 108 loan program, funded at $7 million in fiscal year 2005, is used often with CDBG funds to finance the construction of new facilities and economic development activities such as business loans.

Through the section 108 Loan Program, the city of San Francisco has been able to construct 13 new childcare facilities which created 599 new slots for children of low-income families, and created 200 new jobs through 8 business start ups and expansions.

Brownfields Economic Development Initiative, which received $24 million in fiscal year 2005, used with the section 108 loan program, helps finance the redevelopment of seriously contaminated sites.

Cities throughout California and the Nation have received assistance through these funds to conduct environmental engineering assessments for site cleanup activities.

This amendment would also restore funding for the Community Development Financial Institutions, CDFI, which provides private sector investors with tax credits to raise money for hard to finance development projects in low-income areas, as well as other economic development programs. CDFI received $55 million in funding this year.

These community and economic development programs proposed to be cut in the fiscal year 2006 budget put Federal dollars where they are needed most by funding projects that are unique to the problems they address.

The proposed cuts to the CDBG program and 17 other programs would result in higher unemployment, diminish business creation and retention, increase the number of blighted buildings, and the number of homeless people who cannot find affordable housing.

The loss of these dedicated funds would profoundly affect our country's low and moderate income communities and residents.

We must not allow this to happen.

I urge my colleagues to vote for the Sarbanes amendment to restore funding for CDBG and the 17 other community and economic development programs proposed to be eliminated.

Mr. LEAHY. Mr. President, I rise today to address shortfalls in the budget resolution for key community and economic development programs. The budget before us includes a reduction of roughly $2 billion in Federal assistance to distressed and underserved communities. These cuts are shortsighted, ill-advised and represent a significant retreat from our long-standing commitment to invest in our Nation's communities. I join Senator SARBANES in offering an amendment to restore funding for these programs to their fiscal year 2005 levels.

Last year the Federal Government invested $5.7 billion in communities across the country through a network of community and economic development programs. These programs were used to enhance social services, invest in infrastructure, promote affordable housing, provide public services and revitalize our downtowns. These investments changed the face of our cities and helped improve the standards of living across the Nation.

Unfortunately, the President has proposed to eliminate this network of programs and replace them with a single block grant at the Department of Commerce. Eighteen programs are on the chopping block, including the Community Development Block Grant, CDBG, the Community Development Financial Institutions Fund, CDFI, the Community Services Block Grant, CSBG, Brownfields Economic Development Initiatives and the Economic Development Agency, EDA. I find this proposal underwhelming and unacceptable. To add insult to injury the President has proposed, and this budget includes, only $3.7 billion for community and economic development activities covered under this initiative—a 34-percent reduction in all programs combined. This is simply not adequate.

Each of the programs slated for elimination was created for a specific purpose, each serves targeted constituencies and addresses distinct needs. Consolidating and under funding these programs would leave critical gaps in the web of support for our Nation's cities and towns. I question the President's assertion that these programs are ineffective or inefficient and I question the wisdom of starting a new program at a new agency when the old system is not broken.

I am particularly concerned with the elimination of the Community Development Block Grant program. CDBG is the centerpiece of the Federal government's efforts to help States and localities meet the needs of low-income communities. CDBG funds vital housing rehabilitation, supportive services, public improvements and economic development projects in communities across the Nation. It serves more than 1,100 entitlement communities, urban counties and States, and more than 3,000 rural communities.

Last year over 95 percent of CDBG funds went to activities benefiting low and moderate income persons. CDBG housing projects assisted over 160,000 households, public service projects benefited over 13 million individuals, and economic development projects helped create or retain over 90,000 jobs. Vermont used CDBG grants to rehabilitate over 270 units of affordable housing and help create or preserve over 150 jobs.

I recently led a bipartisan letter with Senator COLEMAN to the Budget Committee attesting to the effectiveness of CDBG and urged that it be fully funded and retained at the Department of Housing and Urban Development. Fifty-seven members of the Senate joined me in this letter.

I ask unanimous consent to print this letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 2, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget,
U.S. Senate, Washington. DC.
Hon. KENT CONRAD,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GREGG AND RANKING MEMBER CONRAD: The Community Development Block Grant (CDBG) Program funds housing rehabilitation, supportive services, public improvements and economic development projects in communities across the nation. CDBG serves more than 1,100 entitlement communities, urban counties and states, and more than 3,000 rural communities. We urge the Budget Committee to maintain the Federal government's current commitment to community development programs at the Department of Housing and Urban Development and support a budget allocation of $4,732 billion in Function 450 for CDBG, Section 108 economic development loan guarantees, and the Brownfields Economic Development Initiative.

HUD is the Federal Department principally responsible for community economic development. CDBG is the center piece of the Federal government's efforts to help states and localities meet the needs of low-income communities. Section 101 of the Housing and Community Development Act created the CDBG program to consolidate a number of complex and overlapping programs of financial assistance in order to encourage community development activities which are consistent with comprehensive local and areawide development planning; to further the national housing goal of a decent home and a suitable living environment for every American family; and to foster the undertaking of housing and community development activities in a coordinated and mutually supportive manner by Federal agencies and programs, as well as by communities. HUD's community development programs coupled with HUD's housing and homeless programs and supportive services, provide communities with a comprehensive approach to serving the needs of residents. CDBG is the glue that holds other Federal programs serving low-income communities together.

The Strengthening America's Community proposal aims to create strong accountability standards, offer flexibility to communities and create a more unified federal approach. These goals are already hallmarks; of the CDBG program. On the 30th Anniversary of CDBG in 2004, HUD Deputy Secretary Roy Bernardi said the following about the program: ''HUD has a long history of 'being there' and providing help for people, particularly those with the greatest needs—our lower income constituents. CDBG has certainly been there, during boom years and most importantly in times of tightening budgets, which place greater demands on existing services. We must continue to support and build upon programs that work, those that have a proven record of flexibility and the ability to fit in with locally determined needs. CDBG is such a program and ranks among our nation's oldest and most successful programs. It continues to set the standard for all other block grant programs.''

The Strengthening America's Communities proposal would recreate a block grant program similar to CDBG within the Deparment of Commerce. The Department of Commerce, however, does not have the vital infrastructure or institutional capacity to provide a comprehensive approach to neighborhood development. Replicating HUD's CDBG program within the Department of Commerce would require rebuilding HUD's ''infrastructure'' and would result in inefficiencies, greater complexity and less aid to fewer cities, an approach which does not serve America's communities or taxpayers. CDBG's success depends on a locally driven, citizen participation process that provides flexibility and does not take a ''one-size-fits-all'' approach. The needs of Nashua, New Hampshire; Bismarck, North Dakota; Cincinnati, Ohio and Kansas City, Missouri are very different from the needs of Miami, Florida; El Paso, Texas; Pueblo, Colorado; or San Diego, California. CDBG is capable of addressing the diverse needs of these communities whether it is housing rehabilitation, homeownership, supported services for the elderly or children, business development or infrastructure improvements.

CDBG is one of the most effective Federal domestic programs to revitalize neighborhoods with proven results. Over 95 percent of CDBG funds went to activities principally benefiting low- and moderate-income persons. Twenty-eight percent of CDBG funds supported housing activities in distressed communities, 24 percent supported public improvements, 15 percent went to the provision of public services, and 7 percent supported economic development activities. In FY2004, CDBG housing projects assisted 168,938 households. Public service projects funded with CDBG served 13,312,631 individuals. Economic development programs funded by CDBG in fiscal 2004 created or retained 90,637 jobs for Americans and public improvement projects benefited 9,453,993 persons. CDBG also has a strong record in business retention: CDBG ensured that over 80 percent of the businesses assisted through the program were still in operation after three years.

Thank you for your consideration. We look forward to working with you to ensure that communities across the country can provide good jobs, affordable housing, and public services to meet the needs of all Americans.

Sincerely,

Norm Coleman, Patrick Leahy, Jack Reed, Kit Bond, Mike DeWine, Paul

Sarbanes, Evan Bayh, Barbara Mikulski, Ted Kennedy, George Voinovich, Jeff Bingaman.

Debbie Stabenow, Rick Santorum, Frank R. Lautenberg, Carl Levin, Olympia Snowe, Jon S. Corzine, Charles Schumer, Lincoln Chafee, Dick Durbin, Herb Kohl, Kay Bailey Hutchison.

Chris Dodd, Hillary Rodham Clinton, Mel Martinez, Max Baucus, Joe Lieberman, Arlen Specter, Byron L. Dorgan, Tom Harkin, John F. Kerry, Conrad Burns, Mary L. Landrieu.

Barbara Boxer, David Vitter, Maria Cantwell, Tim Johnson, Gordon Smith, Mark Dayton, Patty Murray, Jim Talent, Russ Feingold, Ken Salazar, Barack Obama.

Bill Nelson, Dianne Feinstein, Ron Wyden, Jay Rockefeller, Daniel K. Akaka, Jim Jeffords, Blanche L. Lincoln, E. Benjamin Nelson, Joe Biden, Tom Carper, Mark Pryor, Saxby Chambliss, Daniel K. Inouye.

Mr. LEAHY. Mr. President, I believe you will find similar support for each of the other programs under this umbrella.

I challenge each Member to go back to their State and find one community that has not reaped the benefits of a CDBG investment. I challenge each member to visit with their local community action groups and hear how they use the Community Services Block Grant to support the neediest in their communities. These programs fill a real need and have proven results. A cut of $2 billion in Federal funds will result in the loss of at least $18 billion in matching funds from local and State governments and nonprofit and private sector investments. I fail to see the wisdom in dismantling programs that are so vital to our communities.

Our amendment would restore nearly $2 billion for community and economic development programs and urges the Senate to retain the administration of these programs at their current agencies. We fully pay for the increase in funds by closing egregious tax loop holes that over 90 Members of this Chamber has already gone on record in support of closing.

I encourage my colleagues to join me in support of this amendment and express their support for these important programs.

Mr. BAUCUS. Mr. President, I rise to speak in support of the amendment of my friend and to express my support of the Community Development Block Grant Program, the Economic Development Administration, and the 16 other economic and community development programs that are dramatically underfunded in this budget. It is no surprise to see this amendment coming from my distinguished colleague from Maryland. I thank him for his work on this issue, both now and in the past. Throughout his career in the Senate he has been a powerful advocate for CDBG and similar community development programs.

The CDBG Program has for 31 years provided vital funding to communities all over the United States and throughout my home State of Montana. CDBG is especially valuable to economically distressed communities that often lack basic public infrastructure. It funds a diverse range of projects. Just last year, CDBG dollars helped fund head start facilities in Havre and Kalispell, and money to help Dodson modernize their wastewater system.

A CDBG grant helped Big Horn County renovate Memorial Hospital. In Anaconda, where we have a Jack Nicklaus-designed golf-course, a CDBG loan helped renovate the Old Works Hotel, dramatically improving the region's tourism industry.

These CDBG investments leveraged millions of State and local dollars. In Montana, CDBG dollars are primarily administered at the State level, so local officials can direct the funding to the areas of greatest need. CDBG is a program that works. It is a good investment of taxpayer money that communities leverage to fund vital projects they could not complete on their own.

And the CDBG Program has been supporting community development for the past 30 years with great success. Providing small infusions of Federal funding to jumpstart projects, CDBG has touched hundreds of Montana communities, and thousands of lives.

Unfortunately, CDBG isn't the only program on the chopping block. The Economic Development Administration is a small but crucial program that invests to help communities—particularly economically distressed communities—get ready for new businesses. EDA has a documented record of success. Since its inception in 1964, the EDA has created more than 4 million jobs and leveraged more than $18 billion in private sector investment in thousands of communities all across the country.

EDA investments in Montana have helped Montana farmers, suffering from years of draught. The Bear Paw economic development district in northern Montana used an EDA planning grant to help farmers study the feasibility of growing carrots and other vegetables in a region dominated by wheat growth for more than a century. The study demonstrated the viability of these crops, and farmers are excited to have a variety of crops to choose amongst.

Why, then, does this budget propose to eliminate it? At a time when it is critical for our country to maintain competitiveness in the global economy a proposal to eliminate a successful catalyst for economic growth is a mistake.

The growing budget deficit is a concern. But continued economic growth is central to everyone's plan to reduce the deficit. Why then are we cutting programs that spur economic growth? EDA creates jobs, more than 4 million in its history. It is essential that we preserve this job creating agency.

Our economy is in recovery, and as this recovery continues, EDA is working to make sure that all of America recovers. EDA targets its funding at economically disadvantaged communities. Areas that have recently experienced a factory closure, or a military base closure. The people who benefit the most from EDA are those who have been hurt the most by outsourcing.

States, counties, and cities are experiencing ever greater demands on their budgets. The choices they make, just like the choices we make here in the Senate, are tough, and getting tougher. The rising costs of health care, education, and other investments programs are straining local budgets to the breaking point. In some communities they have been forced to raise local taxes so high the benefits from recent tax cuts are all but gone.

We are robbing Peter to pay Paul. And it doesn't make sense to do it with agencies that have the ability to leverage their funds and ripple through their communities. For us here in Washington to eliminate Federal programs like the CDBG and EDA would devastate communities.

Cities will be forced to choose between school for our children or housing for our seniors, between improving decaying infrastructure needed to create new jobs and providing health coverage for our children. This amendment doesn't solve all of these problems, but it is a giant step to improving our communities.

Once again, I thank my colleague from Maryland, as well as all of our other cosponsors. I urge my colleagues to support this amendment. These programs create jobs and improve lives and communities all over our country. Let's not shortchange our communities that need this help the most.

Mr. REED. Mr. President, today many Americans in communities across the Nation are being left behind in our economy. Federal community and economic development programs, such as Community Development Block Grants, Community Development Financial Institutions, and Economic Development Administration grants, have a history of ''being there'' for communities—providing funding for housing rehabilitation, job creation, and infrastructure. I thank Senator SARBANES for offering his amendment to save these important programs from elimination, and I am glad to be a cosponsor. Senator SARBANES' amendment will restore funding to these vital programs by closing tax loopholes that the majority of the Senate supported closing in the FSC/ETI bill.

The President's Strengthening America's Communities Initiatives, SACI, would fundamentally change Federal economic and community development programs serving our communities.

The President's fiscal year 2006 budget eliminates 18 successful programs serving low-income urban, rural, and Native American communities. It reduces the Federal commitment to funding community development by 33 percent, cutting funding from $5.6 billion to $3.71 billion. And the President's proposal will also reduce the number of communities served. A program that serves fewer Americans with less resource can only place more families and low-income neighborhoods at risk, rather than create vibrant and strong economies as CDBG, CDFI, EDA, the Brownfields Economic Development Initiative and Section 108 loan guarantees are doing.

The real issue with federal community development assistance is the lack of financial resources for the thousands of communities struggling to remain economically competitive, not the current structure of the existing programs. While the budget resolution includes funding for tax loopholes that the Senate voted to close last year, it fails to adequately fund programs that provide affordable housing to American workers, programs that create or retain jobs in the economy, and programs that provide vital public services to our senior citizens.

In fiscal year 2003, the economy lost 486,000 jobs. CDBG projects created or retained 108,700 jobs for Americans. CDBG also has a strong record in business retention. While businesses have left American shores for other countries, CDBG ensured that over 80 percent of the businesses assisted through this program were still in operation after 3 years.

There is overwhelming opposition to the Strengthening America's Community Initiative. Mayors, local and State community development agencies, housing assistance agencies, and others from Rhode Island to Utah, and from Michigan to Texas, have written letters to Congress and to the administration opposing these devastating cuts and changes to Federal economic and community development assistance. They know that CDBG, CDFI, and EDA programs are the foundation of strong communities—these programs are literally the building blocks of community development. A unified grant program, as proposed by the administration, will leave gaping holes in community and economic development assistance.

CDBG is the glue that holds other Federal programs serving low-income communities together. On the 30th Anniversary of CDBG in 2004, HUD Deputy Secretary Roy Bernardi said the following about the program:

> HUD has a long history of 'being there' and providing help for people, particularly those with the greatest needs—our lower income constituents. CDBG has certainly been there, during boom years and most importantly in times of tightening budgets, which place greater demands on existing services. We must continue to support and build upon programs that work, those that have a proven record of flexibility and the ability to fit in with locally determined needs. CDBG is such a program and ranks among our nation's oldest and most successful programs. It continues to set the standard for all other block grant programs.

I want to tell my colleagues about CDBG's history of ''being there.'' In Rhode Island, CDBG was there when the West Elmwood Housing Development Corporation, a not-for-profit community based organization, needed to build and renovate affordable homes. CDBG gave Rhode Island families, who would otherwise be unable to achieve the American dream of homeownership, the chance to own their own home. In Florida, Congress turned to CDBG to provide relief after last year's devastating hurricane season, and in New York City, CDBG helped the city rebuild after the September 11 tragedy. In New Hampshire, CDBG is there for the Concord Area Trust for Community Housing to layer with Low-Income Housing Tax Credits to build affordable housing. In Ohio, Community Development Financial Institutions are there for communities across the State helping to finance businesses and microenterprises that support new jobs in the economy. And EDA was there to provide planning and technical assistance to help save 466 existing jobs and create 78 new jobs near Billings, MT. There are no other Federal programs or tax loophole that have the history of ''being there'' like CDBG, CDFI, and EDA.

Senator SARBANES' amendment to restore funding to these programs deserves the full support of my Senate colleagues, whether Republican or Democratic, representing an urban state such as Rhode Island or a rural state such as Montana. I hope my colleagues will join me in voting for Senator SARBANES' amendment so that all workers, families, neighborhoods, and communities can participate in our Nation's economic growth.

Mr. GREGG. Madam President, what is the time?

The PRESIDING OFFICER. The Senator from New Hampshire has 7 minutes 25 seconds.

Mr. GREGG. Madam President, this amendment increases spending by $2.5 billion, exceeding the cap, and it increases taxes by the same amount of money. It is a tax-and-spend amendment. Therefore, I would oppose it. There are a lot of other reasons I would oppose it, but I wanted to give the Senator from Missouri an opportunity to say a couple of words on something else.

I yield to the Senator from Missouri, and I yield the remainder of my time on this amendment.

Mr. TALENT. Madam President, I thank my friend, the chairman. I would like to speak briefly on a separate amendment that I am going to offer and ask for a vote on it during the vote-arama today.

I am pleased to be joined in this effort by Senators THUNE, STABENOW, and WYDEN.

This amendment is endorsed by all the major transportation groups—including ASSHTO, Associated General Contractors, the Road Builders, the American Public Transportation Association, the U.S. Chamber of Commerce, and the Heavy Highway Alliance, representing major trade unions. These groups understand the importance of this amendment and many will be scoring it as one of their key transportation votes of this session.

As has been the case in past resolutions, the current budget resolution in the Reserve Fund section allows the budget chairman to make adjustments to the allocation for surface transportation.

However, the Senate language as written significantly restricts the transportation reauthorization funding options available to the Finance Committee.

In the fiscal year 2004 budget resolution, last year's resolution, we agreed to reserve fund language that allowed new transportation funding so long as it was offset by an increase in receipts of any kind to the highway trust fund. That is as it should be. We ought to allow the Finance Committee to have the full range of funding options.

As written in this year's resolution, the resolution takes away the flexibility of the Finance Committee, the EPW Committee, the Banking and Commerce Committees, to consider all available funding mechanisms for the reauthorization bill. It precludes the use of resolutions used in past authorization bills, some of which the administration has agreed to and which passed last year by 74 bipartisan votes. Among the funding options that would be blocked are interest on the highway trust fund's unexpended balances; the motor fuels refund reform for over-the-road and lend-lease vehicles; and drawdown of the highway trust fund balance.

My amendment simply changes the language to be consistent with the language in the House budget resolution and the fiscal year 2005 conference report. The amendment is narrowly targeted and does not affect the budget neutrality of the final transportation bill. The amendment simply ensures we have that debate at the right time on the highway bill with all the funding options on the table. I urge my colleagues who support transportation funding to vote for this amendment. It restores the flexibility to use revenue sources approved in the past and gets us out of the box that the current language traps us in and makes it easier to adequately fund our transportation needs within the limits of a revenue-neutral bill.

I will be asking for a vote at the appropriate time on the amendment. I thank my cosponsors, including the Senator from Michigan.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. What is the time situation on Senator SARBANES' amendment?

The PRESIDING OFFICER. The Senator from New Hampshire controls 4 minutes and the Senator from Maryland controls 1 minute 19 seconds.

Ms. STABENOW. As the cosponsor with my colleague from Missouri, I would appreciate a couple of minutes to speak on the Talent-Stabenow amendment before proceeding with the other amendments.

Mr. GREGG. We do not have any time on this side.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. I ask for 2 minutes off the resolution.

The PRESIDING OFFICER. There is no time remaining.

Mr. SARBANES. I yield the balance of my time.

The PRESIDING OFFICER. The balance of the time is 1 minute 19 seconds.

Ms. STABENOW. To my colleagues, I rise to speak in support of the Talent-Stabenow amendment. It is very simple, as my colleague indicated. It is extremely important as the Senate begins the work of SAFETEA transportation legislation.

As in past resolutions, the current budget resolution in the reserve fund section allows the budget chairman to make adjustments to the surface transportation allocation. However, this budget resolution as written ties the hands of the Finance Committee and restricts the transportation funding options available to them such as using interest from the highway trust fund and drawing down the trust fund balance.

All the Talent-Stabenow amendment would do is modify the language to put all the funding options on the table. This change would be identical to the provision in the current House budget resolution and what has been included in past House and Senate budget resolutions.

We all know how critical SAFETEA is. Transportation issues in each of our States are absolutely critical. The transportation bill creates jobs. It supports communities. It uplifts all of our roads and highways and bridges in a critically important way. I am hopeful this amendment will receive strong bipartisan support so we can pass a strong safety bill with all the options on the table and make sure we have the options available to make it the very best bill we possibly can, given all of the concerns regarding funding.

Mr. GREGG. We yield back.

The PRESIDING OFFICER. All time is expired.

AMENDMENT NO. 230

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. COLEMAN. Madam President, I have an amendment I send to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN] proposes an amendment numbered 230.

Mr. COLEMAN. 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:

Mr. COLEMAN (for himself) proposes an amendment to the concurrent resolution S. Con. Res. 18 setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2006 through 2010; as follows:

(Purpose: To fully fund the Community Development Block Grant Program and related pograms, including Community Services Block Grant Program, Brownfield Redevelopment, Empowerment Zones, Rural Community Advancement Program, EDA, Native American CDBG, Native Hawaiian CDBG, and Rural Housing and Economic Development)

On page 16, line 15, increase the amount by $1,454,000,000.

On page 16, line 16, increase the amount by $29,080,000.

On page 16, line 20, increase the amount by $465,280,000.

On page 16, line 24, increase the amount by $610,680,000.

On page 17, line 3, increase the amount by $203,560,000.

On page 17, line 7, increase the amount by $72,700,000

On page 17, line 16, increase the amount by $619,000,000.

On page 17, line 17, increase the amount by $359,020,000.

On page 17, line 21, increase the amount by $241,410,000.

On page 17, line 25, increase the amount by $12,380,000.

On page 18, line 4, increase the amount by $6,190,000.

On page 26, line 14, decrease the amount by $2,073,000,000.

On page 26, line 15, decrease the amount by $388,100,000.

On page 26, line 18, decrease the amount by $706,690,000.

On page 26, line 21, decrease the amount by $623,060,000.

On page 26, line 24, decrease the amount by $209,750,000.

On page 27, line 2, decrease the amount by $72,700,000.

Mr. COLEMAN. Madam President, let me express my thanks to my colleague from Maryland, Senator SARBANES, for his work on this issue and for his leadership in the Senate. We serve together on the Foreign Relations Committee. It is a great honor. He brings great compassion, great respect, great dignity to the committee, to the institution, and his service is greatly appreciated. It is my honor as a relatively new Senator to be working on an issue that is so important to him as it is to me and to the folks I represent, both as a Senator from Minnesota, but as I represented as mayor in the city of St. Paul.

My amendment is simple. It says no cuts to the Community Development Block Grant Program. It says no moving CDBG, no to program changes that limit CDBG's effectiveness.

I share the President's goal of reducing the deficit and bringing fiscal accountability to Washington. But like so many things in Washington, the devil is in the details. In the case of CDBG, the details in the budget need to be reworked quite a bit.

I have a simple philosophy: Don't kill those things that build the economy and help cut deficits. I strongly supported tax cuts that create investment and grow jobs. CDBG grows jobs. Community development block grants grow communities.

When I talk to the folks back in Minnesota, whether they are city administrators or mayors or county commissioners, they all say the same thing: The Community Development Block Grant Program is the lifeblood of community development. That is why I am offering this amendment to fully fund CDBG along with the Community Service Block Grant Program, the Brownfield Redevelopment Program, and the Rural Housing and Economic Development Program, to name a few. These are things that work. Let's change and reshape things that do not work. But when you go home and folks say across the board—big town, small town, urban, rural—that it works, work with it.

CDBG was enacted in 1974 and has been assisting America's communities for 30 years. It is a program that helps State and local government tap their most serious community development challenges, including infrastructure, housing, and economic development. Over the first 25 years, it has created 2 million jobs and contributed in excess of $129 billion to the Nation's gross domestic product.

CDBG and public-private partnerships are the cornerstone of the economic revitalization across the country and in many of our cities in recent years. They have provided the tools to provide economic opportunity and hold jobs.

When you deal with the budget, there is a question of fiscal responsibility. Does the program work? Fair question. Is it cost effective? Fair question. What does it achieve?

I know CDBG works because when I was mayor, before coming to Washington, I worked with it. In coming here, my hope was to be Minnesota's

mayor in Washington. I always take pride in the fact that a mayor's focus is on getting things done. They are at the bottom of the political food chain but really responsive. That was the bottom line. It was getting things done. If streets were unplowed in the city of St. Paul, I heard about it. So as a former mayor I know something about fiscal responsibility, about having to reduce needless bureaucracy, about turning deficits into surpluses, and setting money aside for a rainy day, all while submitting budgets that contained no tax increases in 8 years. Part of my ability to do that was the growth I saw in my communities and the public-private partnerships that CDBG created and shaped and was a part of. Community centers and crime prevention, affordable housing, and business and economic development—the heart and soul of Federal help to our cities.

The Presiding Officer serves the great State of Alaska, which has challenges. They are not awash in a surplus of cash. The Presiding Officer understands, as I understand, we have to support those things that grow our communities.

The fact is, jobs in St. Paul's economy have not grown without CDBG. We used CDBG to revitalize neighborhoods, and it is through this effort we were successful.

I can personally testify that dollar for dollar there is no better initiative to help States and localities renew and rebuild our cities and create economic growth and jobs than the Community Development Block Grant Program.

As Minnesota's mayor in Washington, I still believe that Government is beholden to the people; that individuals, with the help of their local representatives, can plan their lives better than bureaucrats in some distant capital.

That is what I like, and the idea behind CDBG, a very conservative idea that we should not have 1,500 command and control programs rush out of Washington trying to micromanage the needs of communities. Instead, we should help communities meet those needs and priorities through one block grant. With all the unfunded mandates coming from Washington, CDBG is a way we help communities across the country meet some very critical priorities. CDBG is a fiscally responsible program that exponentially produces more than it costs and is a truly conservative initiative enabling local leaders to meet local needs.

CDBG works. Last year, the Office of Management and Budget celebrated CDBG under the theme ''performance counts.'' Since then, the Office of Management and Budget may have changed its mind, but America hasn't.

Let me state what CDBG means to my home State in Minnesota. When I became mayor of St. Paul, we got businesses and jobs growing. But not all St. Paul was benefiting from the turnaround. An area around Ames Lake on the east side of St. Paul, one of my toughest neighborhoods, needed help, needed growth. They could not take part in the surrounding economic boom because the buildings were in total disrepair and businesses were looking to move out, not move in. It would have been an impossible situation if not for CDBG. But thanks to CDBG, we were able to leverage Federal funds to attract millions of private dollars to improve infrastructure and replace the blight of city sprawl with green space, and build a community center to keep kids off the street.

I was at the League of City meetings the other day and talking to the member who represents the east side of St. Paul. In that community, they had a shopping center that was blighted, with nothing there. Reeds grew up through the concrete. We figured out the Good Lord was saying there was a wetland in the heart of the city. We got rid of the shopping center, got rid of the concrete, and created wetlands. Now he is telling me we have housing in the worst areas of St. Paul; the most blighted areas are growing and prospering. Again, CDBG was an important part of it.

In other words, thanks to CDBG, Ames Lake is now moving in the right direction. St. Paul is located within Ramsey County. And like all counties with a big city, Ramsey County struggles with sort of a split identity. On one hand, it has suburbs that are doing well compared to parts of the big city. Within the city is land intense with industrial projects such as car parks and truck sites that big cities need. Now these projects are great to have when they are up and running, but when they shut down, they are so large they take whole communities with them that is happened with the Glendenning Truck site.

It was in bad condition, and local officials knew something had to be done about it. Using CDBG, they were able to replace a dilapidated truck site with thriving businesses and jobs.

Ramsey County also used CDBG to transform the Vadnais Highlands apartment complex into safe, attractive and affordable housing.

I give another example of how community development becomes economic development. There is a town of 502 people in Minnesota called Brewster. In 1997, Brewster was awarded a one time community development block grant. This grant allowed Brewster to renew and rejuvenate its infrastructure by tearing down its dilapidated structures and replacing them with 40 homes. As a result of this investment, when Minnesota Soybean Processors was looking for a new home, there was no better place than Brewster.

The relocation of Minnesota Soybean Processors immediately created 40 jobs. In fact, that CDBG grant is still creating jobs as Minnesota Soybean Processors are now opening a biodiesel division which will employ 10 more people.

In another example, the city of Rochester, MN, used CDBG to fund the Aldrich Memorial Nursery School, providing pre-school kids with a safe place to be while mom and dad are working.

The city of Minneapolis uses CDBG to improve housing, stimulate job growth, improve public infrastructure, provide public health services, and school readiness programs.

A reduction in CDBG could hinder the city's current efforts to help 200 moms and dads to find jobs; efforts to develop 150 multifamily homes; efforts to acquire and demolish 110 vacant and boarded up houses; efforts to provide capital improvements to child care facilities, and efforts to reduce lead hazards in 70 homes and provide youth employment training to 300 kids. That is a lot of bang for the buck.

Minneapolis is a big city, but community development block grants are just as important to our rural communities. As you may know, America's rural communities often lack the resources to improve their infrastructure and housing.

The town of Detroit Lakes is located in Becker County, MN, and has about 7,500 residents. It is the heart of Lake Country in the land of 10,000 lakes. If you have not visited there, you should. Spend some money there while enjoying the lakes. The beach is right in town. At 119 Pioneer Street is the Graystone Hotel.

Built in 1916 to accommodate the region's growing tourism industry, the Graystone Hotel had since fallen on hard times. Its once grand exterior had degenerated into an unsightly mess, and its rooms all but abandoned. In short, what was once one of Detroit Lakes' flagship buildings, was now its biggest detraction.

Using CDBG along with private funding, the Graystone Hotel now includes 41 residential units and a variety of businesses and nonprofit enterprises ranging from Lakeland Medical Health Center to Godfather's Pizza.

St. Louis County, which is located in northern Minnesota and is one of the more rural areas in Minnesota, has also used CDBG. Since 1993, CDBG has helped create 560 jobs in St. Louis County; it has provided 2,900 residents of St. Louis County with business training resulting in 159 new start-up businesses; 450 homes were improved through local housing rehabilitation programs in the county.

Hundreds of first-time home buyers participated in a first-time home buyer program, resulting in the purchase of 600 single family homes.

In St. Louis County, CDBG also helps fund community soup kitchens, emergency shelters, child daycare projects,

programs combating domestic violence, and a number of infrastructure improvements such as the water treatment facility in Aurora. St. Louis County has been able to leverage $5 in private dollars for every dollar they received through the CDBG program.

CDBG works, but don't take my word for it, just 1 ask the folks in Detroit Lakes, St. Paul, or St. Louis County.

I was pleased to work with Senator PATRICK LEAHY in leading a bipartisan coalition of 57 Senators in sending a message to the Senate Budget Committee signifying our strong commitment to CDBG and reminding folks that cities from Montpelier to Minneapolis need CDBG to create economic opportunity and to grow jobs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 2, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Hon. KENT CONRAD,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GREGG AND RANKING MEMBER CONRAD: The Community Development Block Grant (CDBG) Program funds housing rehabilitation, supportive services, public improvements and economic development projects in communities across the nation. CDBG serves more than 1,100 entitlement communities, urban counties and states, and more than 3,000 rural communities. We urge the Budget Committee to maintain the Federal government's current commitment to community development programs at the Department of Housing and Urban Development and support a budget allocation of $4.732 billion in Function 450 for CDBG, Section 108 economic development loan guarantees, and the Brownfields Economic Development Initiative.

HUD is the Federal Department principally responsible for community economic development. CDBG is the centerpiece of the Federal government's efforts to help states and localities meet the needs of low-income communities. Section 101 of the Housing and Community Development Act created the CDBG program to consolidate a number of complex and overlapping programs of financial assistance in order to encourage community development activities which are consistent with comprehensive local and areawide development planning; to further the national housing goal of a decent home and a suitable living environment for every American family; and to foster the undertaking of housing and community development activities in a coordinated and mutually supportive manner by Federal agencies and programs, as well as by communities. HUD's community development programs coupled with HUD's housing and homeless programs and supportive services, provide communities with a comprehensive approach to serving the needs of residents. CDBG is the glue that holds other Federal programs serving low-income communities together.

The Strengthening America's Community proposal aims to create strong accountability standards, offer flexibility to communities and create a more unified federal approach. These goals are already hallmarks of the CDBG program. On the 30th Anniversary of CDBG in 2004, HUD Deputy Secretary Roy Bernardi said the following about the program:

''HUD has a long history of 'being there' and providing help for people, particularly those with the greatest needs—our lower income constituents. CDBG has certainly been there, during boom years and most importantly in times of tightening budgets, which place greater demands on existing services. We must continue to support and build upon programs that work, those that have a proven record of flexibility and the ability to fit in with locally determined needs. CDBG is such a program and ranks among our nation's oldest and most successful programs. It continues to set the standard for all other block grant programs.''

The Strengthening America's Communities proposal would recreate a block grant program similar to CDBG within the Department of Commerce. The Department of Commerce, however, does not have the vital infrastructure or institutional capacity to provide a comprehensive approach to neighborhood development. Replicating HUD's CDBG program within the Department of Commerce would require rebuilding HUD's ''infrastructure'' and would result in inefficiencies, greater complexity and less aid to fewer cities, an approach which does not serve America's communities or taxpayers. CDBG's success depends on a locally driven, citizen participation process that provides flexibility and does not take a ''one-size-fits-all'' approach. The needs of Nashua, New Hampshire; Bismarck, North Dakota; Cincinnati, Ohio; and Kansas City, Missouri are very different from the needs of Miami, Florida; El Paso, Texas; Pueblo, Colorado; or San Diego, California. CDBG is capable of addressing the diverse needs of these communities whether it is housing rehabilitation, homeownership, supported services for the elderly or children, business development or infrastructure improvements.

CDBG is one of the most effective Federal domestic programs to revitalize neighborhoods with proven results. Over 95 percent of CDBG funds went to activities principally benefiting low- and moderate-income persons. Twenty-eight percent of CDBG funds supported housing activities in distressed communities, 24 percent supported public improvements, 15 percent went to the provision of public services, and 7 percent supported economic development activities. In FY2004, CDBG housing projects assisted 168,938 households. Public service projects funded with CDBG served 13,312,631 individuals. Economic development programs funded by CDBG in fiscal 2004 created or retained 90,637 jobs for Americans and public improvement projects benefited 9,453,993 persons. CDBG also has a strong record in business retention: CDBG ensured that over 80 percent of the businesses assisted through the program were still in operation after three years.

Thank you for your consideration. We look forward to working with you to ensure that communities across the country can provide good jobs, affordable housing, and public services to meet the needs of all Americans.

Sincerely,

Norm Coleman, Patrick J. Leahy, Jack Reed, Mike DeWine, Evan Bayh, Edward M. Kennedy, Jeff Bingaman, Rick Santorum, Carl Levin, Jon S. Corzine, Christopher S. Bond, Paul S. Sarbanes, Barbara Mikulski, George V. Voinovich, Debbie Stabenow, Frank R. Lautenberg, Olympia J. Snowe, Charles E. Schumer, Lincoln Chafee, Herb Kohl, Christopher J. Dodd, Mel Martinez, Joseph I. Lieberman, Byron L. Dorgan, John F. Kerry, Mary L. Landrieu, Richard Durbin, Kay Bailey Hutchison, Hillary Rodham Clinton, Max Baucus, Arlen Specter, Tom Harkin, Conrad R. Burns, Barbara Boxer, David Vitter, Tim Johnson, Mark Dayton, Jim Talent, Ken Salazar, Bill Nelson, Ron Wyden, Daniel K. Akaka, Maria Cantwell, Gordon Smith, Patty Murray, Russell D. Feingold, Barack Obama, Dianne Feinstein, John D. Rockefeller IV, James M. Jeffords, Blanche L. Lincoln, Joseph R. Biden, Mark Pryor, E. Benjamin Nelson, and Thomas R. Carper.

Mr. COLEMAN. I also ask unanimous consent to have printed in the RECORD a letter of support for the community development block grant program from the U.S. Conference of Mayors, the National Governors Association, the National Community Development Association, National Association of Counties, the National League of Cities, the Council of State Community Development Agencies, the Local Initiatives Support Corporation, the Enterprise Foundation, the National Association of Housing and Redevelopment Officials, the National Association of Local Housing Finance Agencies, the National Council of State Housing Agencies, and the National Congress for Community Economic Development.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 4, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Hon. KENT CONRAD,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GREGG AND RANKING MEMBER CONRAD: As you prepare to consider the FY 2006 Budget Resolution, we the undersigned organizations want to convey our opposition to proposed cuts in the FY 2006 Department of Housing and Urban Development (HUD) budget. We respectfully request that you craft a Budget Resolution that will provide adequate budget authority for all HUD programs and maintain important community and economic development functions and funding at HUD.

Of particular concern to us is the proposed elimination of the Community Development Block Grant (CDBG) program along with 17 other Federal community and economic development grant programs. We oppose in the strongest terms the elimination of CDBG, and we urge you to reject the proposed ''Strengthening America's Communities'' (SAC) Initiative and support full funding for the CDBG program at HUD.

As you know, the FY 2006 Budget would effectively eliminate 18 community and economic development programs, including CDBG, and create an entirely new initiative to be operated by the Department of Commerce. Proposed funding for this ''consolidated'' program would be $3.7 billion, and 35 percent reduction in funding when compared to total FY 2005 appropriations for the 18 programs targeted for elimination under the initiative. Consider that Congress funded the CDBG program alone at $4.7 billion in FY 2005, $1 billion more than the entire proposed budget for the SAC initiative.

Eliminating these 18 programs and substantially reducing the Federal investment in community and economic development would have a devastating impact on State and local governments. Each of these existing programs is an important and necessary component of urban, suburban, and rural communities' efforts to revitalize neighborhoods, expand affordable housing opportunities and create economic growth. We believe that CDBG is the glue that holds these efforts together.

For 30 years, the CDBG program has served as the cornerstone of the Federal government's commitment to partnering with state and local governments to strengthen our Nation's communities and improve the quality of life for low- and moderate-income Americans. Since its inception, CDBG has made a real and positive difference in communities across America, and there is no shortage of CDBG success stories. Many of the groups that signed this letter have been working in partnership with HUD and the Office of Management and Budget (OMB) in a good faith effort to improve the CDBG program's ability to measure performance. As a result of this effort, HUD plans to unveil a new outcome-based measurement system in early 2005. As recently as November 2004, OMB endorsed this undertaking. We believe this new system will verify what is already obvious: CDBG works.

CDBG's emphasis on flexibility and local determination of priority needs through citizen participation is allowing state and local governments to achieve real results. According to HUD's ''Highlights of FY 2004 CDBG Accomplishments,'' CDBG funding led to the creation or retention of more than 90,000 jobs in the last year alone. Thanks to CDBG, in 2004 over 130,000 rental units and single-family homes were rehabbed, 85,000 individuals received employment training, 1.5 million youth were served by after-school enrichment programs and other activities, and child care services were provided to 100,065 children in 205 communities across the country. CDBG also funded nearly 700 crime prevention and awareness programs. Additionally, more than 11,000 Americans became homeowners last year thanks to CDBG funding. CDBG remains a smart, efficient form of investment, as it continues to leverage around three dollars for every dollar of Federal investment. It certainly did not come as a surprise to us when HUD Secretary Alphonso Jackson, in a March 2nd appearance before the House Financial Services Committee, stated, ''The program works.''

The CDBG program's design is especially successful at targeting resources to those who need them most. In 2004, 95 percent of funds expended by entitlement grantees and 96 percent of State CDBG funds expended were for activities that principally benefited low- and moderate-income persons. A full half of persons directly benefiting from CDBG-assisted activities were minorities, including African Americans, Hispanics, Asians, and American Indians. Despite the fact that economic challenges and pockets of poverty exist in almost all American communities, adoption of the SAC initiative would almost certainly result in a complete loss of funding for a significant number of communities.

For all of the reasons detailed above, we believe that CDBG should remain at HUD and receive full funding of at least $4.7 billion in FY 2006. We also believe it is premature for the Budget Resolution to even address such a far-reaching change to the program before the numerous committees of jurisdiction have had sufficient opportunity to hold appropriate hearings on the topic. We urge you to craft a Budget Resolution reflecting those sentiments. More specifically, we strongly encourage you to include language in your Resolution clearly stating that the Resolution ''does not assume enactment of the proposed 'Strengthening America's Communities' Initiative nor the proposed reduction in funding for the CDBG program included in the Administration's FY 2006 budget.''

We thank you for your favorable consideration of this request.

Sincerely,

Council of State Community Development Agencies.
The Enterprise Foundation.
Habitat for Humanity International.
Housing Assistance Council.
Local Initiatives Support Corporation.
National Association for County Community and Economic Development.
National Association of Counties.
National Association of Housing and Redevelopment Officials.
National Association of Local Housing Finance Agencies.
National Community Development Association.
National Conference of Black Mayors.
National League of Cities.
National Low Income Housing Coalition.
United States Conference of Mayors.

Mr. COLEMAN. I urge my colleagues to adopt my amendment and show their support for these community leaders by fully funding the community development block grant program, keeping it at HUD, and rejecting any harmful changes.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. There is 7½ minutes remaining in opposition?

The PRESIDING OFFICER. That is correct.

Mr. GREGG. There is story after story for everything in this country. The problem is, if we start funding all the stories, we will run out of money and tax our kids so they cannot afford it and tax ourselves so we cannot afford it.

The issue is setting priorities. The President has suggested a priority in the area of CDBGs. I suspect this Congress is not going to accept that priority, but it should function within the caps that have been set in order to decide whether it chooses that priority.

This is a reasonable approach, to set a cap and then say to the Appropriations Committee, you decide whether CDBGs make more sense than some other program that would compete for the same amount of money.

I will not vote for either of these amendments, but if I had to vote for one or the other, I would be more inclined to vote for the one from the Senator from Minnesota because he does not impact caps and takes it out of something called 800 which is the general operation of the Government which means basically a cut to IRS and other operating accounts within the Government.

I don't think that should be the way we should approach this. We should, rather, allow the Appropriations Committee to make decisions on this and we should not be arbitrarily in the Senate reallocating money from IRS over to the CDBG Program on the basis of anything, including stories.

I understood the Senator from Maryland wanted a couple of minutes.

I yield the Senator 2 minutes.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I commend the Senator from Minnesota for a very eloquent statement about the effectiveness of the CDBG program. Of course, he has absolutely firsthand experience with it having been a mayor of one of our great cities. I appreciate his analysis of the worth of the CDBG program.

I simply make this point, and this is a broader priorities question: The amendment I have offered derives the funding, in order to restore the money, by closing tax loopholes—the very provisions that passed the Senate overwhelmingly last year 92 to 4 on the FSC/ETI bill. A lot of these provisions were dropped in conference. The ones dropped would produce $27 billion over a 5-year period. So there is not much argument about the necessity of closing these loopholes. The overwhelming judgment here was that ought to be done. That would then avoid cutting other programs.

There is a dilemma here. I understand that. If we are trying to keep things neutral as far as contributing to the deficit is concerned, then the question becomes, do you cut other programs in what is, I think, an already extremely tight budget. So you fund CDBG, but you would diminish the funding for housing, education, and other programs—across the board. The alternative is to find a revenue source in which there is general agreement in terms of an abuse of the Tax Code.

Now, the chairman refers to that as taxing and spending. I do not know how you spend if you do not tax unless you are going to run up a deficit. I regard that as responsible budget making.

You always have to use reasoned judgement and analysis in terms of what is fair and right. The proposal here is to close some of those tax loopholes. There has been an overwhelming judgment that those loopholes should be closed. The amount of revenue produced by closing the loopholes dropped in conference is three times what it would cost to restore the CDBG Program. Thus closing only some of them would produce sufficient revenue to restore these programs.

The PRESIDING OFFICER. The Senator has consumed 2 minutes

Mr. SARBANES. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I thank the Senator from Maryland.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The Senator from Mississippi.

AMENDMENT NO. 208

(Purpose: to modify the designation authority for an emergency requirement)

Mr. COCHRAN. Madam President, I call up amendment No. 208, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 208.

On page 42, line 14, strike ''that'' and all that follows through ''designates'' on line 15 and insert: ''that the Congress designates as an emergency requirement''.

The PRESIDING OFFICER. There is 10 minutes evenly divided on this amendment.

The Senator from Mississippi.

Mr. COCHRAN. Madam President, section 402 of the pending budget resolution establishes a procedure for designating emergency appropriations that I believe creates a new and unnecessary hurdle for Congress in responding to emergency situations. It distorts the balance of power between Congress and the President.

Section 402 permits an emergency designation of an appropriation to be challenged on a point of order and provides that the point of order can be waived only by a vote of three-fifths of the Senate. That point of order has been incorporated in budget resolutions for several years now. It was put in place to curb what was seen as an overuse of the emergency designation to escape the limitations of the caps on discretionary spending. It has served successfully to impose restraint on emergency designations.

But now, in this resolution, the distinguished chairman of the Budget Committee has included, in addition to that requirement, the further requirement that the President must also designate the appropriation as an emergency in order for it to escape being counted against the budget resolution caps for discretionary spending.

While it is true the Presidential designation was part of the process in the original Budget Enforcement Act of 1990, that legislation was a comprehensive measure with a number of budget enforcement provisions, and was before the three-fifths or 60-vote requirement had been imposed on the process. It seems to me we do not need both the 60-vote requirement and the new Presidential designation requirement.

Let me suggest a hypothetical situation. Let us say this provision were in place when this body takes up the President's emergency supplemental request, which has been passed by the other body. Let us say that an amendment is offered on the floor to address an emergency situation not included in the President's budget request, and its emergency designation is challenged by a point of order here in the Senate, and, further, that an overwhelming majority of the Senate votes to approve the emergency designation. Despite the size of the vote in the Senate, so long as it is over 60, and even if the President signs the bill into law, if the President declines to specifically and expressly concur with the congressional emergency designation, the appropriation will be counted against the discretionary cap by the Budget Committee scorekeepers. This is even though the President approves the appropriation.

My suggestion is by signing the bill the President approves the decision of the Congress that the funds are needed, and that they should be spent, and that they are needed to address an emergency.

So despite a substantial majority vote here in the Senate on a particular appropriation provision, despite congressional approval of an appropriations bill, including its emergency designation, and despite the President signing the bill, approving the bill with this provision in it, the President can effectively nullify the action of the Congress relative to the caps on spending set by Congress in its own budget resolution.

I believe the inclusion of this additional Presidential power should be stricken from this resolution and we should enforce our budget provisions with the 60-vote point of order as provided by our rules and under the law. Congressionally imposed caps on spending should be set and enforced by Congress, not by the President.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

Mr. GREGG. Madam President, I rise in opposition.

Mr. BYRD. Madam President, will the Senator yield?

Mr. GREGG. How much time would the Senator need?

Mr. BYRD. Two minutes.

Mr. GREGG. Madam President, I yield the Senator 2 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the distinguished Senator, the chairman of the committee, for his characteristic courtesy.

I rise, Madam President, to express my admiration for Senator COCHRAN as he assumes the duties of chairman of the Senate Appropriations Committee. Today, I stand with Chairman COCHRAN in support of his amendment concerning the authority of Congress to designate funding as an emergency.

In the Constitution, there is no ambiguity about which branch of Government has the power of the purse. It is the congressional power of the purse which is the central pillar of the system of checks and balances under our Constitution. The budget resolution that is before the Senate includes a provision which makes the ability of the Congress to designate funding as an emergency subject to the approval of the President.

The measure that is before the Senate is a budget resolution. It is not a law. It will not be sent to the President for his approval. The Congress should not use a budget resolution to tie its own hands on spending decisions. The Congress should not tie its own hands in determining whether an expenditure for war, or an expenditure for victims of a flood, hurricane, or earthquake is an emergency. The Senate should not have to get on its knees and plead with any President for his permission to designate a provision as an emergency. The Congress is a coequal branch of Government under our Constitution, and it should jealously guard the prerogatives associated with the power of the purse, so wisely preserved for the legislative branch by our Founding Fathers.

If the Senate wants to provide emergency funding for agriculture disaster relief, or for responding to a recent flood or hurricane, or to provide additional funding to the Department of Defense for body armor, it must have that authority. The Cochran amendment makes clear Congress retains that authority.

I urge adoption of the amendment.

Again, I thank the chairman.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, a lot of folks around here talk about budget reform, and this is budget reform in that it returns us to the days when the President was treated essentially this way, back under President Clinton, under President Bush the first. I think it is important to know what the issue is.

The issue is not defense spending, because the proposed budget point of order and the Presidential involvement does not apply to defense spending. So with regard to the supplemental that is coming at us, the majority of which is defense spending, it does not affect that. It is nondefense areas where basically emergency designations are used to avoid the cap.

The cap is the enforcement mechanism on the discretionary side. There are going to be instances where we are going to have to go through the cap because there are legitimate emergencies—hurricanes, the tsunami. But the simple fact is, there are also instances where we have used the emergency designation, such as for oyster farming, where maybe they were not quite emergencies, and yet they allowed the cap to be avoided for that spending item.

This tries to put some balance back into the process of when we are going to have domestic emergencies and

when we are not, and making sure the President is part of that process, which has traditionally been the way we did it around here. So I think it is reasonable change.

I understand the chairman and the ranking member of the Appropriations Committee are concerned because it may well impact them, although I suspect with this President they will be able to work out an understanding that they will agree on. But I do think it is an enforcement mechanism that is appropriate at this time.

Madam President, do I have any time left?

The PRESIDING OFFICER. There is 1 minute 20 seconds remaining.

Mr. GREGG. I yield that back.

The PRESIDING OFFICER. Time is yielded back.

The Senator from New Hampshire.

Mr. GREGG. Madam President, I ask unanimous consent that following this debate which has just been completed, the following times be allocated specifically for Members to offer their amendments; provided further, that if the Senator is not here during the allocated time, the clock run against the time reserved for the amendment.

I send a list of those allocations to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

AMENDMENT NO. 177

Mr. KENNEDY. Madam President, I inquire, I believe in the order of matters it is appropriate now to consider amendment No. 177, and there is a 15-minute time limit on it. Am I correct?

The PRESIDING OFFICER. There is a 15-minute time limit on the education amendment. Does the Senator call up the amendment?

Mr. KENNEDY. Yes, I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. DODD, Mrs. MURRAY, Mr. LIEBERMAN, Mr. CORZINE, Mr. KERRY, Mr. SARBANES, and Mr. REED, proposes an amendment numbered 177.

The amendment is as follows:

(Purpose: To reduce the deficit by $5.4 billion and support college access an equal amount by closing $10.8 billion in corporate tax loopholes and: (1) restoring education program cuts slated for vocational education, adult education, GEAR UP, and TRIO, (2) increasing the maximum Pell Grant scholarship to $4,500 immediately, and (3) increasing future math and science teacher student loan forgiveness to $23,000)

On page 3, line 10, increase the amount by $1,446,000,000.

On page 3, line 11, increase the amount by $7,606,000,000.

On page 3, line 12, increase the amount by $1,332,000,000.

On page 3, line 13, increase the amount by $454,000,000.

On page 3, line 14, increase the amount by $110,000,000.

On page 3, line 19, increase the amount by $1,446,000,000.

On page 3, line 20, increase the amount by $7,606,000,000.

On page 3, line 21, increase the amount by $1,332,000,000.

On page 4, line 1, increase the amount by $454,000,000.

On page 4, line 2, increase the amount by $110,000,000.

On page 4, line 7, increase the amount by $5,389,000,000.

On page 4, line 8, increase the amount by $5,000,000.

On page 4, line 9, increase the amount by $15,000,000.

On page 4, line 10, increase the amount by $25,000,000.

On page 4, line 11, increase the amount by $40,000,000.

On page 4, line 16, increase the amount by $723,000,000.

On page 4, line 17, increase the amount by $3,803,000,000.

On page 4, line 18, increase the amount by $666,000,000.

On page 4, line 19, increase the amount by $227,000,000.

On page 4, line 20, increase the amount by $55,000,000.

On page 4, line 24, increase the amount by $723,000,000.

On page 4, line 25, increase the amount by $3,803,000,000.

On page 5, line 1, increase the amount by $666,000,000.

On page 5, line 2, increase the amount by $227,000,000.

On page 5, line 3, increase the amount by $55,000,000.

On page 5, line 7, decrease the amount by $723,000,000.

On page 5, line 8, decrease the amount by $4,526,000,000.

On page 5, line 9, decrease the amount by $5,192,000,000.

On page 5, line 10, decrease the amount by $5,419,000,000.

On page 5, line 11, decrease the amount by $5,474,000,000.

On page 5, line 15, decrease the amount by $723,000,000.

On page 5, line 16, decrease the amount by $4,526,000,000.

On page 5, line 17, decrease the amount by $5,192,000,000.

On page 5, line 18, decrease the amount by $5,419,000,000.

On page 5, line 19, decrease the amount by $5,474,000,000.

On page 17, line 16, increase the amount by $5,389,000,000.

On page 17, line 17, increase the amount by $723,000,000.

On page 17, line 20, increase the amount by $5,000,000.

On page 17, line 21, increase the amount by $3,803,000,000.

On page 17, line 24, increase the amount by $15,000,000.

On page 17, line 25, increase the amount by $666,000,000.

On page 18, line 3, increase the amount by $25,000,000.

On page 18, line 4, increase the amount by $227,000,000.

On page 18, line 7, increase the amount by $40,000,000.

On page 18, line 8, increase the amount by $55,000,000.

On page 30, line 16, decrease the amount by $1,446,000,000.

On page 30, line 17, decrease the amount by $10,948,000,000.

On page 36, line 21, increase the amount by $8,000,000.

On page 36, line 22, increase the amount by $8,000,000.

On page 36, line 23, increase the amount by $93,000,000.

On page 36, line 24, increase the amount by $93,000,000.

On page 48, line 6, increase the amount by $5,381,000,000.

On page 48, line 7, increase the amount by $715,000,000.

Mr. KENNEDY. Madam President, during the last few days, we have voted on various education amendments. I want to direct the attention of our Members to some of the facts as we are coming to the final consideration of this amendment.

Fact No. 1: The chairman's mark in the 2006 budget, if you look on page 5, you will see education, training programs, and you see that there will be cut $2.5 billion now, $4 billion in the second year. According to the best estimate we have, from the Center on Budget and Policy Priorities, cumulatively over 5 years this will be $40 billion. Those who are opposed to our amendment will say, you have a $5 billion higher education trust fund. But as the chairman of our committee pointed out, that basically is a phony mark.

The chairman of our committee, Mr. ENZI, says that chairman's mark contains a $5 billion reserve for new initiatives coupled with approximately $5 billion in spending cuts. In order to get the $5 billion in reserve funds, you have to effectively have these cuts plus the reconciliation cuts. What we are talking about basically are very dramatic and significant cuts in education.

This amendment does two basic things. First, it will ensure that we will reach $4,500 in Pell grants. Second, it will fund the cuts that are proposed by the President in terms of TRIO and GEAR UP so that we will help the needy children in that area. Third, it will ensure that we are going to provide funding for vocational education, special skills, the adult education program, so we are going to have a continuing upgrade of American skills. That is one important part of this amendment.

The second important part is the part of the amendment that gives attention to where the United States is in terms of a global challenge. I personally believe that the greatest challenge we are facing today is globalization, and the challenge we ought to respond to is to make sure that our people will be able to deal with the global challenge. And that means investing in math and science.

This amendment will fund education for math and science teachers in a similar way that we did at the time we were threatened with sputnik in 1957. With this amendment we will effectively get 50,000 to 60,000 more math and science teachers every year.

We have seen what has happened to the United States in the area of math and science. In 1975, we were third in the world in terms of math and science and engineering degrees. By the year 2000, we were 15th in the world, and we are going down. This budget resolution will drive us down further. This amendment provides a stopgap to that and the opportunity to make significant gains. That is what this is about.

We know that the Chinese are graduating three times as many engineers as the United States will this year. India is graduating three times as many computer scientists as we are. If we just think that we can go along with business as usual, we are missing an enormously important opportunity and responsibility. We need this kind of investment. We need it so that we will be able to compete globally in terms of the economy. We need this investment so that we will be able to compete from a national security point of view. Investing in our young people is an essential part of our national security. We cannot tolerate the kinds of cuts that are included in this legislation. This amendment addresses that.

Those on the other side will say we have increased education funding by all these percentages in recent years. We have increased funding in education, but it is still totally inadequate. The fact is, most of the increase has been the result of action on this side. I wish we had been able to meet our responsibilities.

If you look at what is happening currently in terms of high school dropouts, these are three of the large high schools in Los Angeles—it is difficult to see, but you should be able to see the trend lines—Roosevelt High School, Garfield High School, and Huntington Park High School. You see the dramatic dropout that is taking place across the country. That is happening in our high schools.

Talk to any principal, talk to any school board, talk to any of those involved in education—they know what is not happening; that is, getting a good education.

Finally, for every 100 ninth graders, 68 of those graduate from high school out of every 100; 40, when they graduate, will enroll in college. Only 27 will stay enrolled as sophomores, and only 18 graduate from college on time out of the 100.

Money is not the only answer. Money in a number of instances isn't the answer. But investing in resources is an indication of our national priority. It does seem to me that we can afford the $5.4 billion which is offset and paid for with the close of tax loopholes in a proposal that also includes $71 billion in tax reductions for individuals. That is what this whole proposal is about. That is what this budget is about: the question of priorities. This is a $5.5 billion investment in our children, offset—not increasing the deficit—with the closing of tax loopholes which has been accepted by the Senate in a proposal that is already providing $71 billion in tax reductions. It does seem to me that this is more of an expression of the values of the American people. Five billion is a lot, but we know that investing in our young people, investing in math and science, is key to our future. It seems to me to be something that the American people should and will support. I hope this amendment will be accepted.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, the Senator from Massachusetts is correct. Money does not solve the problem of education. If it did, the city of Washington would have the finest schools and the best academic experience in the country instead of the worst. The students regrettably score at the bottom of the Nation year in and year out. Yet on a per capita basis, more money is spent per child here in Washington than any place else in America: $12,000 a year per child. I congratulate the present Mayor for trying to address the issue through creating choice within the school system. But that is a fact. Money does not necessarily solve education problems.

However, in the area of money, this Presidency has done a dramatically better job than the prior President in his commitment to increasing education dollars. Since coming into office, President Bush's increase in education exceeds that of President Clinton by 33 percent. His increase in funding for title I exceeds that of President Clinton by 52 percent. His increase in IDEA funding exceeds that of President Clinton by 75 percent. His increase in funding of No Child Left Behind exceeds President Clinton's areas in approximately the same programs by 46 percent. In this budget proposal, the President has proposed adding another $500 million in IDEA, $600 million in title I, $1 billion in No Child Left Behind, and half a billion dollars into Pell grants.

In addition, this budget itself sets up the process for significant increases in funding in the Pell grant area so that we can get to a $4,150 grant next year. And if we follow the proposal of this budget, we will get to a $5,100 grant for people who use Pell grants and go to college for 4 years and complete their schooling.

In addition, we put in $5.5 billion, approximately, in order to reauthorize the Higher Education Act. And yes, it is paid for in large part, but it is paid for by basically ratcheting down on lenders. I suspect the Senator from Massachusetts will be comfortable with many of the pay-fors which Senator ENZI comes up with in committee. So the education commitment of this administration has been extraordinarily strong, and this budget puts forth some very creative and unique ideas for going forward on that aggressive approach.

This amendment is not the way to proceed. The Senator from Massachusetts has never been a wilting violet on the concept of increasing taxes. This amendment reinforces that fine track record as it increases taxes by $10.9 billion. In fact, the entire other side of the aisle has not been much in the way of wilting violets on the issue of increasing taxes.

So far we have had approximately seven amendments that we have accounted for. I think there are a lot more floating around here that we have not yet accounted for that had they been passed or if they are passed—four of them were, fortunately, defeated—would have added $47 billion. That doesn't count this $10 billion. So we are up to almost $60 billion of new taxes that has been proposed so far. I suspect that number is understated because I think we are missing five or six amendments that had been suggested in the last few hours late last evening.

So there is no question but there is a philosophy on the other side which this side is trying not to subscribe to, which is that you just raise taxes and you spend more money and that solves the problem. That doesn't solve the problem. The problem is that we have to set priorities, and within those priorities, some programs of the Federal Government should be funded more aggressively than others.

What the President has suggested specifically is that the core educational initiatives of the Federal Government—No Child Left Behind, title I, special education, Pell grant, higher education—will be funded extremely aggressively. The Congress may not decide to choose to follow that course of action, but at least we should go forward with the concept that we are going to set the priorities within a budget that we can afford and not break that budget and raise taxes on the American people.

Therefore, I oppose this amendment.

I yield back the balance of my time.

Ms. COLLINS. Mr. President, I am pleased to rise in support of Senator KENNEDY's amendment to increase education funding in the budget by $5.4 billion. This amendment will provide additional budget authority for the purpose of addressing many important education needs, including ensuring continued funding for TRIO, GEAR UP, and Perkins vocational education. In addition, this amendment will include funding to raise the maximum Pell grant award to $4,500 this year, which is one of my top legislative priorities for this year.

Our system of higher education is in many ways the envy of the world, but its benefits have not been equally available. Unfortunately, it is still the

case that one of the most determinative factors of whether students will pursue higher education is their family income. Students from families with incomes above $75,000 are more than twice as likely to attend college as students from families with incomes of less that $25,000.

To help remedy these inequities, the Federal Government has wisely invested in a need-based system of student financial aid designed to remove these economic barriers. Central to this effort for the past 30 years has been the Pell grant program.

The Pell grant program is the single largest source of grant aid for postsecondary education funded by the Federal Government. It provides grants to students based on their level of financial need to support their studies at the institutions they have chosen to attend.

I have long supported efforts to raise the Pell grant maximum award. I am pleased by the efforts of the Budget Committee to provide a $100 increase in the Pell grant maximum award for this year. But I believe it is imperative that we succeed in providing a more substantial increase in the maximum grant this year.

That is why, as my first legislation of this year, I introduced Senate Resolution 8, calling on the Senate to increase the Pell grant to $4,500 this year. I am very pleased to have Senators FEINGOLD, COLEMAN, KENNEDY, and DURBIN joining me as cosponsors of this resolution. They are all leaders in the effort to expand access to higher education.

The amendment before us builds on the efforts of my resolution, by following up to ensure sufficient budget authority to meet this goal.

While I understand that we face many difficult decisions on the budget resolution before us, I believe that a $450 increase is an imminently reasonable and achievable goal for this year—especially in light of the fact that the Pell maximum grant has gone essentially unchanged for 4 years. After receiving a modest increase of $50 in 2002, the maximum award has been stuck at the $4,050 level for 2003, 2004, and 2005.

In the meantime, the cost of attending college has continued to rise. The combination of these factors over the past 4 years has led to a significant erosion in the purchasing power of the Pell grant, and has forced students to rely increasingly on loans to finance their higher education.

In 1975, the maximum Pell grant covered approximately 80 percent of the costs of attending a public, 4-year institution. Today, it covers less than 40 percent of these costs, forcing students to make up the difference by taking on larger and larger amounts of debt.

The decline in the value of grant aid and the growing reliance on loans have serious consequences for access to higher education for low-income students. The staggering amount of loans causes some students to abandon their plans to attend college altogether. According to the College Board, low-income families are significantly less willing, by almost 50 percent, to finance a college education through borrowed money than their wealthier counterparts.

That does not surprise me. Many working families in Maine are committed to living within their means. Understandably, they are extremely wary of the staggering amount of debt that is now required to finance a college education.

I also know this to be true from my experiences as a college administrator at Husson College in Maine. At Husson, 85–90 percent of students currently receive some sort of Federal financial aid, and—approximately 60 percent of students receive Pell grants.

As Linda Conant, the financial aid director at Husson told me:

> You cannot imagine how difficult it is to sit with a family and to explain to them the amount of loans that are needed to finance a post-secondary degree. It scares them. That is why Pell grant aid is so important for low-income families. For these families, loans don't always work, but Pell does.

We also know that having a well-educated workforce is crucial to our economic future and competitiveness in the global economy. The Bureau of Labor Statistics has projected that over the next 10 years, there will be significant growth in jobs requiring at least some post-secondary education. So increasingly, higher education is going to be necessary to ensure employability and to prepare Americans to participate in tomorrow's economy.

That is why Pell grants are so important. Pell grants make the difference in whether students have access to higher education, and a chance to participate fully in the American dream.

Mr. President, Pell grants are targeted to the neediest of students—recipients have a median family income of only $15,200. An additional $450 in Pell grant aid may very well be the deciding factor on whether these students can pursue their college dreams.

The Pell grant program is the foundation of making good on the American promise of access to higher education. Now is the time for us to make a commitment to raising the Pell maximum award to $4,500 for the upcoming award year. I hope that my colleagues will join me in supporting this amendment.

Mr. REED. Mr. President, I am pleased to cosponsor Senator KENNEDY's amendment to the, fiscal year 2006 budget resolution. This amendment would ensure the necessary investment in education to secure our Nation's continued prosperity.

This amendment would focus on three areas critical to boosting educational opportunity and our economy. First, it would make college more affordable and accessible. The amendment would raise the maximum Pell grant by $450, to $4,500, a long overdue and necessary increase for millions of students who struggle to keep up with ever-rising college tuition. It also would restore a host of programs that give low-income Americans a lifeline to college. The President seeks to eliminate programs like TRIO, GEAR UP, and LEAP, which have opened doors for students who otherwise might never consider a college education, let alone be able to afford it.

Second, this amendment would make a crucial difference for high-need schools. We cannot remain global leaders in technology if we do not maintain a world-class standard of education in math and the sciences for all students. Yet we have a shortage of highly qualified teachers in these very areas. This amendment would use loan forgiveness as an incentive to attract and retain 57,000 teachers in math, science, and another woefully understaffed arena, special education.

Finally, this amendment would ensure the future competitiveness of the workforce by preserving investments in workforce development, adult literacy, and vocational education. In voting to reauthorize and improve the Carl D. Perkins Career and Technical Education Act, 99 Senators just last week recognized the indispensable nature of the act, despite the President's efforts to eliminate it. With this amendment we can restore funding for Perkins programs as well as for job training and literacy programs that give adults the tools they need to be economically productive.

The investment in these commonsense measures is one we cannot afford to forego. I urge my colleagues to join me in voting for this amendment.

AMENDMENT NO. 234

The PRESIDING OFFICER (Mr. ENSIGN). There will now be 30 minutes of debate equally divided on the Baucus-Conrad amendment on agriculture.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 234.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To ensure that legislation to make cuts in agriculture programs receives full consideration and debate in the Senate under regular order, rather than being fast-tracked under reconciliation procedures)
>
> On page 28, strike lines 14 through 20.

Mr. BAUCUS. Mr. President, this amendment is critical to my home State of Montana and to most States in the Nation. It is agriculture. Agriculture is the financial engine that drives, certainly, my State's economy. It brings in $2 billion of annual revenue plus benefits to rural communities and to our State generally. One in five Montana workers is employed in agriculture or a related field.

But this amendment is important not just to Montana; it is important to the Nation. America's agricultural producers provide us with the safest and highest quality food supply in the world. We all know that. It is worth repeating. It is worth remembering. Sometimes we take things for granted. Our agricultural producers in America provide us with the safest, highest quality food supply in the world. Americans are extremely fortunate to enjoy those benefits.

Agriculture is a small part of the Federal budget, but it is expected to shoulder huge cuts, very disproportionate cuts in this budget resolution.

The Senate budget resolution calls for a reduction in mandatory agricultural programs of $5.4 billion over 5 years. The budget resolution puts $2.8 billion of those savings on fast track through reconciliation.

I was one of the farm bill negotiators and supporters of that legislation, but I disagree with some of the provisions within the law. The 2002 farm bill represented a delicate balance between diverse interests. It was very tough to put that together. The 2002 farm bill was a 6-year bill, not an on-and-off bill but a 6-year bill, and people had reason to expect it settled farm policy for 6 years. People have to plan, to have a sense of what is going on. It is not just farmers, but bankers, equipment suppliers, and farm implement dealers. Producers and bankers who made financial decisions to enter into contracts with the understanding that the farm bill would not be renegotiated until 2007, that was their understanding.

If Congress proceeds with the agriculture cuts in this budget resolution, we will be cutting nutrition, not just the six basic crops in the farm bill, but cutting nutrition, conservation, and forestry programs. These cuts are not directed solely at the commodity programs. In fact, they are directed at many other segments of the whole agriculture bill.

The Senate should put off the policy discussions that are behind these cuts until we begin debate on the new farm legislation. That is the appropriate time to debate these policy discussions, not in the budget resolution to cut for the sake of cutting. The commitment that Congress and the President made to farmers, to conservatives, and the neediest in our society should be maintained until a new farm bill is developed.

Proposed mandatory spending cuts will also unilaterally disarm our trade negotiators, especially our agricultural trade negotiators. The United States recently lost its appeal of the World Trade Organization dispute panel decision concerning domestic cotton. It is not widely known, but it should be well understood, the implications of that decision.

At the same time, we are negotiating a new global trade agreement with the WTO, of which agriculture is a critical part. That decision is going to put our agricultural producers and our agriculture program in jeopardy. We should, therefore, not commit to the substantial agriculture policy changes that this resolution would require while we are engaged in those trade talks. We should not unilaterally disarm. It makes no sense, and I cannot understand for the life of me why this budget resolution unilaterally disarms our farmers before we go into negotiations. Some argue the proposed cuts are good for our negotiators because they demonstrate to other countries that the United States is serious about agriculture reform.

I have learned through very hard, bitter experience that no country altruistically, out of the goodness of its heart, if it has any sense, is going to lower a trade barrier. They do not unless they have to. You have to provide leverage. There are many examples where the United States had to exercise leverage to get other countries to lower a trade barrier. It takes leverage. They just do not do it out of the goodness of their heart.

If we do that, think what the Europeans are going to do. They are going to say: Oh, those Americans, they have already eliminated their agriculture program, they have cut their supports, so we Europeans do not have to go quite so far. I tell you, it makes no sense, no sense whatsoever for this Congress to pass a budget resolution which cuts agriculture by such a dramatic amount.

In 2002, total EU domestic supports plus export subsidies totaled $37 billion. What was ours? What was the U.S. comparable figure? It is about $17 billion, and that is just actual spending.

Look at that: Europeans have twice the amount of agricultural support payments that we have, twice as much as the United States has—more than twice as much as the United States has. Yet we are coming before this body and saying we are going to cut agriculture even more, while the Europeans have close to three times the amount of subsidies we have. I do not think that makes much sense.

The total amount agreed to in the WTO Uruguay Round is $81 billion for the EU and $19 billion for the United States. Just think of that. That was the Uruguay Round. That was a mistake. Mr. President, 81 for them, 19 for us. These cuts contained in the budget resolution, to which I am opposed, are, therefore, clearly ill timed. This is the wrong time to do this. Developing countries, in particular, have offered very little in agricultural talks. If we pass this resolution, they are going to ask themselves: Why should they? They can keep their sky-high tariffs on agricultural products and still get the United States to cut its support of U.S. agricultural programs.

We also lose bargaining power to push for changes to the European's agricultural policy. That policy transformed postwar Europe from the world's largest food importer to one of the world's largest net exporter of agricultural products.

Let me state what happened. This pretty much demonstrates what happened in this country, why agricultural producers in the United States are in tough shape. In the 1970s, the European Union was the world's largest net importer of agricultural products. They decided that is wrong; we have to do something about it. So they did. What did they do? They implemented massive agricultural support payments for their farmers so that in a 10-year time in the mid-1980s, Europe became the largest net exporter of agricultural products. It was a big shift from the world's largest importer to the world's largest exporter in 10 years, and that is where they stayed. That is what we face. That is why it is wrong right now in this budget resolution to further cut agricultural payments which are disproportionate right now.

Our farmers and our ranchers can compete with anybody in the world just as long as the playing field is level, but we should not put American farmers and ranchers at a disadvantage by cutting U.S. programs just as we are seeking changes in other countries' programs. We should not unilaterally disarm. We should not unilaterally disarm agriculture just as the trade talks reach a critical point. They are upcoming. To do so would not just be unwise, it would be reckless.

Agriculture is being asked to make a substantial and disproportionate contribution to spending reductions. This is unjustified. There are other cuts in this budget not nearly as great as the ones agriculture will face. I just think it is sensible to support this amendment so we do not cut agriculture the way proposed in this resolution. It makes no sense.

I see some of my colleagues on the floor who wish to speak on this amendment. I see Senator CONRAD. I yield 5 minutes to the Senator from North Dakota.

Mr. CONRAD. I thank my colleague.

Mr. President, the amendment before the Senate strikes the budget reconciliation instructions to the Senate Committee on Agriculture. The amendment deletes the requirement that the

Senate Agriculture Committee report legislation that reduces outlays by $2.8 billion. It does not change the other budgetary assumptions for agriculture contained in the resolution.

The fact is, agriculture has already contributed substantially to deficit reduction. We are far below in funding what the farm bill called for. We are $16 billion below what the farm bill anticipated. If the national media ever reported something incorrectly, they reported incorrectly the effect of the last farm bill on agriculture spending. You would have thought, reading the national press, that agriculture got an enormous increase, a 60-percent increase. Wrong. Agriculture did not get an increase, agriculture got less money. What they left out were the disaster bills we had been reporting and passing year after year. Here is the pattern of farm program spending, and this shows the spending went down. It did not go up. The national media just got it wrong.

This is in the midst of a circumstance in which our major competitors are providing far more funding to their producers than we are providing to ours. Our major competitors are the Europeans. Here is what they are doing. They are providing $277 an acre of support each and every year for their producers. The comparable amount in the United States is $48. So they are outgunning us over 5 to 1.

It is not just in domestic support. It is also in international subsidies, subsidies for export. Here is the European Union's part of world agricultural subsidies. They account for 87 percent of world agricultural export subsidies. This is the U.S. share—1 percent. They are outgunning us 87 to 1.

Right now we are entering negotiations with the WTO to try to level the playing field. Let me remind my colleagues, this is what Europe is doing for their farmers. These are not KENT CONRAD's numbers, these are the international scorekeepers' numbers, OECD: Europe, $277 an acre per year per producer; the United States, $48. On export subsidy, Europe accounts for 87 percent of all the world's agricultural export subsidy; the United States is 1 percent. They are outgunning us 87 to 1.

We are just entering negotiations to try to level the playing field. Why would we ever unilaterally disarm in the midst of a trade dispute? We would never do that in a military confrontation. Why would we do it in a trade confrontation?

Unilaterally cutting in the midst of the farm bill, in the midst of international negotiations, is a profound mistake. If anybody doubts what is happening, Europe has gone from being the biggest importing region in the world to the biggest exporting region, and they are now equivalent to us in world market share. Keep up with this strategy and America is going to become a second-class agricultural power.

This year, USDA forecasts we are going to import more agricultural production than we will export. That is a stunning turnaround for the United States. We should not continue down that path.

I thank the Chair. I thank my colleague and yield back my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There is 40 seconds remaining.

Mr. BAUCUS. Mr. President, I ask the distinguished Senator from North Dakota if he might have time he can allocate to other Senators, insomuch as the time remaining on this amendment has virtually expired.

Mr. CONRAD. The short answer is I do not. Under the agreement that has been reached, all time has been allocated among these various amendments, so there is no time remaining to allocate.

Mr. BAUCUS. I wonder if I can impose upon the very gracious generosity of the Senator from New Hampshire and ask if perhaps he could give a little time on this side.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Mr. President, I do have 5 minutes, I have been informed, that I can allocate. Let me give that 5 minutes that I have available.

Mr. BAUCUS. I thank the Senator. I yield 2 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, this is a critically important issue. I appreciate the work of my colleague from Montana and my colleague from North Dakota. This is about family farmers. The reconciliation instruction to take money from an account that is critically important for the survival of family farmers is just a bad instruction. My colleague from Montana wants to abolish that instruction.

Look, family farmers, in my judgment, have a lot of fights. They fight every year. They fight against bad weather, crop disease and insects, and they have to fight grain markets trying to make a living out under the yard light on the family farm. They should not have to fight the U.S. Congress and the administration.

We made a deal on the farm program. We made commitments on food programs. The family farmers should not have to face jeopardy from this Congress.

The fact is, this Congress has decided for family farmers that we want to provide a bridge across price valleys, so that when prices precipitously drop, we don't wash away all of the family farmers of this country. So we put together a farm program, an account in the budget that deals with ag. It all works together. I believe the recommendation to cut these funds is a recommendation that pulls the rug out from under America's family farmers.

Bad trade deals have undermined our farmers. Weather and insects and grain markets have undermined our family farmers. The last thing that should happen is for us to pull the rug out from under our family farmers.

I rise in strong support of the amendment offered by my colleague, Senator BAUCUS, from Montana. I hope the Senate will adopt this amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I yield 1 minute to the Senator from Arkansas, Mr. PRYOR.

Mr. PRYOR. Mr. President, in 2002, this Congress entered into a contract with our farmers, and today what we are discussing is—believe it or not—actually breaking that contract with America's farmers. Let's not just focus on the farmers, because the agriculture bill is much broader than that, including children and nutrition programs, poor people on food stamps, and every consumer who buys food in this country. As it now stands, America spends less on food than any other nation in the world. If this passes, that might change.

I support deficit reduction. We know that. The farmers have already contributed over $16 billion to deficit reduction. That is according to CBO. When you look at the numbers, they are very clear. Farm spending only amounts to less than one-half of 1 percent of Federal spending, but accounts for 17 percent of the Nation's GDP and 25 million jobs.

Mr. BAUCUS. Mr. President, I yield 1 minute to the senior Senator from Arkansas.

Mrs. LINCOLN. Mr. President, there is not enough time in the day for me to talk about agriculture because it is in my veins. I do come to the floor to support my colleague from Montana. A few weeks ago, I came to the floor to note my extreme disappointment in President Bush's ag budget proposal, and really his entire budget proposal as it relates to rural America. I reiterate my support for our farmers and our rural communities by speaking in strong support of this amendment.

Our agricultural producers and the folks who live in rural America are every bit a part of the fabric of this American family. There is no reason why they should be asked to carry a disproportionate share of the sacrifice in dealing with this historic debt. I join President Bush in wanting to deal with this historic debt. But there is no reason in this world why rural communities and agricultural producers——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, is there any of my time remaining?

The PRESIDING OFFICER. There are 45 seconds.

Mr. BAUCUS. I yield that to the Senator from Arkansas.

Mrs. LINCOLN. Thank you. I do want people in this country to know that the people in rural America, whether it is ag producers, who have absolutely no certainty about the things that contribute to what they have to do; they have no control over the weather, no substantial control over trade. Yet, they did have a role to play, as everybody in this body did, in the contract that came about in the farm bill.

This is not the appropriate place to breach that contract. It is not the appropriate place to turn on the people of rural America that support this great Nation in the safest, most abundant and affordable food supply in the world. We have an opportunity to look at what we can do for rural America.

I encourage my colleagues to support the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to my amendment: HARKIN, STABENOW, DAYTON, PRYOR, LINCOLN, SALAZAR, and CONRAD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I yield to the Senator from Montana for the purpose of a colloquy.

Mr. BURNS. Mr. President, I thank my chairman, who has almost an impossible job on this budget.

I rise to discuss this resolution and its impact on agriculture. I ask the Senator, is my understanding correct that this budget resolution directs the Senate Agriculture Committee to contribute toward deficit reduction by reducing mandatory program spending by $2.8 billion over the next 5 years? Is my understanding correct?

Mr. GREGG. Mr. President, I appreciate the question of the Senator from Montana. Yes, the Senator's understanding is correct. We took great care to assure that this budget resolution was constructed to provide the Agriculture Committee with the flexibility needed to achieve a reduction in the deficit while ensuring continued support for programs that provide a critical safety net for farmers and ranchers, promote conservation, and reduce hunger.

Mr. BURNS. I thank the chairman. I understand the challenges of attempting to reduce the budget deficit by reducing spending. I believe we have to get a budget resolution passed, and I know that the Senator has to make some difficult choices. I also note that $2.8 billion is a lot of money in Montana, especially given skyrocketing energy prices and the likelihood that this will be another drought year in Montana.

I ask the Senator, is it true that the House has asked their Agriculture Committee to reduce mandatory spending at a higher level than has been proposed by this budget resolution?

Mr. GREGG. Yes, the Senator is correct. I believe the House budget resolution proposes reducing mandatory spending for agriculture by $5.3 billion over the next 5 years. I add that the President's budget proposed to reduce mandatory program spending for agriculture by nearly $9 billion.

Mr. BURNS. I thank the Senator. In a perfect world, I would prefer no reduction in spending for agriculture at all. As you know, the 2002 farm bill has already contributed significantly to deficit reduction. Over the past 3 years, farm programs spending has been about $17 billion less than projected. So a lot of my farmers in Montana feel like they already ''gave at the office.''

However, we must face up to the reality of our budget situation and address this deficit. In doing so, however, reductions in spending must be proportionate. I urge the chairman, in the strongest manner possible, to keep the final budget resolution from asking for a higher level of mandatory program savings from agriculture than the $2.8 billion that we have included in this budget resolution.

Mr. GREGG. Mr. President, I will state that the Senator from Montana has been extremely persuasive. We started out with a budget number in this budget that essentially tracked the President's number in agriculture. But as a result of listening to the Senator from Montana and the Senator from Georgia, chairman of the Agriculture Committee, we have backed that number down rather dramatically from the original request of $9 billion by the President's $2.8 billion. And we have, as the Senator from Montana noted, at the request of the Senator from Georgia, given maximum flexibility to the Agriculture Committee so that they can reach that number. Remember, that is a 5-year number, not a 1-year number; the $2.8 billion is spent over 5 years. They can reach that number however it is deemed best in looking at it through the lens of the Agriculture Committee, where the real expertise resides.

I thank the Senator from Montana for his very constructive effort in this area. I assure the people of Montana he has certainly held their interests and put their interests first and aggressively pursued it.

Mr. BURNS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. GREGG. I yield the balance of our time to the Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I want to start out today by acknowledging the cooperation and thanking the chairman of the Budget Committee for working together with those of us who have real concerns about agriculture and, particularly, relative to, obviously, the numbers that are contained in the President's budget and the final number agreed upon between the Budget Committee, as well as the Agriculture Committee. I thank my friend, Senator BURNS from Montana, for his outstanding input into this and his persuasive arguments. It is because of things like that that we have been able to negotiate this number down to something that we think is now fair and reasonable.

Let me, first of all, say that I, too—like my Democratic colleagues on the other side alluded to earlier—came to the floor immediately after the President's budget was sent to the Hill. He was extremely critical of that budget relative to the requested deficit savings in agriculture.

I, too, was at the table when we negotiated the 2002 farm bill. On the House side, we felt like we had a good farm bill, and we got together with folks on the Senate side and crafted a bill that provides a real safety net for our farmers across America.

The fact is that that farm bill has worked exactly like those of us who crafted the farm bill wanted it to work—that is, philosophically. When times and yields are good and prices are up, there are very few Government payments going to our farmers. In tough times, when prices are low and yields are low, whether it be from drought or other circumstances, in agriculture country the Federal Government does extend a helping hand not to guarantee any farmer a profit, but it allows them to get through to the next year when times might get better.

That having been said, I discussed not just on the floor of the Senate my displeasure with the administration relative to their budget proposals, but I went directly to the President. I told the President face to face that I was very disappointed in the numbers that had been sent down here and that, at the end of the day, I really did feel like America's farmers and ranchers would be willing to pay their fair share for deficit reduction, but we were simply not going to pay a disproportionate amount when times are difficult in agriculture country, and when we have farmers who have depended on that 6-year farm bill and have made financial plans, whether it is the purchase or lease of land, purchase of farm equipment, or planning for the growing and harvesting of crops, as they have done, depending on that 6-year farm bill being in place.

Therefore, as chairman of the Senate Agriculture Committee, I made a commitment to our farmers and ranchers that we are going to do everything possible to make sure that the policy of that farm bill is not changed. We can do that.

The folks on the other side, frankly, have made my argument for me. That

is this: They have said, correctly, that in 2002 when the farm bill was passed and signed into law, fiscal conservatives all across the country and the media really chastised those of us that crafted that farm bill for spending way too much of the American taxpayers' money on agriculture programs. We knew that if the farm bill worked right, we would never spend what was projected. In actuality, it was projected that we would spend $52 billion on commodity programs in 2002, 2003, and 2004, and because we have had good yields and good prices in those years, we have spent only $37 billion. That is just in one title of the farm bill. So we have achieved savings of $15 billion in 3 years.

We also have the food stamp title, where no projected savings have been talked about at this point. Maybe some can be achieved. When I came to Congress in 1995, USDA reported that the Food Stamp Program error rate was 10 percent.

Last week, USDA testified before the House Appropriations Subcommittee on Agriculture and said that the error rate has now been reduced to 6 percent. That is because of the hard work of everybody in this body on both sides of the aisle and everybody in the House on both sides of the aisle. We have squeezed that program down to where the error rate is still at 6 percent. That is too much. But still it is coming way down.

We can probably achieve some additional savings there. Also, we have the conservation title, which has not been discussed. We are going to spend about $33 billion this year on the Food Stamp Program, about 2.5 on conservation, and projected about 18 on commodities.

Now, if we have saved $15 billion on the commodity title alone in 3 years, am I hearing this right, that folks on the other side are saying we cannot achieve $2.8 billion over the next 5 years, not just from commodities but from all three titles in the farm bill? I think that is kind of a ludicrous argument for us to say that when we are in tough times—times have changed since we passed this farm bill in 2002, where we were in surplus times. Times have changed because we are now in a deficit situation and we must be fiscally responsible in this body, just as our colleagues on the House side must be fiscally responsible.

I cannot imagine anybody saying that we cannot be treated fairly when we are going to be cutting and asked to be finding savings in Medicaid, in transportation, in education, and in other mandatory programs, that farmers and ranchers and their respective States are not going to be willing to participate when we have already saved an average of $5 billion per year, that we are now being asked to save $2.8 billion over 5 years, that our farmers and ranchers would not be willing to participate in their fair share, so long as, and I emphasize this, we do not change the policy in the farm bill.

We have entered into a colloquy with the distinguished chairman of the Budget Committee that as he goes into conference he is going to do everything within his power to make sure we hold this $2.8 billion figure because we already know the House has come in with a number in excess of that. I would again say if the requested deficit savings on agriculture are disproportionate in any way, we need to look at it and we need to rethink where we are today. But when we look at the $2.8 billion and the fact that we have saved an average of $5 billion a year, I know and understand we have not been asked to share in an amount that requires that the deficit reduction requested by the President be taken out on the backs of farmers and ranchers. I would rather not have any, but being fiscally responsible is as important as writing a good farm bill.

I close by saying that as I have gone around the country—and I have over the last 2 weeks. I have been in the far West, I have been in the Midwest, and I have been in the Southeast, talking to farmers and ranchers, and I am very pleased with the reaction that farmers and ranchers have given to me personally when we have explained to them how we are going to approach these deficit savings. What I have told them is we are going to be fair and equitable in each and every title, and that we are going to ask all of agriculture to share somewhat in the pain, but it is not going to be disproportionate, and we are going to keep the policy of the farm bill in place and we are going to find reductions in savings that will allow the greatest patriots in America—and that is farmers—to participate once again in deficit reduction, and when we do this we want to assure, in all probability, that farmers and ranchers will have this $2.8 billion returned to them in interest savings alone, because we all know if we continue down this trail of deficit spending, interest rates are going to rise. If we act responsibly in this body and also on the House side relative to this issue of deficit spending, we can either hold interest rates in line or maybe see them reduced again, which will be of tremendous benefit to our farmers and ranchers.

I am proud to represent agriculture country. I come from the heart and soul of agriculture country in my State, and farmers and ranchers all across America are the salt-of-the-Earth people who make this country the great country it is. They have always been willing to do their fair share, and that is simply what we are asking for, nothing more.

I yield back.

Mr. HARKIN. Mr. President, I support this amendment because it would prevent the damage this budget resolution seeks to inflict on Americans throughout our country in all walks of life who benefit from the whole range of programs within the jurisdiction of the Committee on Agriculture, Nutrition and Forestry, where I am proud to serve as ranking Democratic member.

It is said that the cuts to these programs required by this resolution are no cause for worry, no sweat. With respect, I must say the facts are otherwise. The 2002 farm bill has already suffered serious cuts in three annual appropriations cycles. This budget resolution contains further and even deeper cuts—both in appropriations and through budget reconciliation instructions to our committee and the House Agriculture Committee. To be sure, the $2.8 billion reconciliation instruction in this resolution is less than in the President's budget, and it is less than the $5.3 billion reconciliation instruction in the House's version of the budget resolution. However, I would note that the Senate resolution does assume additional budget reductions of $2.7 billion, so the total assumed budget savings from the Committee on Agriculture, Nutrition and Forestry is $5.5 billion in this resolution.

The budget reconciliation figures in these resolutions are a direct assault on the progress we made in writing a balanced farm bill in 2002 that covered a whole range of needs from helping protect farm income, to providing food to poor families and children, to improving conservation and environmental practices, to promoting farm-based renewable energy, to increasing food and agriculture research, to assisting rural economic development and others. We need to protect that balance.

Where is the budgetary justification for making these cuts and upsetting the balance we struck and the progress we made in the farm bill? There is no justification. We have been fiscally responsible in the programs falling in our committee's jurisdiction. We were provided a budget allocation to write the 2002 farm bill and we stayed within it. We repaired Freedom to Farm and reinstated a countercyclical commodity program. Thanks to that countercyclical feature, the commodity programs have cost some $15 billion less than they were expected to cost over the first three years of the 2002 farm bill. We also carefully and responsibly invested some of our farm bill budget allocation to strengthen programs and adopt innovative new initiatives in conservation, agricultural trade, rural development, nutrition, agricultural research and renewable energy.

The direct harm from these budget cuts would be serious enough, but in addition they can only upset carefully struck balances in the 2002 farm bill and reopen old arguments and old fault lines. We had broadly based bipartisan

support for the 2002 farm bill, but this budget resolution threatens to tear that all apart. This resolution would pit one group and its interests against others—one title of the farm bill against others. As a result, we would be looking to the next farm bill with a reduced budget baseline and a fractured farm bill coalition, which would surely make it all the harder and more contentious to write the next farm bill.

Less than 3 years ago we passed a farm bill to repair our Nation's farm income protection system. It would be irresponsible to weaken that system now and create new uncertainty—especially when we need bargaining leverage in the midst of global agricultural trade negotiations in the WTO. Farm commodity programs are less than a half of a percent of the Federal budget. It is terribly misguided to propose that cutting farm income protection can significantly help solve Federal budget deficits.

Nor is there money to be spared in the farm bill's conservation, rural economic development, research or renewable energy initiatives—some of the most innovative and forward-looking parts of the 2002 farm bill which have already suffered the most and seem to be at the greatest risk of further cuts. These initiatives constitute investments in the future of our Nation's food and agriculture system, our rural communities and our environment and natural resources. Believe me, we are not investing too much in these initiatives. We are investing far too little.

This resolution is especially threatening to Federal food assistance and nutrition programs if history is our guide. The last time there was budget reconciliation, recipients of Federal food assistance took the heaviest hit of anyone. Think about the fairness of that. Those cuts did not come from waste, fraud, and abuse, but instead were taken from across-the-board benefit reductions that affected nearly all recipient households, including families with children, the working poor, the elderly, and people with disabilities.

This year we are hearing the same claims about waste, fraud, and abuse in Federal nutrition programs. In reality, we have worked hard to improve the program integrity of nutrition programs, and we have done it on a bipartisan basis. The error rate in the Food Stamp Program is now at an all-time low. There is not a realistic way to wring significant budget savings out of waste, fraud and abuse in nutrition programs. It is not there. Instead, this resolution would take away food from American families, most of them with children and most of them working or trying to find work. We should not add new hardship to the lives of working American families by cutting food assistance programs.

For all of these reasons, I support and am proud to cosponsor the amendment of Senator BAUCUS and urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Could I take a minute off of managers' time?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let us be very clear what this amendment is about. Agriculture represents less than 1 percent of Federal spending. It is being asked to take 9 percent of the mandatory cuts. If the Medicaid amendment is adopted, agriculture will be asked to take 16.5 percent of the cuts, and we are less than 1 percent of the budget. That is not fair. That sets a precedent.

Mr. CHAMBLISS. Will the Senator yield?

Mr. CONRAD. I will not yield.

That sets a precedent that is a profound mistake for agriculture and we will rue the day when we are in the midst of negotiations that we cut the heart out of our negotiators' ability to level the playing field for our producers. That is a mistake.

I reserve the remainder of my time.

AMENDMENT NO. 239

The PRESIDING OFFICER. There will now be 15 minutes of debate equally divided on the Biden amendment on COPS. Who yields time?

The Senator from Delaware.

Mr. BIDEN. Mr. President, I send the amendment to the desk, which I do not have in my hand, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. DORGAN, Mr. LEAHY, Mr. KENNEDY, Mr. SCHUMER, Mr. KOHL, and Mr. SALAZAR, proposes an amendment numbered 239.

Mr. BIDEN. 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 enhance the ability of state and local law enforcement to prevent crime and terrorism by adding $1 billion to restore funding to the Office of Community Oriented Policing Services. This amendment is fully off-set by closing corporate loopholes and will generate $2 billion in revenue with $1 billion allocated to the COPS program and the remaining billion to reduce the deficit)

On page 3, line 10, increase the amount by $240,000,000.

On page 3, line 11, increase the amount by $560,000,000.

On page 3, line 12, increase the amount by $500,000,000.

On page 3, line 13, increase the amount by $400,000,000.

On page 3, line 14, increase the amount by $300,000,000.

On page 3, line 19, increase the amount by $240,000,000.

On page 3, line 20, increase the amount by $560,000,000.

On page 3, line 21, increase the amount by $500,000,000.

On page 4, line 1, increase the amount by $400,000,000.

On page 4, line 2, increase the amount by $300,000,000.

On page 4, line 7, increase the amount by $1,000,000,000.

On page 4, line 16, increase the amount by $120,000,000.

On page 4, line 17, increase the amount by $280,000,000.

On page 4, line 18, increase the amount by $250,000,000.

On page 4, line 19, increase the amount by $200,000,000.

On page 4, line 20, increase the amount by $150,000,000.

On page 4, line 24, increase the amount by $120,000,000.

On page 4, line 25, increase the amount by $280,000,000.

On page 5, line 1, increase the amount by $250,000,000.

On page 5, line 2, increase the amount by $200,000,000.

On page 5, line 3, increase the amount by $150,000,000.

On page 5, line 7, decrease the amount by $120,000,000.

On page 5, line 8, decrease the amount by $400,000,000.

On page 5, line 9, decrease the amount by $650,000,000.

On page 5, line 10, decrease the amount by $850,000,000.

On page 5, line 11, decrease the amount by $1,000,000,000.

On page 5, line 15, decrease the amount by $120,000,000.

On page 5, line 16, decrease the amount by $400,000,000.

On page 5, line 17, decrease the amount by $650,000,000.

On page 5, line 18, decrease the amount by $850,000,000.

On page 5, line 19, decrease the amount by $1,000,000,000.

On page 23, line 16, increase the amount by $1,000,000,000.

On page 23, line 17, increase the amount by $120,000,000.

On page 23, line 21, increase the amount by $280,000,000.

On page 23, line 25, increase the amount by $250,000,000.

On page 24, line 4, increase the amount by $200,000,000.

On page 24, line 8, increase the amount by $150,000,000.

On page 30, line 16, decrease the amount by $240,000,000.

On page 30, line 17, decrease the amount by $2,000,000,000.

On page 48, line 6, increase the amount by $1,000,000,000.

On page 48, line 7, increase the amount by $120,000,000.

On page 65, after line 25 insert the following:

FUNDING FOR DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety;

(2) with the support of the Community Oriented Policing Services program (referred to in this section as the ''COPS program''), State and local law enforcement officers have succeeded in dramatically reducing violent crime;

(3) on July 15, 2002, the Attorney General stated, ''Since law enforcement agencies

began partnering with citizens through community policing, we've seen significant drops in crime rates. COPS provides resources that reflect our national priority of terrorism prevention.'';

(4) on February 26, 2002, the Attorney General stated, ''The COPS program has been a miraculous sort of success. It's one of those things that Congress hopes will happen when it sets up a program.'';

(5) the Federal Bureau of Investigation's Assistant Director for the Office of Law Enforcement Coordination has stated, ''The FBI fully understands that our success in the fight against terrorism is directly related to the strength of our relationship with our State and local partners.'';

(6) a 2003 study of the 44 largest metropolitan police departments found that 27 of them have reduced force levels;

(7) shortages of officers and increased homeland security duties has forced many local police agencies to rely on overtime and abandon effective, preventative policing practices. And, as a result police chiefs from around the nation are reporting increased gang activity and other troubling crime indicators;

(8) several studies have concluded that the implementation of community policing as a law enforcement strategy is an important factor in the reduction of crime in our communities;

(9) In addition, experts at the Brookings Institute have concluded that community policing programs are critical to our success in the war against terrorism.

(10) the continuation and full funding of the COPS program through fiscal year 2010 is supported by several major law enforcement organizations, including—

(A) the International Association of Chiefs of Police;

(B) the International Brotherhood of Police Officers;

(C) the Fraternal Order of Police;

(D) the National Sheriffs' Association;

(E) the National Troopers Coalition;

(F) the Federal Law Enforcement Officers Association;

(G) the National Association of Police Organizations;

(H) the National Organization of Black Law Enforcement Executives;

(I) the Police Executive Research Forum; and

(J) the Major Cities Chiefs;

(11) Congress appropriated $928,912,000 for the COPS program for fiscal year 2003, $756,283,000 for fiscal year 2004, and $499,364,000 for fiscal year 2005, and

(12) the President requested $117,781,000 for the COPS program for fiscal year 2006, $381,583,000 less than the amount appropriated for fiscal year 2004.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that an increase of $1,000,000,000 for fiscal year 2006 for the Department of Justice's community oriented policing program will be provided without reduction and consistent with previous appropriated and authorized levels.

Mr. BIDEN. Mr. President, I only have a few minutes. I consider this, as my colleagues might guess—in all my years working on this, I sound a little like a broken record, but this amendment restores money for local law enforcement.

I want to make a stark point. In the past, we had an opportunity to deal with actually affecting violent crime. The way we did that was we passed a COPS bill that did a simple thing. It put more cops on the street in the Nation's cities and rural communities. It had a funny effect, a profound effect. Violent crime dropped on average 8 percent per year since the bill passed in 1994.

We began to struggle with this concept and this notion even after the former Attorney General said the crime bill has worked miraculously, and then announced the administration was eliminating the funding for the COPS Program.

In that process, we went from spending over $400 million on hiring additional cops at the local level—not we, but local law enforcement, local mayors, local town councils, local State police hired more cops, and in the year 2001 we spent over $400 million on hiring new cops. That number is now down to zero in this budget.

All of my colleagues know, notwithstanding the fact they may subscribe to this notion of devolution of Government, meaning the Federal Government should not do anything the States can do, they have not only decimated the program that allows for hiring of law enforcement agencies locally but they have eliminated the big three, the COPS Program, the local law enforcement block grants, and the Byrne grants.

Total support for local law enforcement from the Federal Government has gone down from $2.2 billion we were sending to local law enforcement in the year 2002 to $118 million this year. Will someone on this floor tell me how that possibly makes sense?

Local law enforcement is facing what I would call the perfect storm. First, the FBI has been taken out of local law enforcement. The FBI accounted for somewhere between 2 and 10 percent of all the enforcement done at the local level, depending on the jurisdiction, for bank robberies, interstate auto theft, and a whole range of other issues. But necessarily, the FBI has been taken out of that and put in counterterrorism. Violent crime task forces are gone. The Federal arm has been withdrawn.

Secondly, of the 46 or so major police agencies in the United States of America, 27 of them have had to cut the number of cops they have. In New York, it is 3,400 cops down; Cleveland, 250; Minneapolis, 140; New Orleans, 100. There are some 3,373 pending applications for additional cops from 3,373 jurisdictions in America, totaling well over a request for more than 10,000 additional law enforcement officers.

What is the last part of this perfect storm? The last part in the perfect storm is that State and local budgets are crunched. Now, I realize I only have 7 minutes so I will conclude with this simple point: I hear my friends say that Homeland Security is going to fill in the blanks. There is not one penny in Homeland Security allowing for the hiring of an additional local law enforcement officer, No. 1. No. 2, if anybody is going to find a terrorist about to put sarin gas into the heating system or cooling system of the largest mall in Little Rock, AR, or in Savannah, GA, it is not going to be some guy wearing fatigues and night-vision goggles who is a special forces officer in the U.S. military. It is going to be a local cop on his way from a Dunkin' Donut shop on his rounds behind that shopping center.

So we are making a tragic mistake. I do not understand the President's rationale. My legislation calls for funding the COPS Program at over $1 billion to eliminate the current backlog in applications and to meet State and local needs. We do it by cutting corporate loopholes and we provide an additional $1 billion in deficit reduction as well.

The COPS office has met its goal of funding over 100,000 cops, but it is like cutting grass. Everybody says what a great job it did. Well, when one cuts their grass this summer, the first week it looks great. Two weeks later, when one does not cut it, it looks a little ragged. Six weeks later, it is a wheatfield. That is how crime is.

The idea with an expanding population that we can use fewer resources to fight crime is absolutely mindless, and that is exactly what we continue to do.

These law enforcement officers taking this money over the years are a victim of their own success. They made it work.

I will close with a quote from the president of the International Association of Chiefs of Police, IACP:

> But when I first read President Bush's budget for 2006, I felt as if someone had punched me in the stomach.

I ask any one of my colleagues to go home and ask any one of their law enforcement agencies, State, municipal, town, county, whether they need this help. I will be dumbfounded if they find anybody who says they do not. The idea that this is not a Federal responsibility is beyond me.

Where do my colleagues think the dope is coming from that is coming into their cities and towns? It is because of a failed Federal policy on interdiction at our borders. It is because of a failed Federal policy relating to all the poppy being grown in Afghanistan, a failed Federal policy of all the cocaine coming out of the Andes.

This is a Federal responsibility. To quote President Reagan—I do not know who he was quoting, but he is most associated with the comment—if it ain't broke, do not fix it.

This ain't broke. It is working. Do not try to fix it by eliminating funding for local law enforcement from in 2002 over $2 billion to in this budget less than $118 million.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN. I yield the floor.

Mr. GREGG. To quote President Reagan: The only thing in this city that has eternal life is a Federal program.

COPS is the No. 1 poster child for that statement. Why is the COPS Program being wound down? Because when it was started, it was supposed to end after 3 years.

Mr. BIDEN. Not true.

Mr. GREGG. That was the agreement. When President Clinton offered this proposal, which I supported, which I funded—I happened to chair the subcommittee that funded this proposal—the understanding was it would be a 3-year program. The cities and towns would come in, they would get their police officers approved, and then after 3 years those police officers would be off the Federal payroll, on the local payroll, and when we got to 100,000 police officers, the program would end. In the year 2000, we got to 100,000 police officers; in the year 2001, we got to 110,000 police officers—and the program goes on and on.

There was an agreement 2 years ago that we would only fund those officers who were sort of the end of the line—in rural communities, essentially—and then we would terminate the program the way it was supposed to be originally terminated. That has not happened, either.

Finally, the President, living up to the commitment of President Clinton, has said: Enough is enough. The program did what it was supposed to do, it put over 100,000 police officers on the street. As a result of doing that, it has succeeded. Let's declare victory relative to this program because it accomplished what it was supposed to accomplish—it added 110,000 or 120,000 officers, I guess, in the end—and let's take these funds which were being used here and move them to another account, specifically accounts which are going to be more focused on a targeted response—primarily to the threat of terrorism—versus a general response.

The police officers, obviously, have a terrorism role, but they have a lot broader portfolio when they walk on that street, from moving-vehicle crimes to, obviously, violent crimes to drug crimes. But the dollars that were being spent on the COPS Program have been moved over, essentially to homeland defense and other accounts, the purpose of which is to get the Federal role together in an area where we have a priority, which is fighting terrorism.

The officers who were put on the street by this program are theoretically still on the street because the communities that use this program to basically gear these officers up—I think we paid 75 percent the first year, 55 percent the second year, 25 percent the third year, and then it goes on the community's payroll, that officer's salary—those officers are still out there, one presumes.

It is just extremely ironic that there would be such an outcry to keep a program that the prior administration fully expected and put forward as a program that was going to be focused on getting 100,000 police officers on the street, and when it accomplished that it would terminate. It accomplished that and more, and it should be terminated.

So I hope maybe we could prove President Reagan wrong once. He has been right on just about everything he ever did as a President, but maybe we could just prove him wrong once—I'm sure it would make the other side happy—by showing all programs are not eternal in this city and we can terminate one—the COPS Program.

I yield the remainder of my time on this amendment, then, and we will move on to the next amendment, which I guess is Senator FEINSTEIN's.

AMENDMENT NO. 188

The PRESIDING OFFICER. There will now be 15 minutes of debate equally divided on the Feinstein amendment on SCAAP.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 188 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. KYL, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. AKAKA, Mr. CORNYN, Mr. SCHUMER, Mr. FEINGOLD, and Mrs. CLINTON, proposes an amendment numbered 188.

Mrs. FEINSTEIN. 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 express the sense of the Senate that Congress should enact a long term reauthorization of the State Criminal Alien Assistance Program and appropriate $750,000,000 for the program in fiscal year 2006)

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) Control of illegal immigration is a Federal responsibility.

(2) The State Criminal Alien Assistance Program (referred to in this section as ''SCAAP'') provides critical funding to States and localities for reimbursement of costs incurred as a result of housing undocumented criminal aliens.

(3) Congress appropriated $250,000,000 for SCAAP to reimburse State and local governments for these costs in fiscal year 2003.

(4) Congress appropriated $300,000,000 for SCAAP to reimburse State and local governments for these costs in fiscal year 2004.

(5) Congress appropriated $305,000,000 for SCAAP to reimburse State and local governments for these costs in fiscal year 2005.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that—

(1) Congress will appropriate $750,000,000 for SCAAP for fiscal year 2006; and

(2) Congress will enact long-term reauthorization of SCAAP to reimburse State and local governments for the financial burdens undocumented criminal aliens place on their local criminal justice systems.

Mrs. FEINSTEIN. Mr. President, this is a sense-of-the-Senate amendment sent to the floor by Senator KYL, Senator HUTCHISON, Senator BINGAMAN, Senator AKAKA, Senator CORNYN, Senator SCHUMER, Senator FEINGOLD, and Senator CLINTON. It is a sense-of-the-Senate amendment to urge this Congress to reauthorize the SCAAP Program, the State Criminal Alien Assistance Program.

On every desk there is a chart that shows how much each State received for this program. What does this program do? What this program does is reimburse the State for the cost of the incarceration of an illegal alien. In other words, when someone comes to our country, commits a crime, is convicted of that crime, is in jail or is in State prison, the Federal Government—it is their responsibility for all matters pertaining to immigration—has reimbursed the State. The program reimburses the State for less than 20 percent of the actual cost to the State. The authorization is due to expire. We are asking in the sense of the Senate that it be considered for reauthorization.

Before I speak further, my main author, Senator KYL, wanted to make a few comments and then Senator CORNYN, if I might.

I yield briefly to Senator KYL.

Mr. KYL. Mr. President, I thank the Senator from California for helping, again, to lead this effort to get adequate reimbursement to the States for the incarceration of illegal immigrants. In the past, the amount of reimbursement had been roughly one-third of their costs. That is not enough, but at least it helped to defray the expenses of the States in housing these people who were convicted of crimes and who were ultimately the responsibility of the Federal Government.

In the last couple of years, the amount of money has gone down to the point that, as the Senator said, last year it was about 17 cents on the dollar. That is absolutely unacceptable. If the Federal Government cannot do what is necessary to control the border and prevent illegal immigration, at least it can help the States defray some part of their cost in incarcerating the people who come here and commit crimes. Surely we can authorize a program that could reimburse the States again at the level of approximately one-third of their costs. That will be our goal.

That is why I am very proud to, again, work with Senator FEINSTEIN to

try to get adequate reimbursement to the States for this program. I fully support her effort. I compliment her for her leadership, and I hope my colleagues will join in accepting this sense-of-the-Senate resolution.

Mrs. FEINSTEIN. Mr. President, I yield my portion of the time to the Senator from Texas.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CORNYN. Mr. President, I also want to express my gratitude to the Senator from California for taking the leadership on this issue again this year.

This is a common theme among those of us who represent border States, to ask the Federal Government to live up to its responsibilities. It is clear that the cost of housing aliens who are committing crimes in our country is a Federal responsibility. Yet for year upon year upon year they have thrust that burden on the States, and indeed on the counties at the local level.

In my State, about 8,700 criminal aliens have been detained at a cost of roughly three times what this provision would reimburse my State. This is about one-third of the money that is a Federal responsibility that would go back to my State and the States that bear that Federal expense.

I am all for the Federal Government living within its means, and I support this budget at the top-line number. I think part of budgeting is not only living within your means but it is making sure you fund your priorities. It is arguably a Federal priority to deal with the detention of illegal aliens who come into the country and commit crimes. It is a scandal that this sense of the Senate is even necessary again this year.

I want to express in closing again my gratitude to Senator FEINSTEIN for taking the leadership on this, and I certainly commend this to our colleagues.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I very much thank the Senators from Texas and Arizona for their support on this matter.

I know Senator KENNEDY has an urgent matter he would like to be able to present. I will not yield my time, but I would be hopeful that the President would give him time.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I thank the Senator from California and others.

CONDEMNING VIOLENCE BY THE IRISH REPUBLICAN ARMY IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 84, submitted earlier today by myself, Senator MCCAIN, Senator DODD, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 84) condemning violence and criminality by the Irish Republican Army in Northern Ireland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GREGG. Mr. President, I ask unanimous consent to be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 84

Whereas on January 30, 2005, a Catholic citizen of Belfast, Northern Ireland, Robert McCartney, was brutally murdered by members of the Irish Republican Army, who attempted to cover-up the crime and ordered all witnesses to be silent about the involvement of Irish Republican Army members;

Whereas the sisters of Robert McCartney, Catherine McCartney, Paula Arnold, Gemma McMacken, Claire McCartney, and Donna Mary McCartney, and his fiancée, Bridgeen Karen Hagans, refused to accept the code of silence and have bravely challenged the Irish Republican Army by demanding justice for the murder of Robert McCartney;

Whereas when outcry over the murder increased, the Irish Republican Army expelled 3 members, and 7 members of Sinn Fein, the political wing of the Irish Republican Army, were suspended from the party;

Whereas the leadership of Sinn Fein has called for justice, but has not called on those responsible for the murder or any of those who witnessed the murder to cooperate directly with the Police Service of Northern Ireland;

Whereas on March 8, 2005, the Irish Republican Army issued an outrageous statement in which it said it ''was willing to shoot the killers of Robert McCartney''; and

Whereas peace and violence cannot coexist in Northern Ireland: Now, therefore, be it

Resolved, That—

(1) the Senate joins the people of the United States in deploring and condemning violence and criminality by the Irish Republican Army in Northern Ireland; and

(2) it is the sense of the Senate that—

(A) the sisters and fiancée of Robert McCartney deserve the full support of the United States in their pursuit of justice;

(B) the leadership of Sinn Fein should insist that those responsible for the murder and witnesses to the murder cooperate directly with the Police Service of Northern Ireland and be protected fully from any retaliation by the Irish Republican Army; and

(C) the Government of the United States should offer all appropriate assistance to law enforcement authorities in Northern Ireland to see that the murderers of Robert McCartney are brought to justice.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006—Continued

AMENDMENT NO. 188

Mr. GREGG. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There is 2 minutes 13 seconds on the side of the Senator from California, and 7½ minutes on the other side.

Mrs. FEINSTEIN. Mr. President, this is a bipartisan sense of the Senate. President Bush, when he was Governor, used this program. The Governor of my State, Governor Schwarzenegger, supports it. It is a huge item, as has been stated by Senators KYL and CORNYN, for border States.

This is a tremendous responsibility to the Federal Government. It is an unfunded mandate. It is a program that should not be allowed to lapse.

We have come to the floor with this sense of the Senate to ask the Senate to pass this resolution so that those of us on the authorizing committee and on Appropriations can move to get this job done.

As I mentioned, this is a 7-year reauthorization. The amounts requested for each year are spelled out in the resolution. This is a total Federal responsibility, and I am hopeful that the Senate will accept their responsibility.

I yield the floor at this time and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from California has 1 minute remaining; the Senator from New Hampshire has 7½ minutes remaining.

Mr. GREGG. Mr. President, this is a sense-of-the-Senate resolution. Therefore, it has no impact that involves actual events or activity. It expresses the sense of the Senate as to what we think we should do on something. We have had a few of those.

The attempt has been, of course, to reduce the number of sense-of-the-Senate amendments. This would be subject to a 60-vote point of order on a sense-of-the-Senate budget resolution. I will not make that point of order.

I will say this: We will probably take this sense of the Senate. This is about SCAAP. SCAAP has some serious problems. That is why it has always been looked at in a fairly suspect way, not only by the Bush administration but before that the Clinton administration had concerns about it. And the concerns are these: It essentially is a revenue-sharing event. Essentially these

dollars go back to the States in very large amounts of money. They go to the border States, primarily California and Texas, New Mexico and Arizona, but primarily California and Texas are the two major beneficiaries of this program. But they go back without any strings attached.

The theory is that they are going to be spent to relieve some of the burden that is put on these States relative to incarcerating illegal aliens who are captured in those States and are detained within those States in State prison facilities. That is a legitimate purpose. We should be assisting those States in that area because we are putting pressure on those States in a unique way. Other States don't have the same pressure. But there is nothing to say the money has to be spent that way. It is literally a check which the Federal Government writes to the States of Texas, California, or Arizona. And if the Governors want to use it to build a road or use it to buy a new school or for some other activity, the Governors can do that.

I have always said let us put some language into this which makes it clear that this money is going to go to the States for the purpose of giving those States assistance with detaining illegal aliens but isn't going to end up being used, as I suspect, for primarily a basic State commitment to its own correctional system.

I think you can make a pretty good case that there is a history here of this money essentially being used to supplement efforts on the part of the States in their own correctional systems.

I hope when we reauthorize this language, which will come through the Senate's Judiciary Committee, that type of language which makes it clear this money has to be used for the purpose for which it is designated will be included. That is a debate between the authorizing committee and the appropriating committee. The Budget Committee doesn't have any direct impact on that. We don't do programmatic activity at the Budget Committee level.

I haven't read the sense of Senate yet, but I suspect we will simply accept it. After I read it, I may change my mind. That can be a mistake, as we know, around here. That is my concern and reservation about the program.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I respond to the distinguished Senator that essentially what he said is correct. I have no objection to an amendment in the program. My State is a big user of this program at $111 million last year. He is right, Texas, California, and the big immigrant States are the States that are most affected by this program.

Moneys go to every single State. I have no objection to mandating the money must go directly into the State prison system or the county jail system, whatever that might be.

I point out also to the Senator when I was mayor, we had a revenue-sharing program. We had a community block grant program, all of which looked as though they were going to go by the boards, certainly CDBG with this budget. This is a total Federal responsibility. For our Government not to take that responsibility and recompense those States that provide the incarceration—these people are not in Federal prison, they are in State prisons—is a huge mistake.

I have objection, certainly, to mandating where the funds would go. If the managing Senator wishes to move this by unanimous consent, I certainly have no objections to that, either.

AMENDMENT NO. 240

The PRESIDING OFFICER. There are now 15 minutes of debate equally divided on the Byrd amendment on highways.

Mr. BAUCUS. Mr. President, the Senator from West Virginia is not here at this moment, so I yield myself a couple of minutes for the proponents of the amendment.

I strongly support this amendment. There are many Senators who are very distressed with the very low level in the amount of transportation obligation funds passed out of the Environment and Public Works Committee the other day. There are donor States that are very upset with the donor levels not being high enough, and the so-called donee States are concerned that they are not properly taken care of. There are States that believe the minimum obligation should be higher.

In my experience, I have never experienced such consternation among so many Senators so concerned we are not paying enough for our infrastructure and our highways as is the case now, compared with the previous highway bill we passed a few years ago; that is, with TEA–21, which was passed about 6 years ago.

In the meantime, the Finance Committee is working on a provision to administer money to the highway bill. Chairman GRASSLEY and I are working diligently to find a way to administer money to the highway bill. We hope to bring that amendment to the floor. We will not raise gasoline prices. We will not raise gasoline prices. There will be offsets, so it will be budget neutral. The offsets will be in the nature of fuel fraud, to prevent fuel fraud, and close corporate or tax loopholes which we all agree should be closed.

I strongly urge Members to recognize we do need more money. We all know that. We are finding ways in the Finance Committee to find more money. I do not know the exact amount, but it will not be a significant amount. It will help solve the problems that Senators have in meeting their legitimate concerns as we try to meet the formula and have enough money in the highway program to build our roads and streets. This amendment will not be a huge amount, but it will be helpful.

I urge Members to support the amendment that is offered by the senior Senator from West Virginia. Senator BYRD is in the Senate, and I highly compliment the Senator for his work. He has been a champion over the years. I am so impressed with the efforts he undertook about 6 years ago when they got TEA–21 up and passed. I thank the Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Montana for his overly charitable and very gracious comments concerning my efforts. I thank him for his work, likewise.

Mr. President, I rise to offer an amendment to allow the Senate to once again pass a $318 billion highway bill. That is precisely the bill that the Senate approved last year by a vote of 76 to 21.

Now, my good friend, the chairman of the Budget Committee, Senator GREGG, was among the 21 Senators who voted against last year's highway bill. I don't have any expectations he will support the amendment. My plea is to the 73 Senators still serving in the Senate who voted for that highway bill last year, Republicans and Democrats alike. We must reverse the continuing deterioration of the highways and transit systems in our State. We know the right vote was cast in February of last year when we approved a $318 billion highway bill despite the veto threats of the President.

We know that the highway and transit needs in the States have not diminished one thin dime since that vote last year. Today I am asking my colleagues to vote again for a budget that will allow for a $318 billion highway bill.

Just yesterday, the Environment and Public Works Committee marked up a new highway will. The bill marked up yesterday in committee provides far less funding than the bill passed last year, so that the bill's total would stay within the level of funding that President Bush has said he would accept, namely, $284 billion. That lower level of funding, $284 billion, is the level incorporated in the budget resolution before the Senate. The product of yesterday's committee markup is harsh medicine—harsh medicine, indeed—to all 50 States in our Nation. The bill approved in committee yesterday distributes almost $25 billion less to our States in formula funds than the bill approved by more than three-quarters of the Senate last year.

We now see precisely the amount of money that States will lose as a result of this retreat because it represents the elimination of almost 1.2 million jobs

that would have been created without that lost funding. A major benefit of the committee having marked up its bill yesterday is that every Senator can see what their State will lose as a result of this retreat.

Currently sitting on every Senator's desk is a table comparing the amount of funding that was distributed by a formula to every State between 2005 and 2009 under the bill approved by the Senate last year and the smaller bill approved by the Environment and Public Works Committee yesterday. I have taken the liberty of including in this table the size of the job loss that results from these funding reductions. I ask unanimous consent this table be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BYRD-BAUCUS HIGHWAY AMENDMENT

[Allows for $318 billion highway bill as passed by the Senate in 2004 (S. 1072) instead of $284 billion bill as reported by the EPW Committee yesterday. Comparison of formula highway funds (2005–2009) [1]]

State	S. 1072 ($318 billion bill)	Committee mark ($284 billion bill)	Dollars lost	Job impact
Alabama	$3,967,449,985	$3,472,225,781	−$495,224,205	−23,523
Alaska	2,326,918,084	2,036,548,572	−290,369,512	−13,793
Arizona	3,556,974,477	3,121,926,693	−435,047,784	−20,665
Arkansas	2,597,760,761	2,273,503,615	−324,257,145	−15,402
California	18,750,888,489	16,344,615,836	−2,406,272,652	−114,298
Colorado	2,793,809,201	2,326,138,934	−467,670,267	−22,214
Connecticut	2,293,088,141	2,290,133,475	−2,954,666	−140
Delaware	862,695,605	755,012,396	−107,683,209	−5,115
District of Columbia	864,263,485	822,116,229	−42,147,257	−2,002
Florida	9,548,774,411	8,246,098,078	−1,302,676,334	−61,877
Georgia	7,115,765,835	6,082,989,118	−1,032,776,717	−49,057
Hawaii	826,702,443	781,329,399	−45,373,044	−2,155
Idaho	1,513,187,851	1,324,372,488	−188,815,363	−8,969
Illinois	6,884,778,734	5,862,481,848	−1,022,296,886	−48,559
Indiana	4,740,670,388	4,593,762,346	−146,908,042	−6,978
Iowa	2,372,759,973	2,086,840,102	−285,919,871	−13,581
Kansas	2,232,304,505	2,027,523,441	−204,781,063	−9,727
Kentucky	3,449,665,049	3,019,071,686	−430,593,363	−20,453
Louisiana	3,194,285,787	2,767,992,424	−426,293,364	−20,249
Maine	973,735,177	864,100,335	−109,634,842	−5,208
Maryland	3,221,907,656	2,781,180,790	−440,726,866	−20,935
Massachusetts	3,463,753,865	2,996,476,126	−467,277,739	−22,196
Michigan	6,557,195,753	5,567,499,010	−989,696,743	−47,011
Minnesota	3,340,524,677	2,859,562,905	−480,961,772	−22,846
Mississippi	2,452,424,244	2,143,929,053	−308,495,191	−14,654
Missouri	4,597,342,251	4,114,985,174	−482,357,077	−22,912
Montana	1,952,017,932	1,708,506,206	−243,511,726	−11,567
Nebraska	1,578,571,858	1,397,005,328	−181,566,530	−8,624
Nevada	1,428,924,158	1,236,850,936	−192,073,221	−9,123
New Hampshire	864,818,872	787,790,327	−77,028,545	−3,659
New Jersey	5,284,405,725	4,500,421,114	−783,984,611	−37,239
New Mexico	1,930,483,549	1,689,597,705	−240,885,844	−11,442
New York	8,607,728,987	8,073,731,680	−533,997,306	−25,365
North Carolina	5,615,881,566	4,867,103,624	−748,777,942	−35,567
North Dakota	1,305,293,542	1,142,642,190	−162,651,352	−7,726
Ohio	7,226,566,093	6,212,521,762	−1,014,044,330	−48,167
Oklahoma	3,133,178,446	2,655,098,512	−478,079,934	−22,709
Oregon	2,293,629,067	2,069,306,196	−224,322,871	−10,655
Pennsylvania	8,425,351,109	7,624,587,002	−800,764,106	−38,036
Rhode Island	1,112,169,279	1,007,600,842	−104,568,437	−4,967
South Carolina	3,290,202,776	2,796,636,275	−493,566,501	−23,444
South Dakota	1,421,096,306	1,243,712,523	−177,383,783	−8,426
Tennessee	4,408,379,071	3,826,099,458	−582,279,614	−27,658
Texas	16,368,596,229	13,936,619,918	−2,431,976,311	−115,519
Utah	1,540,948,466	1,346,529,810	−194,418,656	−9,235
Vermont	954,366,407	860,265,456	−94,100,951	−4,470
Virginia	5,222,632,481	4,460,488,633	−762,143,848	−36,202
Washington	3,741,040,933	3,267,728,615	−473,312,317	−22,482
West Virginia	2,202,672,830	1,927,731,267	−274,941,563	−13,060
Wisconsin	3,546,203,750	3,066,054,558	−480,149,192	−22,807
Wyoming	1,367,566,340	1,191,647,378	−175,918,961	−8,356
Total	199,322,352,596	174,458,693,169	−24,863,659,427	−1,181,024

[1] Extrapolated from FHWA data.

Mr. BYRD. I ask every Senator to take a close look at this table before voting on this amendment. Senators should be aware of precisely the amount of investment and the number of jobs their State will be losing if they vote against this amendment. In my state of West Virginia, failure to adopt this amendment will mean a loss of almost $275 million and this amendment will mean a loss of almost $275 million and more than 13,000 desperately needed jobs.

For several larger States—such as Florida, Georgia, and Ohio—the loss over a 5-year period to each State is more than $1 billion and more than 50,000 jobs.

Mr. President, before any Senator argues that my amendment just increases spending without ensuring it will be spent on highways and mass transit, let me point out that my amendment restores the special highway and transit budget categories. Every additional penny provided by this amendment will be required to be spent on our highways or mass transit programs.

The offset for my amendment is the very same type of financing mechanism that served to enhance the receipts to the highway trust fund and were included in last year's highway bill with the bipartisan support of the Senate Finance Committee.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. Mr. President, may I ask for 1 additional minute?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I know that some Members are saying that it is foolhardy to try to pass a highway bill at $318 billion because the President has already vowed to veto a measure of that size. But I wish to remind my colleagues that our job—our job here—is to legislate based on our recognition of what is needed by our States and by the Nation. It is the President's job to either sign that bill or veto it.

So I ask my colleagues, why do our constituents send us here if we do not look out for their needs? We have been sent here to vote our conscience and to stand for the needs of our constituents. So in offering this amendment today, I am saying to my colleagues, let's do our job. Let's adopt a budget that will enable us to pass a highway bill that we believe addresses the transportation and commerce needs of the Nation. The President will review that piece of legislation, and he will either sign or veto it. That is his job. That is his prerogative. But now is not the time to back away from the country's transportation needs.

When the roll is called on this amendment, Senators will be faced with a stark choice. They can either vote for the level of highway spending that they received in last year's highway bill or they can resign their constituents to ever worsening congestion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I thank the Chair and implore my colleagues to vote for the amendment.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. BAUCUS, proposes an amendment numbered 240.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 10 increase the amount by $1,458,000,000.

On page 3, line 11 increase the amount by $3,536,000,000.

On page 3, line 12 increase the amount by $3,605,000,000.

On page 3, line 13 increase the amount by $2,922,000,000.

On page 3, line 14 increase the amount by $2,316,000,000.

On page 4, line 7 increase the amount by $8,920,000,000.

On page 4, line 8 increase the amount by $8,332,000,000.

On page 4, line 9 increase the amount by $8,332,000,000.

On page 4, line 10 increase the amount by $9,568,000,000.

On page 4, line 16 increase the amount by $1,458,000,000.

On page 4, line 17 increase the amount by $3,536,000,000.

On page 4, line 18 increase the amount by $3,605,000,000.

On page 4, line 19 increase the amount by $2,922,000,000.

On page 4, line 20 increase the amount by $2,316,000,000.

On page 15, line 15 increase the amount by $8,920,000,000.

On page 15, line 16 increase the amount by $1,458,000,000.

On page 15, line 19 increase the amount by $8,332,000,000.

On page 15, line 20 increase the amount by $3,536,000,000.

On page 15, line 23 increase the amount by $8,332,000,000.

On page 15, line 24 increase the amount by $3,605,000,000.

On page 16, line 2 increase the amount by $9,568,000,000.

On page 16, line 3 increase the amount by $2,922,000,000.

On page 16, line 7 increase the amount by $2,316,000,000.

On page 48, line 6 increase the amount by $579,000,000.

On page 48, line 7 decrease the amount by $40,372,000,000.

On page 48, line 8, after ''outlays for the discretionary category'' add the following ''and $34,740,000,000 for the highway category and $7,099,000,000 for the transit category''.

Mr. KENNEDY. Mr. President, I urge all our colleagues to support Senator BYRD's amendment, because our Nation's interstates, roads, and subways are at the breaking point, and our future economic health is at stake.

This shouldn't be a hard vote, because we did it before. Just last year, the Senate voted 76–21 to support the funding levels called for by the Byrd amendment.

Senators BOND, BAUCUS, INHOFE, JEFFORDS, SHELBY, and SARBANES have worked hard to construct a transportation bill under the constraints they have been placed, but the fact is they don't have enough money.

The White House has issued an edict: $284 billion or nothing. Let's do what we know is right for our States, for our economy, for our Nation's future.

The U.S. DOT says that each $1 billion of transportation investment supports and sustains 47,000 jobs.

Let's pass the Byrd amendment, and reaffirm our commitment to a strong U.S. economy and good-paying American jobs.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Can I ask the Chair what the status of the time is, Mr. President?

The PRESIDING OFFICER. The Senator has 7 minutes 30 seconds at his disposal.

Mr. GREGG. Mr. President, this proposal increases spending over the bill by approximately $30 billion. That is a fairly significant amount of money. It also raises taxes by $14 billion, which is also a significant amount of money. We are now at a point where amendments offered from the other side of the aisle increase spending by approximately $100 billion and increase taxes by approximately $60 billion. At some point you must ask the question, What is the purpose of a budget if the only purpose is to simply increase taxes and increase spending?

From my viewpoint, the purpose of the budget is to actually try to put in fiscal discipline and have some controls over spending and, as a result, have some controls over the amount of money we are taking out of people's pockets. Remember, it is their money, not our money, and spending it for them rather than allowing them to spend it themselves.

So I obviously oppose this amendment. As the Senator from West Virginia noted, I voted against the $318 billion when it came through the first time. And I do note that, yes, there were a number of people who voted for that at the time. But I do note the President, working with the Members of the Congress, has reached an agreement as to what we can afford in the area of highway funds, and that agreement is $284 billion.

Now, we put that in the budget. That is what we put in the budget. Now, some might say, well, that is not enough, but actually I think it is almost $50 billion more than where we started. I think we started at $236 billion for this highway bill, or somewhere in that range.

So there has been a fair amount of movement upward toward trying to address the issue of infrastructure in this country and making sure that highway construction is adequately funded. So $284 billion is not a small amount of change. It is a rather significant amount of money and is a very strong commitment to the highways.

There is a second amendment floating around here on the issue of highways, which is offered by the Senator from Missouri, and was discussed earlier today, which would change the way that we might add money into the highway bill. We put in the budget resolution a reserve fund which essentially said that more dollars could go into the highway bill, you could get to the number the Senator from West Virginia proposed, if you legitimately raised revenues to pay for it. And legitimately raising revenues means having proposals which actually will produce revenues as versus ones that are a lot of smoke and a lot of mirrors.

So the language is not overly restrictive, it is reasonable. But it does expect that if we raise this highway fund up, it will be done in a way that is paid for appropriately out of highway-related activity, not out of the general fund.

That is a very important point because when this highway bill was put together there was some movement of dollars from the general fund into the highway fund through basically moving around the accounting mechanism for the ethanol tax. So we put in place this reserve fund which does allow for the dollars spent on highways to go up.

I put that in because there were a lot of people here who believed $284 billion was not an acceptable number.

Now, the President says it is an acceptable number. In fact, he said he will veto anything over that number. But I believed as long as it has hard pay-fors we will consider it. And that is reasonable.

Now, the amendment that is floating around here would basically take those hard pay-fors and move them back to what I would call, not illusory because they are not that specious, but they really are not very hard pay-fors. There could be a lot of games played with the language that is being proposed relative to what the pay-fors would be, and you might end up, unfortunately, spending the money but not ever getting the revenues in to cover those costs.

So I oppose that language, too, because I do feel very strongly that if we are going to go above the $284 billion level, we need to go above it with hard pay-fors that come out of highway activity, not out of the general fund.

So these two amendments are floating around here. I guess they are going

to be voted in sequence probably. I just want to point out that I think both of them do damage to this budget in the area of fiscal discipline. And the one that is before us right now would raise taxes by $14 billion and increase spending by $35 billion, which is just too much to handle in the context of this budget, where the highway number is an agreed-to number between the two bodies and the President.

Mr. President, I yield the remainder of my time on this amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 241

Mr. BUNNING. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. Is there objection to reporting the amendment?

Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 241.

Mr. BUNNING. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to repeal the 1993 tax increase on Social Security benefits)

On page 3, line 9, decrease the amount by $0.

On page 3, line 10, decrease the amount by $4,800,000,000.

On page 3, line 11, decrease the amount by $12,500,000,000.

On page 3, line 12, decrease the amount by $14,000,000,000.

On page 3, line 13, decrease the amount by $15,600,000,000.

On page 3, line 14, decrease the amount by $17,000,000,000.

On page 3, line 18, decrease the amount by $0.

On page 3, line 19, decrease the amount by $4,800,000,000.

On page 3, line 20, decrease the amount by $12,500,000,000.

On page 3, line 21, decrease the amount by $14,000,000,000.

On page 4, line 1, decrease the amount by $15,600,000,000.

On page 4, line 2, decrease the amount by $17,000,000,000.

On page 4, line 23, decrease the amount by $0.

On page 4, line 24, decrease the amount by $4,800,000,000.

On page 4, line 25, decrease the amount by $12,500,000,000.

On page 5, line 1, decrease the amount by $14,000,000,000.

On page 5, line 2, decrease the amount by $15,600,000,000.

On page 5, line 3, decrease the amount by $17,000,000,000.

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $4,800,000,000.

On page 5, line 8, increase the amount by $17,300,000,000.

On page 5, line 9, increase the amount by $31,300,000,000.

On page 5, line 10, increase the amount by $46,900,000,000.

On page 5, line 11, increase the amount by $63,900,000.

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $4,800,000,000.

On page 5, line 16, increase the amount by $17,300,000,000.

On page 5, line 17, increase the amount by $31,300,000,000.

On page 5, line 18, increase the amount by $46,900,000,000.

On page 5, line 19, increase the amount by $63,900,000.

On page 30, line 16, increase the amount by $4,800,000,000.

On page 30, line 17, increase the amount by $63,900,000,000.

Mr. BUNNING. Mr. President, today, I rise to offer a very important amendment dealing with taxes on Social Security benefits. For too many years, senior citizens have carried an unnecessary and unfair tax burden on their shoulders. Today we have an opportunity to remove it.

Historically, Social Security benefits were not taxed. However, in 1983, Congress changed the rules of the game. That year, Congress passed legislation to begin taxing up to 50 percent of a senior's Social Security benefit if their income was over $25,000 for a single individual or $32,000 for a couple.

This move subjected many seniors across the country to an unanticipated tax increase and forced them to send a portion of their Social Security benefit back to the IRS.

In 1993, Congress was at it again, and that year the Clinton tax was passed. The Clinton tax allows 85 percent of a senior's Social Security Benefit to be taxed if their income is above $34,000 for a single and $44,000 for a couple.

The additional money this tax raises doesn't even go to help Social Security's solvency—instead it goes into the Medicare program.

I was in Congress in 1993, and I fought with many of my colleagues against the Clinton tax. Unfortunately, we lost that fight and the tax went into place.

Some people may argue that this is a tax only on so-called ''rich'' seniors, but that just isn't the case. In fact, the income thresholds both for the 50 percent tax and the 85 percent tax haven't changed since they were first enacted back in 1983 and 1993.

A lot has changed in the last two decades, and more and more seniors are being affected by these taxes. In fact, it is estimated that over 15 million beneficiaries pay taxes on their Social Security benefits.

Eleven million of these pay taxes on up to 85 percent of their Social Security benefit.

On one hand, we tell seniors to plan and save for retirement, and on the other we tax them for doing just that. In the past, there have been efforts by members of Congress—including myself—to remove the Clinton tax.

Today, the amendment I am introducing finally takes steps to repeal the Clinton tax. The amendment provides additional money under reconciliation so that this tax can be rolled back.

This means that the 85 percent tax tier would be eliminated and the maximum amount of Social Security benefits that could be taxed would be 50 percent.

This amendment will allow millions of seniors to keep more of their Social Security benefits in their pocket. Some of us have been trying to undo this tax for years, and this amendment finally gives us an opportunity to do that.

I urge my colleagues to support this amendment and to end this unfair tax on seniors and their Social Security benefits.

Mr. President, I yield back my time.

The PRESIDING OFFICER. Who yields time off the Republican debate time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator GREGG and I will work out how the time is used right here. It will either come out of the time in opposition or perhaps we could work out how we are using the balance of the time here, the 7½ minutes. Did the Senator want to use the time in opposition or should I use this time?

Mr. GREGG. The Senator may use the time.

Mr. CONRAD. I will use the time and talk about the side by side. So we will be using the 7½ minutes on the other side of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. It is the best way, I say to my colleagues, to try to keep this all on track. We are trying to get to the 1 o'clock mark and be able to proceed with all of the amendments that are stacked.

AMENDMENT NO. 243

Mr. CONRAD. I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 243.

Mr. CONRAD. 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 express the sense of the Senate that the tax cuts assumed in the budget resolution should include the repeal of the 1993 increase in the income tax on Social Security benefits)

At the appropriate place insert the following:

SEC. _____. SENSE OF THE SENATE ON REDUCING THE TAX ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that the tax cuts assumed in this resolution include repeal of the 1993 law that subjects 85% of certain Social Security benefits to the income

tax, provided that the revenue loss to the Medicare Hospital Insurance Trust Fund is fully replaced so that the seniors' access to health care is not adversely affected. If the inclusion of these proposals would otherwise cause the cost of the tax cuts to exceed the level authorized in the resolution, any excess should be fully offset by closing corporate tax loopholes.

Mr. CONRAD. Mr. President, this amendment is very simple. It says it is the sense of the Senate that the tax cuts assumed in this resolution include repeal of the 1993 law that subject 85 percent of certain Social Security benefits to the income tax, provided that the revenue lost to the medical hospital insurance trust fund is fully replaced so that seniors' access to health care is not adversely affected. If the inclusion of these proposals would otherwise cause the cost of the tax cuts to exceed the level authorized in the resolution, any excess should be fully offset by closing corporate tax loopholes.

We are proposing eliminating that tax on Social Security, as Senator BUNNING is proposing. We are proposing doing it in a way that the revenue lost to the Medicare hospital insurance trust fund is fully replaced so that seniors' access to health care is not adversely affected. As I have indicated, if the inclusion of these proposals would otherwise cause the cost of the tax cuts to exceed the level authorized in the underlying resolution, any excess should be fully offset by closing corporate tax loopholes.

This will now be in the queue, along with the Bunning amendment.

I retain my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I ask the Senator from North Dakota, through the Chair, if he would mind yielding a couple of minutes off the 7½ minutes to the Senator from Kentucky to respond to the Senator's point.

Mr. CONRAD. I am happy to yield 2 minutes to the Senator.

Mr. BUNNING. It won't take long. I am encouraged that the Senator from North Dakota agrees with me that this is an unfair tax. Everybody here knows what a sense of the Senate is. It does not get into law. It is just how we feel and makes ourselves feel good by offering a sense of the Senate. The amendment I have offered actually removes the 35 percent increase that was put on in 1993. The sense of the Senate doesn't touch it. It just says: We should take a look at it. We feel good about doing it. But we are not going to do it at this time.

I urge all of my colleagues who are watching, listening, if they want to really reduce the tax on Social Security recipients, they should vote for the Bunning amendment. If they want to feel good about what they are doing and not really remove the 35 percent tax, then I would encourage them to vote for the amendment of the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Let's be very clear: The legal effect of our two amendments is precisely the same—precisely the same. Why is that the case? Because a budget resolution cannot compel the Finance Committee to do anything in terms of policy. That is just a fact. I know it is confusing to our colleagues, but the chairman has said a dozen times at least on the floor of the Senate that the budget resolution cannot compel the Finance Committee to make any specific policy determination with respect to revenue. All we are doing is telling them how much revenue to raise. That is the same with respect to the appropriations committees. A budget resolution does not tell the appropriators what specific way they are to reach the numbers. It just gives them a number.

So let us be absolutely clear—the force and effect of our two amendments is no different. Senator BUNNING is attempting to send a signal to the Finance Committee about how they should treat the reconciliation process. That is what my amendment does as well. We are sending the same signal in the sense that we are both saying, take this Social Security benefits tax as it relates to income tax off the table.

The place where I think he has made a very important point is that, since these taxes were put in place back in 1993, there has never been any change in the income levels that it relates to.

That is something that I think we can absolutely agree on. This just doesn't make any sense. It is indefensible that there has not been any adjustment. So we are sending this amendment to our colleagues with the hope and the expectation that they will pay the same attention to it that they will pay to the amendment of the Senator from Kentucky. We are about to enter the time when we will cast a series of votes. I don't know how many votes we now have in the queue; I think it is approaching 30 amendments. It may be useful at this point to send a message to our colleagues about how we are going to try to conduct these votes.

We are going to be asking our colleagues to accept short time limits on the votes. People will have a chance to make arguments for and against the amendments to remind people of the subject of their amendments. It is important for colleagues to structure their schedules for the remainder of the day that will allow them to stay in or close to the Chamber. We don't want colleagues to miss votes.

At the same time, we want to move these votes as expeditiously as possible. Thirty votes is just the beginning. Let us alert our colleagues one more time. In addition to the 30 votes, or thereabouts, already in the queue, we have dozens and dozens of additional amendments that have been noticed. When the first vote starts, we will be asking the leadership—at least on our side, and the Senator can speak to his side—to go to Members who have noticed amendments and ask them to sharply reduce the number of amendments they intend to offer.

I thank the Chair.

Mr. GREGG. Mr. President, I will yield 1 minute off of my time, if the Senator from Kentucky needs it.

The PRESIDING OFFICER. There are 3 minutes left on Senator BUNNING's time.

Mr. BUNNING. The only thing I want to say is that my amendment gives the Finance Committee the resources to do this. A sense of the Senate does not give the Finance Committee the resources to make the changes in the law that reduces the 35 percent tax on senior citizens.

I yield back my time.

Mr. REID. Mr. President, what is the next amendment in order?

The PRESIDING OFFICER. The Clinton amendment.

Mr. REID. It is my understanding that on this amendment there are 20 minutes equally divided.

The PRESIDING OFFICER. Fifteen minutes equally divided.

AMENDMENT NO. 244

(Purpose: To expand access to preventive health care services that reduce unintended pregnancy (including teen pregnancy), reduce the number of abortions, and improve access to women's health care)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator CLINTON and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mrs. CLINTON, Mr. KERRY, Mr. CORZINE, Mrs. MURRAY, Mr. LAUTENBERG, and Mrs. FEINSTEIN, proposes an amendment numbered 244.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, whether you are pro-life or pro-choice, Democrat or Republican, this amendment advances goals we should all share: reducing the number of unintended pregnancies, abortions, and improving access to women's health care.

This amendment would allow us to increase funding for national family planning, title X, pass the measure Senator SNOWE and I have worked on, and improve awareness of emerging contraception and improved teen pregnancy prevention programs.

One-half of the unintended pregnancies in this country wind up with abortion. Why can't we move forward with this amendment? It should be bipartisan. It is an amendment that would really help—$100 million to help these programs. These moneys come

from closing tax loopholes for corporations that go overseas and, I believe, cheat Americans out of their rightful tax dollars. This money would stay in America.

There was a column in the paper yesterday that said this bill—now this amendment—has been greeted with the sound of one party clapping: the Democrats. Why can't we get support from the majority party for this amendment? We continually talk about the issue of abortion. Here is a way to cut as many as 3 million abortions over a 2-year period of time. That seems like a worthy goal. That is what this amendment is all about. It is about fairness, about making progress in a problem that is creating problems in this country. We should hold our heads high in doing this.

I hope this doesn't become a pro-life, pro-choice issue. This is an American issue. It is good for the American people, and it is especially good for young girls, teenagers. We need to stop the scourge of teenage pregnancy. There are only a couple of nations in the world that we are behind in teenage pregnancies. I hope that this amendment will be adopted by an overwhelming vote. I have some doubts that it will be, because we seem to be in partisan mode here, and that is too bad.

I suggest the absence of a quorum and ask that the time run equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. How much time remains on both sides?

The PRESIDING OFFICER. There are 4½ minutes for Senator CLINTON and 7 minutes for the majority.

Mr. CONRAD. Mr. President, I am going to use time off Senator CLINTON's time on this amendment.

We have before us a budget resolution that purports to be fiscally responsible. This budget resolution before us is anything but that. The hard reality is that the budget before us increases the debt every year of its terms by over $600 billion.

When they say this is going to cut the deficit in half, their own document shows their projections of debt increase are over $600 billion a year, each and every year of this budget. That is not fiscally responsible.

I see that the Senator from New York has arrived in the Chamber. I advise her that she has about 3 minutes left of her time.

Mrs. CLINTON. Mr. President, I thank my friend, who knows more about the budget than I think anybody in Washington. He has, once again, done a tremendous job in trying to help educate all of us about the consequences.

I strongly endorse the amendment that Senator REID and I have offered, the Prevention First amendment. This is an area where Senator REID and I absolutely agree that we need to do more to cut the rate of unintended pregnancies; therefore, the rate of abortions in our country.

The statistics are pretty stark that half of the pregnancies in the United States are unintended, and nearly half of those are terminated. Making contraception more accessible will help us reduce the number of unintended pregnancies and abortions.

The Prevention First amendment will ensure there is money in the budget that will provide more family planning services and that will change our health insurance law to give women equal rights of access to prescription contraception. It just boggles my mind that insurance companies pay for Viagra and they will not pay for birth control. I do not understand that at all. That is just backward, in my mind.

It increases the title X services that are so important in providing that support, as well as ending insurance discrimination when it comes to contraceptive coverage.

It provides better public awareness for emergency contraception, which could prevent many thousands of abortions. It is a prescription drug that, if FDA approves over the counter, does not interrupt or disrupt an established pregnancy. According to the Journal of the American Medical Association, there is no risk associated with emergency contraception.

Finally, this amendment provides funding to programs dedicated to decreasing teen pregnancy. In my husband's 1995 State of the Union Address, he made that a goal of his administration, and we accomplished a lot. But we still have a long way to go.

If you are pro-choice or pro-life, if you believe we should do more to find common ground on this often difficult and contentious issue, and if you want to spend some money to save money and decrease abortions and unintended pregnancies, then please support the Clinton-Reid amendment to the budget.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I suggest the absence of a quorum, with the time to be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Parliamentary inquiry: In terms of the time, when we are charging the time equally at this point, we are charging time equally off the amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. I thank the Chair.

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. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, parliamentary inquiry: What is left in the queue, so colleagues who are watching can be informed where we stand with respect to the schedule?

The PRESIDING OFFICER. There is the Lautenberg debt limit amendment with 10 minutes equally divided, and Senator GREGG has 5 minutes 40 seconds on the Clinton amendment remaining.

Mr. CONRAD. To recap, if I can, so colleagues understand about where we are, is this correct, that we would have 10 minutes on the Lautenberg amendment equally divided which is in relationship to debt limit?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. And then Senator GREGG has 5 minutes in relationship to the Clinton amendment.

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. Then the schedule of going to the votes that are in sequence would start at 1 o'clock?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. So our colleagues should be advised that the voting will begin at or about 1 o'clock. Can the Chair advise us of how many amendments are pending?

The PRESIDING OFFICER. There are 25 amendments pending, with the Lautenberg amendment. The Senator from North Dakota has 9 minutes of manager time still left which he can use at any time. The Senator from New Hampshire has 15 minutes remaining.

Mr. CONRAD. So I think it is fair, in terms of advising our colleagues, very shortly we are going to start on a voting sequence that will include—is it 25 amendments?

The PRESIDING OFFICER. Yes, 25.

Mr. CONRAD. So 25 amendments are in queue. We can generally do—correct me if I am wrong—we can roughly do three votes an hour.

The PRESIDING OFFICER. Maybe four.

Mr. CONRAD. I just say, I have never seen us accomplish four. We have tried.

The PRESIDING OFFICER. The Senator from South Carolina is in the

chair; we will do four, but he is leaving in a few minutes.

Mr. CONRAD. With 25 votes stacked, we are talking about 8 hours of voting; would that not be correct?

The PRESIDING OFFICER. The math seems sound, yes.

Mr. CONRAD. I thank the Chair. We are awaiting Senator LAUTENBERG to take up the 10 minutes on his amendment, unless Senator GREGG wants the remaining time on the Clinton amendment.

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, will the Chair advise us when the time on the Clinton amendment has been eliminated and the time on the Lautenberg amendment commences?

The PRESIDING OFFICER. There is 1 minute 37 seconds left on the majority side. All time has expired on the minority side.

Mr. CONRAD. I thank the Chair. I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 187

Mr. LAUTENBERG. I call up amendment No. 187 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. SCHUMER, proposes amendment numbered 187.

Mr. LAUTENBERG. 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 strike the debt ceiling reconciliation instruction)

On page 30, strike lines 19 through 23.

Mr. LAUTENBERG. I ask unanimous consent that Senator SCHUMER be added as a cosponsor to amendment No. 187.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, this budget resolution includes a reconciliation instruction to raise the debt limit by $446 billion. That is a lot of money. That is $1,510 for every man, woman, and child in America. I think the Senate ought to have a debate on whether to add $1,500 to the indebtedness of each and every American, and that is why I am offering this amendment.

The amendment is to strike the reconciliation instruction. This budget resolution includes a debt limit increase automatically for one reason: that my friends on the other side of the aisle do not want to have a debate about how exploding budget deficits are piling up our national debt. Instead, what we see is an attempt to hide yet another debt limit increase by burying it deep in the budget.

We used to have debt limit increase debates on a regular basis, and we made it hard to increase the debt limit because we knew ultimately the deficits would overwhelm us.

This record-setting deficit the administration is running will have real consequences for every family. As the Government borrows more money, much of it from foreign central banks, eventually it is going to cause interest rates to go up. It is inevitable. When interest rates go up, it hurts each and every American. Houses cost more. Cars cost more. College certainly costs more. Investment capital for small businesses costs more.

We often hear the money our Government spends is the people's money. That is true, but it is also true that the money our Government borrows is the people's debt.

We passed a bankruptcy bill that I think is punitive to working Americans who lose their jobs, have a catastrophic illness or an injury, or run up their credit card debt to try to pay their bills. Over and over again, our friends on the other side say people have to pay their debts. Well, is this any different?

What I have here is the Bush administration's credit card. We like to use this as a reference. It is issued by the Bank of Our Children's Future. That is what it says. It says the President is over the limit. That is because public debt under this administration has been run up to $7.7 trillion and each American's share of that debt is over $26,000. Hear this: Every American is going to be saddled with a debt amounting to $26,000 as a result of our increasing indebtedness. But $7.7 trillion apparently is not enough, which is where we are. President Bush wants this credit limit increased.

When they make that kind of request, it usually needs some scrutiny. The majority party in the Senate wants to give him that increase, but they want to do it without anybody noticing, without any conversation about it. So they bury it in the budget resolution.

We need to discuss whether it is a good idea to increase this credit limit because each and every American gets stuck paying the bill, including our children and our grandchildren.

We should be talking about paying off the debt on this card, as we did in 1997. I was then the ranking member of the Budget Committee.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Let us face up to our responsibility. Let us quit piling debt on the backs of our children and grandchildren. I urge my colleagues, support this amendment, let the debate begin, and let us examine it in the light of day.

I ask for the yeas and nays, and I yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire has 4½ minutes.

Mr. GREGG. Mr. President, it is not a unique procedure to use reconciliation to address the debt limit. The debt limit is something that as a Government we have to do. If the debt is run up, the debt limit has to be run up or else the bonds cannot be issued in order to set up the debt properly.

If that is not done, what happens? The Government shuts down. So in a number of instances, and I believe even in the Democratic Party, in two instances when the Democratic Party controlled the Senate, reconciliation included the debt limit. So it is the responsible thing to do to have this vehicle available.

That does not mean the Finance Committee will use it. It may be that we will not use it. But we need to have this vehicle available in order to make sure the Government continues to operate. In fact, one could argue that if this amendment were to pass, it would put in jeopardy at some point down the road the operation of the Government because the debt limit might be put in the position where it could not pass. That is not hyperbole. That is a distinct possibility and a hypothetical that could actually occur.

So the responsible thing to do is to have debt limit reconciliation instructions as one of the elements. That is why the Budget Act allows for it. Interestingly enough, this is not something we created. It was created by the

Budget Act which was, of course, written under a Democratic Congress. As I mentioned, it has been used twice when the Democratic Party was in the majority. So it is a reasonable approach. It is something that needs to be included within the budget, and I would certainly hope this amendment would be rejected.

I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, is there a response time available on this?

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. I yield an additional minute to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator is yielded an additional minute.

Mr. LAUTENBERG. I thank the Senator.

Mr. President, I say to the distinguished chairman of the Budget Committee, yes, we have to pay our bills. We cannot ignore our obligations. But when one borrows money, there is a contract that is signed and it is done with an open mind. Here we are being asked to take on more debt without having any discussion about what it is that would compel us to increase the national debt.

The national debt is going to drown us and we now have a chance to examine it in the light of day, and that is what I would like to see us do. That is why we should take it from this budget resolution and discuss it in an open debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, parliamentary inquiry: Having now reached the hour of 1, the order would provide that the votes start at 1; is that correct?

The PRESIDING OFFICER. Votes may begin at this time. Each manager has additional time that does not have to be utilized.

Mr. CONRAD. The chairman of the committee and I have agreed we will put in a quorum call at this moment, and we will remind colleagues that we will begin the voting very shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent the time remaining which I have and the Democratic manager has, Senator CONRAD, that we be able to reserve that time and use it at a later period in the day, during the voting.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I now move that we go to the first issue, which is going to be the Medicaid amendment offered by Senator FRIST, the majority leader, and I yield myself a minute on that. Each side has a minute?

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. GREGG. Mr. President, I make a point of order a quorum is not present.

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 the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that when we begin to vote the order of votes will be as follows, for the initial set of amendments.

We will begin with the majority leader's amendment relative to Medicaid, which is No. 229; followed by the Bingaman for Senator SMITH amendment on Medicaid, No. 204; followed by the Carper amendment on full consideration of tax cuts, No. 207; followed by the Snowe-Wyden drug pricing amendment, No. 214; followed by the Harkin vocational education amendment, No. 172; followed by the Hutchison-Ensign Border Patrol amendment, No. 218; followed by the Landrieu National Guard amendment, No. 219; followed by the Salazar-Conrad rural education and health amendment, No. 215; followed by the Dorgan runaway corporations amendment, No. 210; followed by the Lieberman-Collins first responder amendment, No. 220; followed by the Vitter port security, amendment, No. 223; followed by the Vitter Corps of Engineers amendment, No. 224; followed by the Allen, as modified, NASA amendment, No. 197; followed by the Sarbanes CDBG amendment, No. 156, followed by the Coleman CDBG amendment, No. 230; followed by the Cochran emergency retirement amendment, No. 208; followed by the Kennedy education amendment, No. 177; followed by the Baucus-Conrad amendment No. 234, agriculture; followed by the Biden COPS amendment, No. 239; followed by the Feinstein State Criminal Assistance Program, No. 188; followed by the Byrd highways amendment, No. 240; followed by the Talent highway amendment, No. 225; followed by the Conrad sense of the Senate regarding Social Security tax, No. 243; followed by the Bunning repeal of Social Security tax, No. 241; followed by the Clinton-Reid prevention first amendment, No. 244; followed by the Lautenberg debt limit amendment, No. 187.

That is the first group of amendments which we will be taking up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, we are going to move to the Frist amendment in a few minutes, and begin to vote.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, through the Chair to the two managers of the bill, it is my personal feeling we shouldn't have the 1 minute on each side. It is an inordinate amount of time. It never amounts to 1 minute. I think we should just vote. When we take 1 minute when we have 25 or 30 votes, it will add an inordinate amount of time to these amendments. I have not spoken to the majority leader, but it would be my feeling that the Members have had their say and we should run right through the votes.

Mr. GREGG. I think the Democratic leader has made a very constructive suggestion for the process. I would be happy to accept that.

Mr. CONRAD. Mr. President, I personally think that would be a mistake. My experience here has been when we have so many votes occurring that if there is not some explanation, people literally may not know what they are voting on. If we want to reduce it to 30 seconds, I think you need at least a moment for people to have it brought to their attention what the vote pertains to.

I urge us to have at least a limited amount of time for those who are for and against to have some explanation before the vote.

Mr. REID. This can only be done by unanimous consent, obviously. One of the managers of the bill doesn't agree. I should tell everyone this is going to add at least an hour to the votes—I will bet more than that. We have staff here. We have nice staff. If people do not know what the votes are, that is unfortunate. But, anyway, it takes unanimous consent, and I understand that.

Mr. CONRAD. Mr. President, if I could say this: Yes, people have staff. But the staff who are here are the staff of those of us who are managing this resolution. Many individuals don't have staff in this Chamber. I have found that when we start having 25 or 30 votes in a row, Members can get almost disoriented about what they are voting on. I think it would be a mistake not to have a chance to say what it is.

Mr. REID. Does the Senator think that 30 seconds for each side would be better than the 1 minute? Could we accept that? I am indicating that if everything goes well, we will be finished with this stuff at 12 or 1 o'clock tonight.

Mr. CONRAD. I absolutely agree with the Senator on the need to compress the time. As the Senator knows, we have been working diligently to try to organize this in a way that reduces the

time. I would accept going to 30 seconds on a side.

Mr. GREGG. I am happy to go to 30 seconds for each side.

Mr. REID. I have not checked with Senator FRIST. I wouldn't want to do anything without checking with him. I don't think it would be appropriate. If he doesn't agree to this, I would be happy to rescind the unanimous consent request. In the meantime, I ask unanimous consent the time between votes be 30 seconds per side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, recognizing that the first amendment to be considered is the Frist amendment, are the yeas and nays ordered?

The PRESIDING OFFICER. They are not.

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 yeas and nays were ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that all amendments after this amendment be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, before we start, I know the majority leader would agree. We have to keep a better tab on the time around here. It is possible to speed things up. I am sure this vote will take more than 10 minutes. After that I think we should enforce the 10-minute rule. If people can't get here to vote because they have business to conduct, they may have to miss some votes.

I hope the majority would allow the 10-minute vote to be a 10-minute vote. I understand that if there is a vote which is close and people have to play around the votes a little bit, that stalls a little bit. The majority has the right to call votes to a close. I hope they would do it, recognizing that every minute they allow these votes to go beyond the 10 minutes is additional time people could be doing other things.

AMENDMENT NO. 229

The PRESIDING OFFICER. There is now 30 seconds on each side.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise on behalf the majority leader, who is detained at another location. The majority leader's amendment simply accomplishes the best of both worlds in the sense that he continues the reconciliation instruction so we will move forward with Medicaid reform.

This year, he also sets up a commission which makes it very clear that Medicaid reform will not impact services to children or people who are in need but would, rather, look at how we improve this process of delivering Medicaid services without undermining the process of Medicaid services.

As I said before, if we do not move forward with reconciliation this year, we are not going to do it at all.

The PRESIDING OFFICER. Who yields time?

The Senator from Oregon.

Mr. SMITH. Mr. President, 200-plus groups who support the Smith-Bingaman amendment believe this would be a poison pill. I fear the same because it tries to put the Senate on record as requiring the Senate Finance Committee, under the Damocles sword of reconciliation, to report out an agreement that Secretary Leavitt may reach with any group of Governors—not even a majority, not even from the National Governors Association.

I urge a ''no'' vote.

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 result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—49

Alexander	Domenici	McConnell
Allard	Ensign	Murkowski
Allen	Enzi	Roberts
Bennett	Frist	Santorum
Bond	Graham	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Specter
Burns	Hagel	Stevens
Burr	Hatch	Sununu
Chambliss	Hutchison	Talent
Coburn	Inhofe	Thomas
Cochran	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	
Dole	McCain	

NAYS—51

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Boxer	Harkin	Obama
Byrd	Inouye	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Chafee	Kennedy	Rockefeller
Clinton	Kerry	Salazar
Coleman	Kohl	Sarbanes
Collins	Landrieu	Schumer
Conrad	Lautenberg	Smith
Corzine	Leahy	Snowe
Dayton	Levin	Stabenow
DeWine	Lieberman	Wyden

The amendment (No. 229) was rejected.

AMENDMENT NO. 204

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate on the Smith amendment.

Mr. GREGG. It is my understanding that the proponents will speak first. We will let the time run.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, briefly, all the arguments have been made. Everybody knows we are dealing with a Damocles sword when you put reconciliation on Medicaid that covers the most vulnerable Americans. I think right now is simply the time to say vote your conscience.

Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, to the extent there is a Damocles sword, it is hanging over the generations to come who are going to have to pay the bills for our generation. The failure to address those bills today is going to make it virtually impossible for our children and their children to have the quality of life we have had because of the tax burden we are going to pass on. I hope people vote ''no.''

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. FRIST. 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 bill clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—52

Akaka	Dorgan	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Byrd	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Carper	Kennedy	Salazar
Chafee	Kerry	Sarbanes
Clinton	Kohl	Schumer
Coleman	Landrieu	Smith
Collins	Lautenberg	Snowe
Conrad	Leahy	Specter
Corzine	Levin	Stabenow
Dayton	Lieberman	Wyden
DeWine	Lincoln	
Dodd	Mikulski	

NAYS—48

Alexander	Dole	Martinez
Allard	Domenici	McCain
Allen	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Frist	Roberts
Brownback	Graham	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Burr	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Cornyn	Isakson	Thune
Craig	Kyl	Vitter
Crapo	Lott	Voinovich
DeMint	Lugar	Warner

The amendment (No. 204) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ALEXANDER). The majority leader.

Mr. FRIST. Mr. President, I make another appeal to our colleagues. We are going to start strictly cutting off the votes. We are going to ask people to stay in the Chamber or right outside the Chamber. Again, we have a lot of votes. We have to get through them.

I also want to take 2 minutes to address an issue that I mentioned this

morning in opening, and it has to do with a particular case in Florida, the Terri Schiavo case. Over the course of the day and, indeed, yesterday, we have been working together, both sides of the aisle, to bring resolution to an issue that has fallen to us which we, for the most part in this body, agree we need to address before leaving today.

I am going to propound two unanimous consent requests. We do not want to have at this point a large debate or discussion on the issue, but it is important that we act now because in working with the House of Representatives, we do, at the end of the day, want to pass legislation. And because they will be going out shortly over the course of the day, we want to make it clear it is an issue we are all working toward and I believe we can solve today and, thus, I will propound will have these two unanimous consent requests. I will explain very briefly the first of the two unanimous consent requests. The House has a bill they have passed. It is a bill that, for the most part, on both sides of the aisle there has been some concern that we have not been able to get unanimous consent just in our discussions. That will be the first unanimous consent request.

The second unanimous consent request will be a private relief bill that is targeted to this particular case. It is a bill that both sides are discussing, and it is a bill on which I think over the next several hours we can come to some sort of mutual agreement.

What is important is that this body act. If we do not act, there is a possibility that a woman who is alive today—and everybody agrees she is alive today—while we are on recess will have termination of all feeding and water. She will be starved to death. Without going into a lot of details—a lot of people are discussing it—that is what we would do from a procedural standpoint.

The first unanimous consent request relates to a House bill that many people told me is unacceptable. The second unanimous consent request relates to a bill on which we worked together and is very targeted.

UNANIMOUS CONSENT REQUEST—H. R. 1332

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1332, the House-passed legislation relating to Theresa Marie Schiavo, that the bill 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. Is there objection?

Mr. WYDEN. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The majority leader has the floor.

UNANIMOUS CONSENT REQUEST—S. 653

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 653, a bill introduced by Senator MARTINEZ regarding Theresa Marie Schiavo, that the bill 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. Is there objection?

Mr. WYDEN. I object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Reserving the right to object, we are working with a number of Senators on this side of the aisle to see if we can work out something on this legislation. So I tell the majority leader that we need more time because there is a number of Senators who have concerns. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. FRIST. Mr. President, I will be happy to yield to the floor manager.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise as a strong supporter of the bill of the Senator from Florida. I think it is absolutely imperative that we as a body take action to give a Federal court an opportunity to review this determination.

A woman's life is at stake, and it is absolutely imperative that we take action today. We are working diligently on both sides—I thank the majority leader and I thank the Senator from Pennsylvania, Mr. SANTORUM—and we are going to take action today. So we have to try to work through some issues to make certain we get that opportunity. But I pledge as the manager of this bill that we will interrupt this bill at any time when we have a resolution so that we can take action to save this woman's life or to give a court an opportunity to review this case.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, there will be opportunities later when we address the bill for people who feel passionately about it to speak. We are on the budget resolution. People know we are working in a bipartisan way to resolve this matter to save her life which, at the end of the day, is the goal.

I request people not say a lot right now so we can proceed with the budget votes unless there is something new to be said; otherwise, we will have an opportunity later tonight.

Mr. REID. I ask for the regular order.

Mr. FRIST. Regular order.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

Mrs. FEINSTEIN. Excuse me?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

Mrs. FEINSTEIN. May I make a point of parliamentary inquiry?

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to know with whom this legislation has been shared? It certainly has not been shared with me, and I do not intend to just sit here while we change the nature of all of these things to put this in the political arena without a hearing.

AMENDMENT NO. 207

The PRESIDING OFFICER. There is 30 seconds on each side on the Carper amendment No. 207. Who yields time?

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, this is a simple amendment.

This is a straightforward amendment. If my colleagues agree with me, a U.S. Senator who wants to reduce taxes in a way that decreases the budget deficit, it is OK to do that.

For this Senator or any Senator who wishes to reduce taxes, we can do that under this amendment, but if those taxes increase the budget deficit and the debt for this country, we need to muster 60 votes. The moneys for the offset can come from other taxes or they can come from reducing spending to provide the offset.

The PRESIDING OFFICER. The Senator's 30 seconds have expired.

Mr. CARPER. I urge a ''yes'' vote, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the effect of this amendment is obviously to take the reconciliation process out of the budget. The reconciliation process is going to guarantee to the Senate the opportunities to get things done that need to be done without making tax issues a political football. That tax policy was made in 2001 and 2003 to keep that current law. We have seen too many times that laws that have widespread political support are filibustered and do not get passed.

Mr. SESSIONS. 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 amendment No. 207.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—49

Akaka	Biden	Byrd
Baucus	Bingaman	Cantwell
Bayh	Boxer	Carper

Chafee
Clinton
Collins
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

The amendment (No. 207) was rejected.

AMENDMENT NO. 214

The PRESIDING OFFICER. The next order of business is amendment No. 214 by Senators SNOWE and WYDEN. There is 1 minute evenly divided. Who yields time?

The Senator from Maine

Ms. SNOWE. Mr. President, I am going to be speaking for 30 seconds for both myself and Senator WYDEN on this amendment.

This is the one initiative before the Senate that addresses the escalating costs with respect to Medicare Part D that, as we know, has been reestimated by the administration from $400 billion to $534 billion.

The CBO has stated that our amendment would be able to negotiate real savings. They said there is a potential for some savings if the Secretary were to have the authority to negotiate prices with the manufacturers of single source drugs. Former Secretary Thompson said he wished that he had the opportunity to negotiate. He said that in his press conference upon his resignation.

Finally, 80 percent of seniors support this authority, and so does the American Medical Association for the first time.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am surprised that there are so many wise Members of this Senate who know exactly how the prescription drug bill is going to work when it doesn't even start until January 1, 2006. We took language in Democratic proposals on this subject and put them in a bipartisan bill so that there was a consensus of what ought to be done. Now they want to strike them out.

The chief actuary and OMB says this will not save money. It will not increase competition because we have competition written into this by the plans competing against each other. Don't strike that out.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—49

Akaka
Bayh
Biden
Bingaman
Boxer
Brownback
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Baucus
Bennett
Bond
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NOT VOTING—1

Voinovich

The amendment (No. 214) was rejected.

AMENDMENT NO. 172

The PRESIDING OFFICER. The next order of business is the amendment No. 172 by Senator HARKIN. There is 1 minute equally divided.

Mr. HARKIN. Mr. President, this amendment restores the Perkins Vocational Education Program and pays for it by eliminating two tax provisions that haven't even come into force yet. We are not raising anyone's taxes. We are not rolling back anything. There are two items in the 2001 tax bill called PEP and Pease. They start next year. They don't have to go into effect.

Who gets the benefits? Ninety-seven percent of the benefits go to people making more than $200,000 a year, and 54 percent go to people making over $1 million a year.

I am just saying, don't let that go into effect. That saves $146 billion over 10 years. This amendment would reduce the deficit with the money, and also put the money into restoring the Perkins Vocational Education Program.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, this amendment increases taxes by $24 billion and purports to give $7.5 billion to vocational education. The bill only controls the top discretionary number Government-wide. So the motion isn't enforceable and would likely be ignored by the committee of jurisdiction. The money could go over into some other account. There is no guarantee that the tax-and-spend amendment will result in one dollar of education.

The subcommittee chairman and the chairman for Education have looked at the budget, and there is money available for it. We know where to get it to make sure vocational education happens. That is why we put the Perkins through already.

I ask the Senate to reject it.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 44, nays 56, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—44

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed (RI)
Reid (NV)
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—56

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 172) was rejected.

AMENDMENTS NOS. 218 AND 215, EN BLOC

The PRESIDING OFFICER. The next order of business is proposed by Senators ENSIGN and HUTCHISON, amendment No. 218.

Mr. GREGG. I ask unanimous consent we accept the Hutchison-Ensign amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. I ask unanimous consent we accept the Salazar amendment No. 215.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc numbered 218 and 215.

The amendments (Nos. 218 and 215) were agreed to.

AMENDMENT NO. 219

The PRESIDING OFFICER (Mr. COLEMAN). The next amendment in order is No. 219 proposed by Senator LANDRIEU, with 1 minute equally divided.

Mr. GREGG. Mr. President, the time will run.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that Senator LINDSEY GRAHAM be added as a cosponsor on Senator LANDRIEU's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, has the minute run?

The PRESIDING OFFICER. The time has been used.

Mr. GREGG. I suggest we go to a vote.

The PRESIDING OFFICER. All time is yielded back.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the amendment.

The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—100

Akaka	Coburn	Frist
Alexander	Cochran	Graham
Allard	Coleman	Grassley
Allen	Collins	Gregg
Baucus	Conrad	Hagel
Bayh	Cornyn	Harkin
Bennett	Corzine	Hatch
Biden	Craig	Hutchison
Bingaman	Crapo	Inhofe
Bond	Dayton	Inouye
Boxer	DeMint	Isakson
Brownback	DeWine	Jeffords
Bunning	Dodd	Johnson
Burns	Dole	Kennedy
Burr	Domenici	Kerry
Byrd	Dorgan	Kohl
Cantwell	Durbin	Kyl
Carper	Ensign	Landrieu
Chafee	Enzi	Lautenberg
Chambliss	Feingold	Leahy
Clinton	Feinstein	Levin
Lieberman	Pryor	Specter
Lincoln	Reed	Stabenow
Lott	Reid	Stevens
Lugar	Roberts	Sununu
Martinez	Rockefeller	Talent
McCain	Salazar	Thomas
McConnell	Santorum	Thune
Mikulski	Sarbanes	Vitter
Murkowski	Schumer	Voinovich
Murray	Sessions	Warner
Nelson (FL)	Shelby	Wyden
Nelson (NE)	Smith	
Obama	Snowe	

The amendment (No. 219) was agreed to.

Mr. GREGG. Mr. President, can I have order. I am going to suggest something, and I would like to get everyone's attention.

The PRESIDING OFFICER. The Senate will come to order.

Mr. GREGG. We are going to move to the Dorgan amendment.

Mr. CONRAD. Could we have order because we are going to be talking about something Members need to hear.

The PRESIDING OFFICER. The Senate will come to order.

AMENDMENT NO. 223

Mr. GREGG. Mr. President, to begin with, I ask unanimous consent that the Vitter amendment No. 223 on port security, a sense of the Senate, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 223) was agreed to.

Mr. GREGG. Mr. President, we are now going to go to the Dorgan amendment for which we will have the 10-minute vote, but we have decided—Senator CONRAD and myself, after consulting with the leadership—that for the next 3 amendments there will be 5-minute votes. There will be no statements between the votes. That will be the Lieberman-Collins amendment on first responders, the Vitter amendment on the Corps of Engineers, and the Allen amendment, as modified, on NASA. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me very quickly explain why we are going to try this experiment on three votes. Here is the situation we face. In 2 hours we have done six amendments. We have 26 amendments in this queue. We have 40 or 50 amendments after that. You do the math: 20 and 40 is 60; three amendments an hour; that is 20 more hours of voting.

Now, we can either subject ourselves to that or try to find a way to break through this morass and make more progress. The leadership has agreed to try on three amendments an experiment: 5-minute votes. Please, colleagues, let's see if we can't make this go more efficiently.

AMENDMENT NO. 210

The PRESIDING OFFICER. The pending question is the Dorgan amendment.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we doing 1 minute a side?

The PRESIDING OFFICER. Thirty seconds.

Mr. DORGAN. Mr. President, the purpose of this amendment is to repeal the provision of the Tax Code that actually rewards companies to shut down their American plant and move their jobs overseas. Yes, we actually reward companies in the current Tax Code for shutting down their American plants and moving jobs. It is the most pernicious part of the Tax Code. In my judgment, this is only a baby step in the right direction.

A vote against this amendment is a vote against fairness and a vote against American jobs. I hope this Senate will approve this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Is all time yielded back?

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk to called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. KYL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—40

Akaka	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Conrad	Landrieu	Sarbanes
Corzine	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Dorgan	Lieberman	
Durbin	Lincoln	

NAYS—59

Alexander	DeMint	McConnell
Allard	DeWine	Murkowski
Allen	Dole	Nelson (NE)
Baucus	Domenici	Pryor
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Cantwell	Hagel	Specter
Chafee	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Cochran	Isakson	Thomas
Coleman	Jeffords	Thune
Collins	Lott	Vitter
Cornyn	Lugar	Voinovich
Craig	Martinez	Warner
Crapo	McCain	

NOT VOTING—1

Kyl

The amendment (No. 210) was rejected.

AMENDMENT NO. 220

The PRESIDING OFFICER (Mr. ISAKSON). The question is on agreeing to the Lieberman-Collins amendment No. 220.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, at the request of a number of Senators who are sponsors of amendments, we have decided that we are going to restore the minute that was equally divided so Members can explain their amendments. But we are staying with the 5-minute vote for the next three amendments. However, we are skipping over Senator ALLEN's amendment because we hope to work that out. That would mean that Senator SARBANES' amendment on CDBG would be the third 5-minute vote. But there will be a minute equally divided before the votes.

I believe we are now on the Lieberman amendment.

The PRESIDING OFFICER. Who yields time on the Lieberman amendment?

The Senator from Maine.

Ms. COLLINS. Mr. President, the amendment Senator LIEBERMAN and I have offered would restore homeland security grant funding to last year's level for the first responder programs and for port security. It is a very modest amendment. Let us remember that when disaster strikes, our citizens do not dial the 202 Washington, DC, area code, they dial 911. It is our firefighters and police officers and our emergency medical personnel who are first on the scene. It is fully offset.

The PRESIDING OFFICER. Who yields time in opposition?

The time is yielded back.

The question is on agreeing to amendment No. 220.

Mr. CONRAD. 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 63, nays 37, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—63

Akaka	DeWine	Lautenberg
Allen	Dodd	Leahy
Baucus	Dole	Levin
Bayh	Dorgan	Lieberman
Biden	Durbin	Lincoln
Bingaman	Feingold	Lugar
Boxer	Feinstein	Martinez
Byrd	Harkin	Mikulski
Cantwell	Hutchison	Murkowski
Carper	Inouye	Murray
Chafee	Isakson	Nelson (FL)
Clinton	Jeffords	Nelson (NE)
Coleman	Johnson	Obama
Collins	Kennedy	Pryor
Conrad	Kerry	Reed
Corzine	Kohl	Reid
Dayton	Landrieu	Roberts
Rockefeller	Snowe	Thune
Salazar	Specter	Vitter
Sarbanes	Stabenow	Warner
Schumer	Talent	Wyden

NAYS—37

Alexander	Crapo	Lott
Allard	DeMint	McCain
Bennett	Domenici	McConnell
Bond	Ensign	Santorum
Brownback	Enzi	Sessions
Bunning	Frist	Shelby
Burns	Graham	Smith
Burr	Grassley	Stevens
Chambliss	Gregg	Sununu
Coburn	Hagel	Thomas
Cochran	Hatch	Voinovich
Cornyn	Inhofe	
Craig	Kyl	

The amendment (No. 220) was agreed to.

AMENDMENT NO. 223, AS MODIFIED

Mr. GREGG. Mr. President, I ask unanimous consent that amendment No. 223, agreed to earlier, be modified with the language at the desk. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 223), as modified, is as follows:

On page 63, line 24, after the second period insert the following: ''In dealing with homeland security assistance grants that relate to port security, Congress should (1) allocate port security grants under a separate, dedicated program intended specifically for port security enhancements, rather than as part of a combined program for many different infrastructure programs that could lead to reduced funding for port security, (2) devise a method to enable the Secretary of Homeland Security to both distribute port security grants to the Nation's port facilities more quickly and efficiently and give ports the financial resources needed to comply with congressional mandates, and (3) allocate sufficient funding for port security to enable port authorities to comply with mandated security improvements taking into consideration national, economic, and strategic defense concerns, ensure the protection of our Nation's maritime transportation, commerce system, and cruise passengers, strive to achieve funds consistent with the needs estimated by the United States Coast Guard, and recognize the unique threats for which port authorities must prepare.''.

AMENDMENT NO. 224

Mr. GREGG. Mr. President, I ask unanimous consent that amendment No. 224 be agreed to, regarding the Corps of Engineers.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 224) was agreed to.

Mr. CONRAD. Mr. President, the previous Vitter amendment is vitiated because this is a replacement—it is modified.

Mr. GREGG. Yes.

Mr. CONRAD. Modified by 224.

AMENDMENT NO. 156

Mr. GREGG. Mr. President, we are now on the Sarbanes amendment. If this experiment is going to work—and I am not sure it is—I think it would be more likely to succeed if everybody sat at their desks as the clerk called the roll. Again, we are on the Sarbanes amendment.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, this is a community development block grant amendment. Our mayors, Governors, and county officials are all desperate for this program. This restores the cuts, keeps it in HUD. Bernardi, the Deputy Secretary, said:

> We must continue to support and build upon programs that work, those that have a proven record of flexibility and the ability to fit in the local determined needs. CDBG is such a program and ranks among our Nation's oldest and most successful programs.

This amendment would fund it by using the closing of tax loopholes, which previously passed this body. I urge support for the amendment.

Mr. GREGG. Mr. President, it has the practical effect of increasing spending by $1.9 billion and increasing taxes by $1.9 billion. Of course, there is no binding language that would have any effect on the Appropriations Committee. Jurisdiction as to how this money would be spent would be entirely with the Appropriations Committee, and they could spend it any way they want. It breaks the cap and raises taxes. I hope we oppose it.

Mr. SARBANES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—49

Akaka	Dorgan	Mikulski
Baucus	Durbin	Murray
Bayh	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Harkin	Obama
Boxer	Inouye	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Rockefeller
Chafee	Kerry	Salazar
Clinton	Kohl	Sarbanes
Coleman	Landrieu	Schumer
Conrad	Lautenberg	Stabenow
Corzine	Leahy	Voinovich
Dayton	Levin	Wyden
DeWine	Lieberman	
Dodd	Lincoln	

NAYS—51

Alexander	Coburn	Enzi
Allard	Cochran	Frist
Allen	Collins	Graham
Bennett	Cornyn	Grassley
Bond	Craig	Gregg
Brownback	Crapo	Hagel
Bunning	DeMint	Hatch
Burns	Dole	Hutchison
Burr	Domenici	Inhofe
Chambliss	Ensign	Isakson

Kyl	Roberts	Stevens
Lott	Santorum	Sununu
Lugar	Sessions	Talent
Martinez	Shelby	Thomas
McCain	Smith	Thune
McConnell	Snowe	Vitter
Murkowski	Specter	Warner

The amendment (No. 156) was rejected.

The PRESIDING OFFICER. The Senator from Texas.

CHANGE OF VOTE

Mrs. HUTCHISON. Mr. President, on rollcall No. 65, I voted ''yea''. It was my intention to vote ''nay.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. GREGG. We have now done a 5-minute vote two times. Senator CONRAD and I were wondering what the reaction of the Chamber is. We thought we would ask for a show of hands.

How many want to keep going 5 minutes or go back to 10 minutes? All those in favor of 5 minutes raise your hand.

(Showing of hands.)

Mr. GREGG. How many want to stay at 10 minutes?

(Showing of hands.)

Mr. GREGG. We are going to try 5 minutes some more. What a democracy. It is very impressive.

AMENDMENT NO. 230

The PRESIDING OFFICER. The question is on the Coleman amendment No. 230. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, my amendment is simple. It says no cuts in the Community Development Block Grant Program or other programs such as the Community Service Block Grant Program, the Brownfield Redevelopment Program, and the Rural Housing and Economic Development Program.

My amendment is fully offset by function 920.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. COLEMAN. Yes, I yield.

Mr. SARBANES. Mr. President, having lost the previous amendment, I support the amendment of the Senator from Minnesota. It is not my preference to do an across-the-board cut of other programs, but the CDBG Program is so important that we should adopt this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, of course, the committee of jurisdiction will have the decision on how these monies are spent and what decisions are made. But the practical effect—I think Members should know this—the practical effect of a 920 cut is an across-the-board cut. So, for example, a $2 billion item such as this means a billion dollars comes out of defense and a certain percentage comes out of education, a certain percentage comes out of health care, a certain percentage comes out of homeland security. That is the way this would work were the Appropriations Committee to follow these instructions.

The PRESIDING OFFICER. The question is agreeing to amendment No. 230.

Mr. SARBANES. 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.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—68

Akaka	Domenici	Murray
Allen	Dorgan	Nelson (FL)
Baucus	Durbin	Nelson (NE)
Bayh	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Harkin	Reed
Bond	Hutchison	Reid
Boxer	Inouye	Rockefeller
Burns	Isakson	Salazar
Byrd	Jeffords	Santorum
Cantwell	Johnson	Sarbanes
Carper	Kennedy	Schumer
Chafee	Kerry	Smith
Chambliss	Kohl	Snowe
Clinton	Landrieu	Specter
Coleman	Lautenberg	Stabenow
Collins	Leahy	Talent
Conrad	Levin	Thune
Corzine	Lincoln	Vitter
Dayton	Lugar	Voinovich
DeWine	Martinez	Warner
Dodd	Mikulski	Wyden
Dole	Murkowski	

NAYS—31

Alexander	DeMint	Lott
Allard	Ensign	McCain
Bennett	Enzi	McConnell
Brownback	Frist	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Coburn	Gregg	Stevens
Cochran	Hagel	Sununu
Cornyn	Hatch	Thomas
Craig	Inhofe	
Crapo	Kyl	

NOT VOTING—1

Lieberman

The Amendment (No. 230) was agreed to.

Mr. GREGG. Mr. President, please recognize Senator BAYH.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

CHANGE OF VOTE

Mr. BAYH. Mr. President, on rollcall vote No. 66, I was present and voted ''aye.'' The official record has me listed as ''absent.'' Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. BURNS. Mr. President, I ask unanimous consent on amendment No. 230 to change my vote. I voted ''nay''. I ask unanimous consent to change my vote to ''yea''. This change does not alter the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. COLEMAN. I move to reconsider the vote.

MR. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 208

The PRESIDING OFFICER. There is 1-minute debate on Cochran amendment No. 208.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment seeks to ensure that it is Congress who sets the discretionary caps and enforces them. It does not transfer to the President a new power of enforcement. If the President submits an urgent supplemental, as he has done now, and the House passes a supplemental bill and it comes to the Senate, if we add an emergency designation for an item, you can make a 60-vote point of order against that if it exceeds the caps, and we enforce that cap in that fashion.

This adds that the President has to enforce it by specifically agreeing that it is an emergency. That is not in the law now, and it should not be added on this resolution.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this returns us to a point of order that existed in prior days when the President participated in emergency designations relative to nondefense activity. It only applies to nondefense activity. It avoids issues such as placing in emergency bills items which are clearly not emergency issues unless the President agrees they are emergency issues also.

I think it creates a much more balanced approach to how we address spending, and it protects the cap and does not allow the emergency bills to basically circumvent the cap.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 208.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Pennsylvania, (Mr. SANTORUM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—73

Akaka	DeWine	Mikulski
Allard	Dole	Murkowski
Allen	Domenici	Murray
Baucus	Dorgan	Nelson (FL)
Bennett	Durbin	Nelson (NE)
Biden	Feingold	Obama
Bingaman	Feinstein	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brownback	Hutchison	Roberts
Bunning	Inouye	Rockefeller
Burns	Isakson	Salazar
Burr	Jeffords	Sarbanes
Byrd	Johnson	Shelby
Cantwell	Kennedy	Smith
Carper	Kerry	Snowe
Chambliss	Kohl	Specter
Clinton	Landrieu	Stabenow
Cochran	Lautenberg	Stevens
Coleman	Leahy	Talent
Collins	Levin	Thune
Conrad	Lincoln	Warner
Corzine	Lott	Wyden
Craig	Martinez	
Dayton	McConnell	

NAYS—26

Alexander	Enzi	Lugar
Bayh	Frist	McCain
Chafee	Graham	Schumer
Coburn	Grassley	Sessions
Cornyn	Gregg	Sununu
Crapo	Hagel	Thomas
DeMint	Inhofe	Vitter
Dodd	Kyl	Voinovich
Ensign	Lieberman	

NOT VOTING—1

Santorum

The amendment (No. 208) was agreed to.

Mr. COCHRAN. Mr. President, 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.

AMENDMENT NO. 177, AS MODIFIED

The PRESIDING OFFICER. There is now 1 minute of debate on the Kennedy amendment.

Mr. KENNEDY. Mr. President, I have a modification at the desk and ask that my amendment be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 177), as modified, is as follows:

(Purpose: To maintain college access and close corporate tax loopholes by an amount equal to $5.4 billion, enough to: (1) restore education program cuts slated for vocational education, adult education, GEAR UP, and TRIO, (2) increase the maximum Pell Grant scholarship to $4,500 immediately, and (3) increase future math and science teacher loan forgiveness to $23,000 without increasing the deficit)

On page 3, line 10, increase the amount by $723,0000.

On page 3, line 11, increase the amount by $3,803,000,000.

On page 3, line 12, increase the amount by $666,000,000.

On page 3, line 13, increase the amount by $227,000,000.

On page 3, line 14, increase the amount by $55,000,000.

On page 3, line 19, increase the amount by $723,000,000.

On page 3, line 20, increase the amount by $3,803,000,000.

On page 3, line 21, increase the amount by $666,000,000.

On page 4, line 1, increase the amount by $227,000,000.

On page 4, line 2, increase the amount by $55,000,000.

On page 4, line 7, increase the amount by $5,389,000,000.

On page 4, line 8, increase the amount by $5,000,000.

On page 4, line 9, increase the amount by $15,000,000.

On page 4, line 10, increase the amount by $25,000,000.

On page 4, line 11, increase the amount by $40,000,000.

On page 4, line 16, increase the amount by $723,000,000.

On page 4, line 17, increase the amount by $3,803,000,000.

On page 4, line 18, increase the amount by $666,000,000.

On page 4, line 19, increase the amount by $227,000,000.

On page 4, line 20, increase the amount by $55,000,000.

On page 17, line 16, increase the amount by $5,389,000,000.

On page 17, line 17, increase the amount by $723,000,000.

On page 17, line 20, increase the amount by $5,000,000.

On page 17, line 21, increase the amount by $3,803,000,000.

On page 17, line 24, increase the amount by $15,000,000.

On page 17, line 25, increase the amount by $666,000,000.

On page 18, line 3, increase the amount by $25,000,000.

On page 18, line 4, increase the amount by $227,000,000.

On page 18, line 7, increase the amount by $40,000,000.

On page 18, line 8, increase the amount by $55,000,000.

On page 30, line 16, decrease the amount by $723,000,000.

On page 30, line 17, decrease the amount by $5,474,000,000.

On page 36, line 21, increase the amount by $8,000,000.

On page 36, line 22, increase the amount by $8,000,000.

On page 36, line 23, increase the amount by $93,000,000.

On page 36, line 24, increase the amount by $93,000,000.

On page 48, line 6, increase the amount by $5,381,000,000.

On page 48, line 7, increase the amount by $715,000,000

Mr. KENNEDY. I have cleared that both with the majority leader and minority leader.

Mr. President, my amendment as modified increases the education funding by $5.4 billion paid for by the corporate tax loophole closure and now includes no additional deficit reduction.

The amendment does three things. No. 1, it will make immediately available the Pell grant increase to $4,500. No. 2, it provides for the protection of the GEAR UP Program, the TRIO Programs, and vocational education. No. 3, it will ensure 60,000 math and science teachers every single year. That is effectively what this amendment does.

The PRESIDING OFFICER. The time has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I would agree that this amendment does increase taxes by $5.4 billion. I could not agree that it will actually wind up adding money for education. It gives the nonbinding suggestion that it be directed toward various higher education programs, but it does not guarantee it. The Budget Resolution controls the top-line discretionary number government-wide. No such suggestion is enforceable. There is no guarantee that this tax-and-spend amendment will result in one new dollar for education, let alone the programs suggested by the amendment. I ask that my colleagues vote no.

Mr. KENNEDY. 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 amendment No. 177, as modified.

The clerk will call the roll.

The assistant journal clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—51

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Boxer	Harkin	Obama
Byrd	Inouye	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Chafee	Kennedy	Rockefeller
Clinton	Kerry	Salazar
Coleman	Kohl	Sarbanes
Collins	Landrieu	Schumer
Conrad	Lautenberg	Snowe
Corzine	Leahy	Specter
Dayton	Levin	Stabenow
DeWine	Lieberman	Wyden

NAYS—49

Alexander	Domenici	McConnell
Allard	Ensign	Murkowski
Allen	Enzi	Roberts
Bennett	Frist	Santorum
Bond	Graham	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith
Burns	Hagel	Stevens
Burr	Hatch	Sununu
Chambliss	Hutchison	Talent
Coburn	Inhofe	Thomas
Cochran	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	
Dole	McCain	

The amendment (No. 177), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 234

The PRESIDING OFFICER. There is 1 minute each on the next amendment. Senator BAUCUS is recognized.

Mr. BAUCUS. Mr. President, could we have order, please?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment strikes the cuts in the budget resolution with respect to agriculture. Two main points: Today, agricultural spending constitutes 1 percent of total Federal spending. These cuts here constitute 16 percent of the cuts in the budget resolution. It is just not right to single out agriculture 16 times more than other cuts in this resolution.

No. 2, the Europeans today spend $37 billion a year on agricultural price supports. We spend about $17 billion, half of what they spend. We should not unilaterally disarm now, before the Doha WTO talks.

Two points why the amendment should be agreed to. We should not make these cuts.

Mr. CHAMBLISS. Mr. President, the Senator from Montana is correct; that the cuts in agricultural spending now constitute 16 percent. That is another good reason why we should have supported Medicaid savings. We wouldn't be in this position now.

What we committed to do relative to agriculture savings is, first of all, not to change the policy in the farm bill. We are not going to do that. We are simply not going to change policy.

Lastly, let me just say that over the last 3 years, farmers themselves have saved $5 billion per year from the projected farm bill expenditures in 2002. If we cannot find $2.8 billion over the next 5 years, then something is wrong. We are going to find it. We are going to treat every commodity fairly and equitably, and every title of the farm bill fairly and equitably in achieving these savings. I urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 46, nays 54.

[Rollcall Vote No. 69 Leg.]

YEAS—46

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Feingold	Lincoln
Biden	Feinstein	Mikulski
Bingaman	Harkin	Murray
Boxer	Inouye	Nelson (FL)
Byrd	Jeffords	Nelson (NE)
Cantwell	Johnson	Obama
Carper	Kennedy	Pryor
Clinton	Kerry	Reed
Conrad	Kohl	Reid
Corzine	Landrieu	
Dayton	Lautenberg	
Dodd	Leahy	
Rockefeller	Sarbanes	Stabenow
Salazar	Schumer	Wyden

NAYS—54

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

The amendment (No. 234) was rejected.

AMENDMENT NO. 239

The PRESIDING OFFICER. There is 1 minute equally divided on the Biden amendment.

Mr. CONRAD. Mr. President, if we might have a moment to review for our colleagues where we stand, I think it is important to do so at this moment. I alert our colleagues that we have nine more amendments in this queue. We have 33 additional amendments noticed. That is 42 total. We are doing just over four amendments an hour. If we continue on this course, we are going to be here until 2 or 2:30 this morning.

There are a number of colleagues who have multiple amendments still noticed. I am asking colleagues to please notify leadership, please notify the whip, of what amendments you can wait on until another vehicle and another time.

At this point, I plead with colleagues. Let us not have a situation in which we are here until 3 o'clock this morning. This is our opportunity now during these votes for Members to notify which amendments they are willing to hold off on. Please do that.

Mr. REID. Mr. President, the manager of our bill, the Senator from North Dakota, is very busy, and his person to work with on these amendments is Senator DURBIN. If people would help Senator DURBIN and Senator CONRAD and help us move through amendments on our side.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, my amendment restores $1 billion for local law enforcement, three big programs that have essentially been zeroed out, the COPS Program, the law enforcement block grants. Four years ago we spent $2.3 billion helping local law enforcement. It is down to $118 million.

My friend from New Hampshire said we are going to prove we can end the program. Let us pick one that is not working to end. This one works.

I urge my colleagues to support the amendment.

Mr. GREGG. Mr. President, the COPS Program was a program put in place by President Clinton. It was supposed to have expired 5 years ago. It was fully funded under President Clinton, and 100,000 police officers were put on the streets; in fact, 110,000. It continues to exist even though it has served its purpose, and there was a consensus that it would not go any longer. It is time to ask the program to be terminated.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CORNYN). 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 journal clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—45

Akaka	Durbin	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Clinton	Kohl	Rockefeller
Conrad	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden

NAYS—55

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

The amendment (No. 239) was rejected.

Mr. REID. 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. MARTINEZ. I ask unanimous consent the call for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOR THE RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO

Mr. FRIST. Mr. President, if we could have regular order, just a very brief explanation and we will proceed. We are going to interrupt the budget for a few minutes to discuss a bill we have been talking about over the

course of the day. It has to do with a particular case in Florida. We will talk a little bit about the background for a very limited period of time. Then we will resume with the debate on the budget and the amendment process. This should take a total of about 15 or 16 minutes. It is important we do it now. The House is preparing to leave—if they have not left—and the immediacy of this bill centers on the life of a particular person. That is why we are interrupting the debate now.

With that, I turn to my colleague.

Mr. REID. Mr. President, I extend my appreciation to many Members of this caucus for their cooperation. This is a very difficult issue. It has been hard for everyone. I especially applaud my friend from Michigan, Senator LEVIN. I joke with him sometimes, but he is a Harvard-educated lawyer, and he really lives every minute of that. He understands the law, and he has helped the Senate get something that is appropriate for what we are trying to do. I appreciate that very much. A number of other Senators, including the distinguished Senator from Oregon, have worked with us, and I will not run through the entire list, but we have had Senator BAUCUS, Senator FEINSTEIN, Senator HARKIN, Senator MURRAY. We have had a lot of cooperation. I apologize because I have left some names out. It is very difficult.

We believe we have an obligation to do something. Something is going to happen anyway. I think this will wind up being the best of what we could do.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 653, which is at the desk, that relates to Terri Marie Schiavo; that there be 15 minutes of debate on the bill equally divided between the two leaders or their designees; provided further no amendments be in order; following that debate the bill be read the third time, and the Senate proceed to a vote on passage of the bill, with no further intervening action or debate.

Mr. REID. Reserving the right to object, the amendment that has been worked on the past few hours, is it at the desk?

Mr. MARTINEZ. The language is at the desk.

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. The bill is at the desk.

Mr. REID. Mr. President, I also ask consent that this be increased to 16 minutes because the Senator from Florida, Mr. NELSON, wishes to spend a couple minutes on it.

Mr. WYDEN. Mr. President, reserving the right to object, and I do not intend to object, there is going to be 15 minutes on each side?

Mr. REID. No. Seven and a half minutes to you, a minute to the Senator from Florida, and that is the only request for time I have received.

Mr. WYDEN. I thank the Senator and withdraw my reservation.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, there has been a little confusion because there has been different versions of this bill circulating. I want everybody to know the version of the bill we are working on, which the unanimous consent relates to, is a brand new bill as of a few moments ago which contains the modifications that we have worked out.

Mr. REID. That is true.

Mr. MARTINEZ. Yes.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 653) for the relief of the parents of Theresa Marie Schiavo.

Mr. MARTINEZ. Mr. President, in 1990, at the age of 27, Theresa Marie Schiavo, a Florida resident, suffered a heart attack which resulted in brain damage from a lack of oxygen. As a result, she was taken to the hospital and a feeding tube was inserted at that time to provide nutrition and hydration to keep her alive.

Over the last 15 years, there has been a very difficult and long protracted legal struggle in Florida over whether the parents' wishes should prevail, who wish for her to continue to receive food and hydration, or the husband's wishes.

A court order has been entered. The effect of that court order is that tomorrow, on March 18 of this year, the food and hydration would be withdrawn from this woman.

The effort of our bill is very narrowly tailored to provide relief to this young woman so that a Federal judge in Florida will have the opportunity to do a de novo review of all that pertains to this case to ensure that her constitutional rights have been protected, to ensure that under the 14th amendment due process has been exhausted, and to ensure, without precluding either outcome in the case, that the Federal review of this case could provide the same type of relief that we would provide to any other person in the State of Florida who might be put to death as a result of a court order, including those who might be doing so because of criminal conduct.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Whoever has time, could they just yield 1 minute to me?

Mr. President, first of all, I want to thank people who have worked out the changes in this bill, which make it a better bill. From my perspective, it is still a mistake, and I intend to vote no if there is a rollcall vote.

A number of people have asked me whether I now favor this bill with the changes. My answer is no. I think it is a better bill with the changes. It is a bill which avoids some damaging precedents.

We can explain the changes. The most important one is explicitly this does not create a precedent. Secondly, it is not a 12-month period the parents can proceed in. It is a 30-day period that they have. So we do not have a situation where they wait 12 months prior to initiating the case.

The court has discretion to issue a stay. It is not mandatory. It is not a bill for the relief of Theresa Marie Schiavo. It is a bill which gives the parents the opportunity, within a short period of time, to go to court, so it is technically for their relief, not for her relief.

So I wanted to make it clear to the people in the Senate who asked, ''Does this mean you now favor this?'' If there is a rollcall, I intend to vote no. I think it is a mistake. If it is a voice vote, I intend to vote no, for whatever relevance that has, except I do not want to mislead anybody, by proposing these things, that now suddenly I think this is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, I thank the Senator from Florida for helping accept these modifications. I thank the leaders on both sides, Senator FRIST and Senator REID, for a determined effort in the last few hours to make certain this bill goes to the House in time.

I think all of us have in our mind's eye the face of that lovely young woman. It is very much in my mind, the smile of that young woman. Her parents want to give her a chance. I think of my own daughter. We ought to give her a chance. And this is our opportunity to do it. I hope very much the House will give this a chance.

I also thank my colleague from Pennsylvania, Senator SANTORUM, who first brought this to my attention this afternoon. This is the right thing to do, colleagues. Let's pass this.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I yield 2 minutes to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, will the majority leader yield for just a brief statement?

Mr. FRIST. I will.

Mr. REID. Mr. President, I talked about everybody except one of the most important people, if not the most important person, this afternoon, and that is Senator NELSON from Florida. He has been here during the whole day, and I want to extend my appreciation to him.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I will be very brief. This is an opportunity to talk to a number of my colleagues.

As most people know, this is coming to the floor very quickly. And the real, fundamental reason is, if we do not act, there is a good chance that a living human being would be starved to death in a matter of days. That is why the action now. That is why we are, not rushing things, but deliberating quickly, so we can get it to the House of Representatives.

She will be starved to death next Friday. I have had the opportunity to look at the video footage upon which the initial facts of this case were based. And from my standpoint as a physician, I would be very careful before I would come to the floor and say this, that the facts upon which this case were based are inadequate. To be able to make a diagnosis of persistent vegetative state—which is not brain dead; it is not coma; it is a specific diagnosis and typically takes multiple examinations over a period of time because you are looking for responsiveness—I have looked at the video footage. Based on the footage provided to me, which was part of the facts of the case, she does respond.

That being the case, and also recognizing she has not had a complete neurological exam by today's standards—allegedly, she has not had a PET scan or MRI scan; not that those are definitive, but before you let somebody die, before you starve somebody to death, you want a complete exam and a good set of the facts of the case upon which to make that decision.

All we are saying today is, do not starve her to death now—forever, I would argue—but establish the facts based on medical science today, and then make a determination in the future. That is what we will accomplish with passage of this bill.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senate is now addressing probably the most gut-wrenching decision that an American family can ever face. Without even a single hearing, without any debate whatever, the Senate is tackling an extraordinarily sensitive concern that involves morals and ethics and religious principles, and this troubles me greatly.

The practice of medicine and the regulation of it throughout our history has been properly left by the Constitution to the States. Now, regardless of how a Senator might feel about this tragic case in Florida—and feelings certainly run very high—a Senator ought to reflect on the implications of Federal intrusion before we cast this vote.

I am particularly troubled at the prospect of setting a precedent that is going to have the Congress, in effect, playing ''medical czar'' in case after case because, colleagues, there will be thousands of cases just like this.

I would ask the Senators, will the steps of the Capitol be the new gathering place for America to wrestle with these situations that all concerned consider tragic? I think that is a mistake. That is why I am going to vote against this legislation.

Now, this legislation has particular repercussions for the people of my State. We have voted twice for assisted suicide. I will tell colleagues, I voted against both of those measures on assisted suicide. And I joined all of you, I think, here today in opposing Federal funding for assisted suicide. But I think these matters are not ones where we should trample on the prerogatives of the State quickly. And that is what we are doing today—without a single hearing, without a single opportunity for us to even hear from those most knowledgeable in the field.

I know many colleagues want to speak on this, and I want to respect them. I would note that as a result of the cooperation shown, particularly by colleagues on the other side of the aisle, Senator FRIST and others, there has been language added to this proposal so as to at least attempt to protect any State that has acted in this area. My guess is, when the Supreme Court tackles this, they are going to declare it unconstitutional.

But as we go to the vote on this matter, I would urge colleagues to think about what it is going to mean when people from all over this country, all of our States, all of our communities, ask the Congress to step in on these kinds of cases. I think that is a very troubling precedent. It is my intention to vote no.

I thank my colleagues, and particularly the majority leader for his courtesy. I yield the floor, as many others wish to speak on this matter.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I yield 3 minutes to Senator SANTORUM from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank all those involved. I thank the two leaders for their conscientious effort in getting this accomplished. I thank Senator CONRAD, and Senator MARTINEZ, obviously, for his sponsorship of this legislation, and all the others who worked with us. Even though, as Senator LEVIN and Senator WYDEN said, they oppose this legislation, they understood the importance of this issue to colleagues on both sides of the aisle and were willing to work with us to improve the bill and, nevertheless, to allow us its passage. So I want to thank everyone concerned.

I want to explain, very briefly, what this bill does. This bill simply gives a Federal court the ability to review the State court's action. Just yesterday, in California, a man was sentenced to death for killing two people. He will have ample opportunity to have everything the California courts did reviewed by the Federal court under a habeas corpus appeal. He will have multiple appeals for Federal courts to look to see whether the State court in California properly behaved in providing him his due process rights under the 14th amendment—a multiple murder.

Terri Schiavo has done one thing wrong: she did not have a living will. But the Florida courts gave her a death sentence. They said that her feeding tube and hydration will be removed until she is dead. And no one but for this bill and the Federal courts will have any right to look to see if her due process rights were followed by the Florida courts.

This does not get us involved in a medical decision. This does not get us involved in making decisions of life and death. It simply protects the constitutional rights of someone whose only—only—mistake was not to have a living will. Should we not give someone who is in that situation, who has been sentenced to death by a court on a State level, the right for Federal court review to determine whether her rights were protected by those courts? That is all we ask in this piece of legislation. It is narrow. It applies only to her, to no one else. It sets no precedent. We specified, thanks to Senator WYDEN's amendment, that it sets no precedent for any other action.

So I would encourage my colleagues, as we just have been through a horrific death penalty case in California, to understand that there is a proper role for Federal courts to look to make sure that due process was followed. That is all we are asking for here today.

Thank you, Mr. President.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The minority has 1 minute 41 seconds. The majority has 1 minute 54 seconds.

Mr. REID. Mr. President, I yield 1 minute to the Senator from Florida, and 42 seconds to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, this bill we are considering is a good-faith, bipartisan effort to allow a Federal court in my State to review this case. One of the improvements of this legislation was that it changed the original draft directing a Federal court how it should issue injunctive relief because constitutionally we cannot direct a Federal court, even in law.

I support this bill so that this case can be reviewed and decided in a timely manner. And, indeed, it underscores the need for us to promote living wills so that a person's wants and desires will be carried out when they are in an incapacitated condition.

Mr. HARKIN. Mr. President, I thank both Senators from Florida. Senator MARTINEZ came to me with this last week. We are doing this personal bill because it is so time sensitive. But let's not forget that there are hundreds and thousands of people with disabilities, both physical and mental, who face similar situations. That is why last week when this was brought to my attention, I said to my friend from Florida that we ought to do some kind of a habeas type of proceedings for these people that are at the end of the rope and yet there is no one speaking for them. So while we pass this today for a woman in Florida, I hope when we come back after the recess we can work together in a bipartisan fashion to fashion some kind of legislation that will give people with disabilities the ability to take one last look at their case before the plug is pulled.

I hope we can work on that so we don't have case after case after case coming in here, but we can deal with it in a broad, general context to protect the rights of people with disabilities.

Mr. MARTINEZ. Mr. President, I yield 1 minute to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I thank the Senator from Florida for his outstanding leadership on this extraordinary remedy for a woman who, when I observed her on videotapes, clearly is conscious and has the ability to feel.

I believe in the sanctity of human life. I think most of us feel in good conscience we can't just sit by and allow this innocent woman to starve to death. Just because she has lost her ability to verbally communicate her feelings in no way means that she has lost her desire to live or her right to life. When in doubt, I think it is appropriate and, indeed, logical to presume that people want to live.

I am proud of the Senate and Senator MARTINEZ for his leadership in helping to protect Terri Schiavo's right to life.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. To close, I thank the leadership of the minority and majority. I never anticipated that my first legal measure on the floor of the Senate would be something such as this. I am very pleased that we have had the cooperation we have had. I thank Senators HARKIN and CONRAD and so many others on our side of the aisle who have worked with me tirelessly to get to this point and the encouragement they provided me.

By voting for this bill, we will simply be allowing the Federal judge to give one last review, one last look in a case that has so many questions, that has so many anxieties, and that will provide us the kind of assurance before the ultimate fate of this woman is decided to know that we did all we could do and that every last measure of review was given her, just like it would have been given to a death row inmate convicted and sentenced to die.

I ask for a vote in support of the measure that we might keep Terry Schiavo alive and give her a chance to have a Federal review of her case.

The PRESIDING OFFICER. All time has expired.

Mr. LEVIN. Mr. President, I ask unanimous consent to speak for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I want to make it clear that although I believe it is a mistake for Congress to be moving into this area with this haste and speed, in the most difficult decision-making a family could ever face—I intend to vote no—the language in section 1 also makes it clear that a Federal court would have to find a violation of a constitutional right or a right under U.S. law in order to provide an order that she be maintained on life support.

It is very clear in here that there has to be a violation of the U.S. Constitution or Federal law for a Federal court to provide the continuation of life support.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is on the passage of the bill.

The bill (S. 653) was passed, as follows:

S. 653

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

SECTION 1. RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO.

The United States District Court for the Middle District of Florida shall have jurisdiction to hear, determine, and render judgment on a suit or claim by or on behalf of Theresa Marie Schiavo for the alleged violation of any right of Theresa Marie Schiavo under the Constitution or laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.

Mr. REID. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006—Continued

AMENDMENT NO. 188

The PRESIDING OFFICER. There is now 1 minute of debate on Feinstein amendment No. 188. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, this is a sense-of-the-Senate resolution, submitted by myself and Senators KYL, HUTCHISON, CORNYN, SCHUMER, and CLINTON, having to do with the State Criminal Alien Assistance Program.

As we all know, illegal immigration is the responsibility of the Federal Government. Since early 1990, the Federal Government has provided some reimbursement to States. That authorization has run out. We have just passed it out of the Judiciary Committee this morning.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, we have serious reservations about SCAAP which we discussed earlier when we debated this amendment. However, since this amendment is a sense of the Senate and since we are getting to a point where some of these sense of the Senates we think we can take, this one is clearly at the margin on that exercise, but rather than going through the exercise of a vote on it, we accept the amendment with prejudice.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 188) was agreed to.

AMENDMENT NO. 240

The PRESIDING OFFICER. There is now 1 minute for debate on Byrd amendment No. 240.

The Senator from West Virginia.

Mr. BYRD. Mr. President, this amendment would boost the amount of funding in the budget to allow for a highway bill totaling $318 billion. That is the same size as the highway bill we passed last year. Every Senator should look at the table on their desk and see how much money and how many jobs he or she is foregoing by voting against this amendment. The offsets for the amendment are not new taxes. The offsets are precisely the same offsets that were used in the finance title of last year's highway bill. I urge the Senate to approve the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, there is an agreement—and it is fairly well agreed to, not only within this body but on the House side and with the President—that the highway bill will be $284 billion. That is funded in this budget resolution. This would increase that funding by approximately $30 billion. In addition, it raises taxes by $14 billion. It is a classic tax-and-spend amendment. I hope it will be defeated.

The PRESIDING OFFICER (Mr. VITTER). The question is on agreeing to amendment No. 240.

Mr. GREGG. 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 bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Texas (Mr. CORNYN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:]

[Rollcall Vote No. 71 Leg.]

YEAS—45

Akaka	Durbin	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Clinton	Kohl	Rockefeller
Conrad	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden

NAYS—54

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner

NOT VOTING—1

Cornyn

The amendment (No. 240) was rejected.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENTS NOS. 159; 160; 164; 194; 209; 226; 180, AS MODIFIED; 198; 153, AS MODIFIED, AND 182, EN BLOC

Mr. GREGG. Mr. President, I wish to propound a set of unanimous consent requests. We have 11 amendments that have been cleared as a result of extensive work and in an effort to be cooperative by both sides of the aisle, which I appreciate.

I ask unanimous consent that these amendments be approved en bloc. First is amendment No. 159, by Senator OBAMA, regarding Avian Flu; No. 160, by Senator LEAHY, regarding UNICEF; No. 164, by Senators GRASSLEY and KENNEDY, regarding the Family Opportunity Act; No. 194, by Senators HATCH and GRASSLEY, regarding S-CHIP Program; No. 209, by Senators COCHRAN and BYRD, regarding advance appropriation scoring; No. 226, by Senators THOMAS and CONRAD, regarding rural health; No. 180, by Senator MIKULSKI, as modified, regarding HOPE credit; No. 198, by Senators ALLEN, VOINOVICH, DODD, WARNER and DEWINE, a sense of the Senate relative to NASA aeronautics; No. 153, as modified, by Senators DEWINE and DODD, on HIV/AIDS; amendment No. 182, by Senator LOTT, on DDX destroyer.

I send the modifications to the desk on behalf of the Senators, and 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. 159

(Purpose: To prevent and, if necessary, respond to an international outbreak of the avian flu)

On page 9, line 15, increase the amount by $25,000,000.

On page 9, line 16, increase the amount by $6,000,000.

On page 9, line 20, increase the amount by $11,000,000.

On page 9, line 24, increase the amount by $5,000,000.

On page 10, line 3, increase the amount by $2,000,000.

On page 26, line 14, decrease the amount by $25,000,000.

On page 26, line 15, decrease the amount by $6,000,000.

On page 26, line 18, decrease the amount by $11,000,000.

On page 26, line 21, decrease the amount by $5,000,000.

On page 26, line 24, decrease the amount by $2,000,000.

AMENDMENT NO. 160

(Purpose: To increase funding for UNICEF and other international organizations)

On page 9, line 15, increase the amount by $44,000,000.

On page 9, line 16, increase the amount by $40,000,000.

On page 9, line 20, increase the amount by $3,000,000.

On page 9, line 24, increase the amount by $1,000,000.

On page 26, line 14, decrease the amount by $44,000,000.

On page 26, line 15, decrease the amount by $40,000,000.

On page 26, line 18, decrease the amount by $3,000,000.

On page 26, line 21, decrease the amount by $1,000,000.

AMENDMENT NO. 164

(Purpose: To provide a reserve fund for the Family Opportunity Act)

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the Senate, if the Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides families of disabled children with the opportunity to purchase coverage under the medicaid coverage for such children (the Family Opportunity Act), and provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, revenue aggregates, and other appropriate measures to reflect such legislation if any such measure would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

AMENDMENT NO. 194

(Purpose: To provide a deficit-neutral reserve fund for the restoration of SCHIP funds)

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR THE RESTORATION OF SCHIP FUNDS.

In the Senate, if the Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for the restoration of unexpended funds under the State children's health insurance program that reverted to the Treasury on October 1, 2004, and that may provide for the redistribution of such funds for outreach and enrollment as well as for coverage initiatives, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, revenue aggregates, and other appropriate measures to reflect such legislation, if such legislation would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

AMENDMENT NO. 209

(Purpose: To modify a provision defining advance appropriations subject to limit)

On page 41, line 17, strike ''au-'' and all that follows through ''in'' on line 19, and insert: ''authority in''

AMENDMENT NO. 226

(Purpose: To restore discretionary funding levels for crucial rural health programs, such as the rural health outreach grant program, the rural hospital flexibility grant program, the small hospital improvement program, telehealth, trauma programs, and rural AED programs to fiscal year 2005 levels and offset this change by reductions in overall government travel expenses)

On page 18, line 16, increase the amount by $100,000,000.

On page 18, line 17, increase the amount by $100,000,000.

On page 24, line 16, decrease the amount by $100,000,000.

On page 24, line 17, decrease the amount by $100,000,000.

AMENDMENT NO. 180, AS MODIFIED

(Purpose: To provide a deficit neutral reserve fund for the Hope credit)

On page 40, after line 8 insert the following:

SEC. _____. RESERVE FOR FUNDING OF HOPE CREDIT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the Hope credit to $4,000 and makes the credit available for 4 years, the chairman of the Committee on the Budget may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if that measure includes offsets including legislation closing corporate tax loopholes and would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 though 2010.

AMENDMENT NO. 198

(Purpose: To express the sense of the Senate regarding funding for the National Aeronautics and Space Administration for subsonic and hypersonic aeronautics research)

At the end of title V, add the following:

SEC. 510. SENSE OF THE SENATE REGARDING FUNDING FOR SUBSONIC AND HYPERSONIC AERONAUTICS RESEARCH BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The economic and military security of the United States depends on the continued development of improved aeronautics technologies.

(2) Research and development on many emerging aeronautics technologies is often too expensive or removed in terms of time from commercial application to garner the necessary level of support from the private sector.

(3) The advances made possible by Government-funded research in emerging aeronautics technologies have enabled a longstanding positive balance of trade and air superiority on the battlefield for the United States in recent decades.

(4) The aeronautics industry has grown increasingly mature in recent years, with growth dependent on the availability of the research workforce and facilities provided by the National Aeronautics and Space Administration (NASA).

(5) Recent NASA studies have demonstrated the competitiveness, and scientific merit, and necessity of nearly all existing aeronautics wind tunnel and propulsion testing facilities.

(6) A minimum level of investment by NASA is necessary to maintain these facilities in operational condition and to prevent their financial collapse.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the level of funding provided for the Aeronautics Mission Directorate within the National Aeronautics and Space Administration should be increased by $1,582,700,000 between fiscal year 2006 and fiscal year 2010; and

(2) the increases provided should be applied to the Vehicle Systems portion of the Aeronautics Mission Directorate budget for use in subsonic and hypersonic aeronautical research.

AMENDMENT NO. 153 AS MODIFIED

(Purpose: To express the sense of the Senate concerning the care and treatment of children with HIV/AIDS)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING CHILDREN WITH HIV/AIDS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Approximately 2,200,000 million children under the age of 15 are infected with the HIV virus, and 1,900 children worldwide are infected with HIV each day.

(2) In 2004, it was estimated that of the 4,900,000 people newly infected with HIV, 640,000 were children. The vast majority of them were infected through mother-to-child transmission, which includes transmission at any point during pregnancy, labor, delivery, or breastfeeding.

(3) Effective implementation of prevention of mother-to-child transmission of HIV and care and treatment services in the United States has resulted in the near elimination (less than 2 percent transmission) of mother-to-child transmission of HIV/AIDS. By contrast, in resource-poor settings less than 10 percent of pregnant women living with HIV have access to services to prevent mother-to-child transmission of HIV.

(4) Currently, more than 4,000,000 children worldwide are estimated to have died from AIDS.

(5) In 2004, approximately 510,000 children died of AIDS, resulting in almost 1,400 AIDS deaths in children per day.

(6) According to the Joint United Nations Programme on HIV/AIDS, if current trends continue by 2010, 3,500,000 of the 45,000,000 people infected worldwide will be children under the age of 15.

(7) At least a quarter of newborns infected with HIV die before the age of one, up to 60 percent die before reaching their second birthday, and overall, most die before they are 5 years of age.

(8) HIV threatens to reverse the child survival and developmental gains of past decades.

(9) Research and practice have shown conclusively that timely initiation of antiretroviral therapy to infants or young children with HIV/AIDS can preserve or restore their immune functions, promote normal growth and development, and prolong life.

(10) There is clear evidence in resource-rich countries that antiretroviral treatment in children is very effective. For example, many children who were infected through mother-to-child transmission in the United States are living with HIV as young adults.

(11) Few programs specifically target the treatment of children with HIV/AIDS in resource-poor countries due to significant challenges in diagnosing and treating infants and young children with HIV. Such challenges include difficulty in diagnosing HIV in infants less than 18 months of age, lack of appropriate and affordable pediatric HIV/AIDS medicines, and lack of trained health care providers.

(12) Children are not small adults and treating them as such can seriously jeopardize their health.

(13) Children should not be forgotten in the fight against the global HIV/AIDS pandemic.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that—

(1)(A) assistance should be provided to support the expansion of programs to prevent mother-to-child transmission of HIV as an integral component of a comprehensive approach to fighting HIV/AIDS;

(B) to facilitate the expansion described in subparagraph (A)—

(i) more resources are needed for infrastructure improvements and education and training of health care workers; and

(ii) better linkages between mother-to-child transmission and broader care and treatment programs should be created for women, children, and families who are in need of access to expanded services;

(2) assistance should be provided to support the care and treatment of children with HIV/AIDS, including the development and purchase of high-quality, Food and Drug Administration-approved pediatric formulations of antiretroviral drugs and other HIV/AIDS medicines, including fixed-dose combinations, pediatric-specific training to doctors and other health-care personnel, and the purchase of pediatric-appropriate technologies;

(3) antiretroviral drugs intended for pediatric use should include age-appropriate dosing information;

(4) health care sites in resource-poor countries need better diagnostic capacity and appropriate supplies to provide care and treatment services for children, and additional training is required to ensure that health care providers can administer specialized care services for children; and

(5) pediatric care and treatment should be integrated into the existing health care framework so children and families can be treated simultaneously.

AMENDMENT NO. 182

(Purpose: Expressing the sense of the Senate on the acquisition of the next generation destroyer (DDX))

At the end, add the following:

SEC. 510. SENSE OF THE SENATE REGARDING THE ACQUISITION OF THE NEXT GENERATION DESTROYER (DDX).

(a) FINDINGS.—The Senate makes the following findings:

(1) The Quadrennial Defense Review to be conducted in 2005 has not been completed.

(2) The national security of the United States is best served by a competitive industrial base consisting of at least two shipyards capable of constructing major surface combatants.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is ill-advised for the Department of Defense to pursue a winner-take-all strategy for the acquisition of destroyers under the next generation destroyer (DDX) program; and

(2) the amounts identified in this resolution assume that the Department of Defense will not acquire any destroyer under the next generation destroyer program through a winner-take-all strategy.

(c) WINNER-TAKE-ALL STRATEGY DEFINED.—In this section, the term ''winner-take-all strategy'', with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

AMENDMENT NO. 180

Ms. MIKULSKI. Mr. President, this amendment would increase the Hope credit to $4,000 and make it available for 4 years of college. The core of the American Dream is getting a college education and I want to make sure that every student has access to that dream. I want to help families who are trying to send their children to college and adults who are going back to school for their first degree or their third.

Our middle-class families are stressed and stretched. Families in my state of Maryland are worried—they're worried about their jobs and they're terrified of losing their healthcare when costs keep ballooning. Many are holding down more than one job to make ends meet. They're racing from carpools to work and back again. But most of all, they don't know how they can afford to send their kids to college. And they want to know what we in the United States Senate are doing to help them.

That's why I want to give every family sending a child to college a $4,000 tuition tax credit. This amendment would give help to those who practice self help—the families who are working and saving to send their child to college or update their own skills.

College tuition is on the rise across America. Tuition at the University of Maryland has increased by almost 40 percent since 2002. Tuition for Baltimore Community College rose by $300

in one year. The average total cost of going to a 4-year public college is $10,635 per year, including tuition, fees, room and board. University of Maryland will cost more than $15,000 for a full time undergraduate student who lives on campus.

Financial Aid isn't keeping up with these rising costs. Pell Grants cover only 40 percent of average costs at 4-year public colleges. Twenty years ago, Pell Grants covered 80 percent of average costs. Our students are graduating with so much debt it's like their first mortgage. The average undergraduate student debt from college loans is almost $19,000. College is part of the American Dream; it shouldn't be part of the American financial nightmare.

Families are looking for help. I'm sad to say, the President doesn't offer them much hope. The Republican budget has all the wrong priorities. President Bush proposed increasing the maximum Pell Grant by just $100 to $4,150. I want to double Pell Grants. Instead of easing the burden on middle class families, the Republican budget helps out big business cronies with lavish tax breaks while eating into Social Security and creating deficits as far as the eye can see.

We need to do more to help middle-class families afford college. We need to immediately increase the maximum Pell Grant to $4,500 and double it over the next 6 years. We need to make sure student loans are affordable. And we need a bigger tuition tax credit for the families stuck in the middle who aren't eligible for Pell Grants but still can't afford college.

A $4,000 tax credit for tuition will go a long way. It will give middle class families some relief by helping the first-time student at our 4-year institutions like University of Maryland and the midcareer student at our terrific community colleges. A $4,000 tax credit would be 60 percent of the tuition at Maryland and enough to cover the cost of tuition at most community colleges. My amendment would help make college affordable for everyone.

College education is more important than ever: 40 percent of new jobs in the next 10 years will require post-secondary education. College is important to families and it's important to our economy. To compete in the global economy, we need to make sure all our children have 21st century skills for 21st century jobs. And the benefits of education help not just the individual but society as a whole.

To have a safer America and a stronger economy, we need to have a smarter America. We need to invest in our human capital to create a world class workforce. That means making a college education affordable.

Mr. GREGG. Mr. President, there is a genuine effort going forward to reduce the number of amendments pending before the body. We still have an incredible number of amendments out there—somewhere in the vicinity of 30, at the minimum. At the rate we are going, that is about 8 to 9 hours of voting. It would be helpful if folks would sit down with the leadership on both sides, if they have amendments, and try to determine ways to deal with those and determine if it is necessary to go forward with them, or maybe we can do them in a more expeditious way than to formally vote on them. I hope we can get that sort of assistance.

Mr. CONRAD. Mr. President, just to report to the colleagues, we have five more amendments in this queue. We have five amendments that we are working to try to get approved. We have 23 amendments beyond that.

I make an appeal. There are a number of Senators with multiple amendments. We have 8 Senators that, among them, have 20 amendments. I appeal to those Senators, please work with leadership to try to reduce those amendments. We are working diligently to get, as we have just seen described by the chairman, a series of amendments approved. Let's work and make modifications where necessary, where we can get others handled in that way. If we don't do this, we are going to be here at 3:30 tomorrow morning. So please, let's get these amendments worked out. These are 5-minute votes.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 225

Mr. TALENT. Mr. President, I call up my amendment No. 225.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri, [Mr. TALENT], for himself, Mr. THUNE, Ms. STABENOW, and Mr. WYDEN, proposes an amendment numbered 225.

The amendment is as follows:

(Purpose: To provide the flexibility to consider all available transportation funding options)

On page 39, lines 8 and 9 strike ''net new user-fee receipts related to the purposes of'' and insert ''receipts to''.

Mr. TALENT. Mr. President, I will just take 30 seconds.

This amendment is endorsed by all the major transportation groups. The budget resolution restricts the transportation funding available to the Finance Committee. Our amendment changes the language to be consistent with past conference reports and budget resolutions. It ensures that transportation funding options are on the table when we consider the highway bill. It doesn't affect the budget neutrality.

Mr. GREGG. Mr. President, this takes the fund, the purpose of which is to allow the Senate to spend more than the $284 billion but requires that that be genuinely paid for, and turns it into a reserve fund. The pay-fors will become not necessarily illusory but close to that. I don't think it is good policy to do that. I would rather we had a strong statement that if we are going to go over the $284 billion, it is really going to be paid for.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. 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 proceeded to call the roll.

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—81

Akaka	DeWine	Mikulski
Allen	Dodd	Murkowski
Baucus	Dole	Murray
Bayh	Dorgan	Nelson (FL)
Bennett	Durbin	Nelson (NE)
Biden	Feingold	Obama
Bingaman	Feinstein	Pryor
Bond	Grassley	Reed
Boxer	Harkin	Reid
Brownback	Hatch	Roberts
Bunning	Hutchison	Rockefeller
Burns	Inhofe	Salazar
Byrd	Inouye	Santorum
Cantwell	Isakson	Sarbanes
Carper	Jeffords	Schumer
Chafee	Johnson	Shelby
Chambliss	Kennedy	Smith
Clinton	Kerry	Snowe
Cochran	Kohl	Specter
Coleman	Landrieu	Stabenow
Collins	Lautenberg	Talent
Conrad	Leahy	Thomas
Cornyn	Levin	Thune
Corzine	Lieberman	Vitter
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
Dayton	Martinez	Wyden

NAYS—19

Alexander	Enzi	McCain
Allard	Frist	McConnell
Burr	Graham	Sessions
Coburn	Gregg	Stevens
DeMint	Hagel	Sununu
Domenici	Kyl	
Ensign	Lugar	

The amendment (No. 225) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 243

The PRESIDING OFFICER. The question is on the Conrad amendment No. 243. There is 1 minute equally divided.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, this amendment says simply that we ought to repeal the tax that applies to Social Security benefits; that we should do it in a way that does not cut Medicare funding and that does not further increase deficits and debt.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, this is a sense-of-the-Senate amendment. It

has no meaning at all, and it is not paid for by any method, so it means nothing. The senior citizen is still stuck with the additional 35-percent tax on their benefits on Social Security.

I urge a ''no'' vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, 30 seconds off my leader time. This amendment is fully paid for, and it has exactly the same force and effect of law, as does the amendment of the Senator from Kentucky.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 243.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—94

Akaka	Dole	McConnell
Alexander	Domenici	Mikulski
Allen	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Biden	Feingold	Obama
Bingaman	Feinstein	Pryor
Bond	Frist	Reed
Boxer	Graham	Reid
Brownback	Grassley	Roberts
Burns	Gregg	Rockefeller
Burr	Harkin	Salazar
Byrd	Hatch	Santorum
Cantwell	Hutchison	Sarbanes
Carper	Inhofe	Schumer
Chafee	Inouye	Sessions
Chambliss	Isakson	Shelby
Clinton	Jeffords	Smith
Coburn	Johnson	Snowe
Cochran	Kennedy	Specter
Coleman	Kerry	Stabenow
Collins	Kohl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Corzine	Leahy	Thomas
Craig	Levin	Thune
Crapo	Lieberman	Vitter
Dayton	Lincoln	Warner
DeMint	Lott	Wyden
DeWine	Martinez	
Dodd	McCain	

NAYS—6

Allard	Hagel	Lugar
Bunning	Kyl	Voinovich

The amendment (No. 243) was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 241

The PRESIDING OFFICER. The question now is on amendment No. 241.

The Senator from Kentucky.

Mr. BUNNING. For my 94 colleagues who just voted for that sense-of-the-Senate amendment, they now have a chance to vote for the real thing that actually pays for it. We put instructions in our resolution to the Finance Committee to actually set aside money to pay for this. The amendment my colleagues voted for last time made them feel good, but it did not do anything for our senior citizens and reduce the tax of 35 percent on the Social Security income they get. This is a chance to do just that. I urge a ''yes'' vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let us be clear, the Bunning amendment doubles the tax cut, undermines funding for Medicare, and provides absolutely no assurance that the additional tax cut will be used to eliminate the tax on Social Security benefits.

So let's be clear. It doubles the tax cut. It undermines funding for Medicare. It provides no assurance that the money would be used to reduce the tax on Social Security benefits.

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. 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 amendment No. 241.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—55

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Bond	Frist	Roberts
Brownback	Graham	Salazar
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Burr	Hagel	Shelby
Byrd	Hatch	Smith
Chambliss	Hutchison	Specter
Coburn	Inhofe	Sununu
Cochran	Isakson	Talent
Coleman	Kyl	Thomas
Collins	Landrieu	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NAYS—45

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Feingold	Murray
Biden	Feinstein	Obama
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Conrad	Kohl	Snowe
Corzine	Lautenberg	Stabenow
Dayton	Leahy	Stevens
Dodd	Levin	Voinovich
Domenici	Lieberman	Wyden

The amendment (No. 241) was agreed to.

Mr. BYRD. Mr. President, I oppose the taxation of Social Security benefits. Nevertheless, deficits continue to rise to alarming levels, and the tax cuts authorized by this budget resolution will worsen those deficits significantly. I urge the Finance Committee to pay for any tax cuts included in the reconciliation bill authorized by this budget resolution.

Mr. GREGG. Mr. President, can we get order so we can discuss where we are? We still have a lot of amendments pending and we are going to be here well into tomorrow morning at this rate. It would be very helpful if Members would come forward and agree to either adjust their amendment so they didn't have to have it heard tonight or reach an agreement where we did not have to vote on it. Otherwise, we are heading for the wee hours of tomorrow morning. I know Senator CONRAD had some thoughts on how we might address this.

Mr. CONRAD. Mr. President, there has been excellent cooperation. I thank our colleagues. We have removed at least 80 amendments. But here is where we stand at the moment. We still have 24 or 25 amendments. We need to take a break because we need to have the desk crew take a break. They have worked nonstop. We are going to need to take about a 30-minute break. But to be able to do that and not wind up right back at 3 a.m., because we have made some progress now, we are headed for about 1:45 right now if all the amendments are voted on that are in queue, we have to ask colleagues to please let us know if you can accept a vote on your amendment on a later vehicle. That is the only way we are going to avoid it.

You can do the math yourself: 25 votes, 4 an hour, 6 more hours—that is right back at 2 o'clock in the morning.

So, please, during these next two votes, those who have amendments that do not have to be on this vehicle, come to us and let's see if we cannot work something out.

Senator CLINTON is next up.

AMENDMENT NO. 244, AS MODIFIED

The PRESIDING OFFICER. The Senator from New York is recognized on amendment 244.

Mrs. CLINTON. Mr. President, I send a modified version of the amendment to the desk, and ask unanimous consent that it be considered.

The PRESIDING OFFICER. Is there objection? The amendment is modified.

The amendment, (No. 244) as modified, is as follows:

On page 3, line 10, increase the amount by $36,000,000.

On page 3, line 11, increase the amount by $54,000,000.

On page 3, line 12, increase the amount by $7,000,000.

On page 3, line 13, increase the amount by $2,000,000.

On page 3, line 19, increase the amount by $36,000,000.

On page 3, line 20, increase the amount by $54,000,000.

On page 3, line 21, increase the amount by $7,000,000.

On page 4, line 1, increase the amount by $2,000,000.

On page 4, line 7, increase the amount by $100,000,000.

On page 4, line 16, increase the amount by $36,000,000.

On page 4, line 17, increase the amount by $54,000,000.

On page 4, line 18, increase the amount by $7,000,000.

On page 4, line 19, increase the amount by $2,000,000.

On page 18, line 21, increase the amount by $54,000,000.

On page 18, line 25, increase the amount by $7,000,000.

On page 18, line 16, increase the amount by $100,000,000.

On page 18, line 17, increase the amount by $36,000,000.

On page 19, line 4, increase the amount by $2,000,000.

On page 30, line 16, decrease the amount by $36,000,000.

On page 30, line 17, decrease the amount by $54,000,000.

On page 48, line 6, increase the amount by $100,000,000.

On page 48, line 7, increase the amount by $36,000,000.

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING PREVENTIVE HEALTH CARE SERVICES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Although the Centers for Disease Control and Prevention included family planning in its published list of the Ten Great Public Health Achievements in the 20th Century, the United States still has one of the highest rates of unintended pregnancies among industrialized nations.

(2) Increasing access to family planning services will improve women's health and reduce the rates of unintended pregnancy, abortion, and infection with sexually transmitted infections.

(3) Contraceptive use saves public health dollars. Every dollar spent on providing family planning services saves an estimated $3 in expenditures for pregnancy-related and newborn care for Medicaid alone.

(4) Each year, 3,000,000 pregnancies, nearly half of all pregnancies, in the United States are unintended, and nearly half of unintended pregnancies end in abortion.

(5) In 2002, 34,000,000 women--half of all women of reproductive age were in need of contraceptive services and supplies to help prevent unintended pregnancy, and half of those were in need of public support for such care.

(6) The United States also has the highest rate of infection with sexually transmitted infections of any industrialized country. In 2003 there were approximately 19,000,000 new cases of sexually transmitted infections. According to the Centers for Disease Control and Prevention (November 2004), these sexually transmitted infections impose a tremendous economic burden with direct medical costs as high as $15,500,000,000 per year.

(7) The child born from an unintended pregnancy is at greater risk of low birth weight, dying in the first year of life, being abused, and not receiving sufficient resources for healthy development.

(8) Each year, services under title X of the Public Health Service Act enable Americans to prevent approximately 1,000,000 unintended pregnancies, and one in three women of reproductive age who obtains testing or treatment for sexually transmitted infections does so at a title X-funded clinic. In 2003, title X-funded clinics provided 2,800,000 Pap tests, 5,100,000 sexually transmitted infection tests, and 526,000 HIV tests.

(9) The increasing number of uninsured individuals, stagnant funding, health care inflation, new and expensive contraceptive technologies, and improved but expensive screening and treatment for cervical cancer and sexually transmitted infections, have diminished the ability of clinics funded under title X of the Public Health Service Act to adequately serve all those in need. Taking medical inflation into account, funding for the program under such title X declined by 59 percent between 1980 and 2004.

(10) Although employer-sponsored health plans have improved coverage of contraceptive services and supplies, largely in response to State contraceptive coverage laws, there is still significant room for improvement. Half of the 45,000,000 women of reproductive age currently live in the 29 States without contraceptive coverage policies. These women may still find the most effective forms of contraceptives beyond their financial reach due to a lack of coverage.

(11) Including contraceptive coverage in private health care plans saves employers money. Not covering contraceptives in employee health plans costs employers 15 to 17 percent more than providing such coverage.

(12) Approved for use by the Food and Drug Administration, emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. It is estimated that the use of emergency contraception could cut the number of unintended pregnancies in half, thereby reducing the need for abortion. New research confirms that easier access to emergency contraceptives does not increase sexual risk-taking or sexually transmitted infections.

(13) In 2000, 51,000 abortions were prevented by the use of emergency contraception. Increased use of emergency contraception accounted for up to 43 percent of the total decline in abortions between 1994 and 2000.

(14) Thirteen percent of all teens give birth before age 20. Eighty-eight percent of births to teens age 17 or younger were unintended. Twenty-four percent of Hispanic females gave birth before the age of 20. (Centers for Disease Control and Prevention, December 2004).

(15) Children born to teen moms begin life with the odds against them. They are less likely to be ready for kindergarten, more likely to be of low-birth weight, 50 percent more likely to repeat a grade, more likely to live in poverty, and significantly more likely to be victims of abuse and neglect.

(16) Research shows that a range of initiatives, including sex education, youth development and service learning programs, can encourage teens to behave responsibly by delaying sexual activity and pregnancy. Federal tax dollars are best invested in programs with research-based evidence of success.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that—

(1) $100,000,000 of the amount provided for under function category 550 (health) for fiscal year 2006 may be used for any or all of the following—

(A) to fund increases in amounts appropriated to carry out title X of the Public Health Service Act (42 U.S.C. 300 et seq.) above amounts appropriated for fiscal year 2005;

(B) to fund legislation that would require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans;

(C) to fund legislation that would create a public education program administered through the Centers for Disease Control and Prevention concerning the use, safety, efficacy, and availability of emergency contraception that is—

(i) approved by the Food and Drug administration to prevent pregnancy; and

(ii) used post-coitally; or

(D) to fund legislation that would permit the Secretary of Health and Human Services to award, on a competitive basis, grants to public and private entities to establish or expand teenage pregnancy prevention programs or to disseminate information to educators and parents about the most effective strategies for preventing teen pregnancy (funds made available under the authority of this subparagraph are not intended for use by abstinence-only education programs);

(2) the prevention programs described in paragraph (1) are cost effective and will achieve savings by—

(A) reducing the number of unintended pregnancies;

(B) reducing the rate of sexually transmitted infections;

(C) reducing the costs to the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(D) providing for the early detection of HIV and early detection of breast and cervical cancer; and

(3) the increase in funding described in paragraph (1) is offset by an increase in revenues of not to exceed $200,000,000 to be derived from closing corporate tax loopholes, of which the remaining $100,000,000 (after amounts are expended pursuant to this section) should be used for deficit reduction.

Mrs. CLINTON. Mr. President, this is the Clinton-Reid prevention first amendment. What it does is try to put us on record and provide funding for the important goal of preventing unintended pregnancies and abortions. What this amendment does is to increase public health funding for the National Family Planning Program and enact the EPIC bill which says to insurance companies, if you are going to provide insurance coverage for Viagra you should provide insurance coverage for contraception. It increases funding to improve awareness and education about emergency contraception, which is a prevention program, not termination, and finally funds a new teen prevention program.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment increases taxes by $200 million and raises spending by $200 million and would prevent abstinence-only programs from receiving funds under it. It would also create a mandated insurance coverage which will increase the cost of insurance and create more uninsured individuals today, so I recommend a vote against it.

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 assistant legislative clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—47

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Harkin	Obama
Boxer	Inouye	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Rockefeller
Chafee	Kerry	Salazar
Clinton	Kohl	Sarbanes
Collins	Landrieu	Schumer
Conrad	Lautenberg	Snowe
Corzine	Leahy	Stabenow
Dayton	Levin	Wyden
Dodd	Lieberman	

NAYS—53

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (NE)
Bennett	Enzi	Roberts
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
DeWine	McCain	

The amendment (No. 244) as modified, was rejected.

AMENDMENT NO. 187

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I believe my amendment is next in order. I would like to be able to confirm that.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey is at the desk.

Mr. LAUTENBERG. Mr. President, in the last 4 years we have raised the Nation's debt limit three times, from less than $6 trillion to more than $8 trillion. Now we are being asked to add $446 billion of new debt, $1,500 for every man, woman, and child, without debate. My amendment says we ought to have a debate and answer the question after we have discussed it. The issue ought to be debated. Nothing poses a greater threat to our future security. The President said he doesn't think it is right to avoid facing up to tough issues that our children will have to deal with in the future. Let us face up to our responsibilities.

Mr. GREGG. Mr. President, for the edification of our colleagues, after this vote is completed, we will take a half hour recess to give the staff a rest for a little bit. Then we will be back and voting, I presume, sometime around quarter of 8.

The use of reconciliation on the debt ceiling is a very common procedure. Our colleagues across the aisle, when they were in the majority, used it a number of times. It is an option that should be made available. We have to pay our debt and, therefore, we have to raise that debt ceiling. This is a very typical and appropriate way to handle the debt ceiling should the Finance Committee choose to pursue it. We are just giving them this tool and this option.

The PRESIDING OFFICER. The yeas and nays have been ordered on this amendment.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—45

Akaka	Durbin	Lincoln
Baucus	Feingold	McCain
Bayh	Feinstein	Mikulski
Biden	Harkin	Murray
Bingaman	Inouye	Nelson (FL)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Clinton	Kohl	Rockefeller
Conrad	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden

NAYS—54

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Chafee	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner

NOT VOTING—1

Chambliss

The amendment (No. 187) was rejected.

RECESS

Mr. GREGG. Mr. President, it is now our plan to recess until 7:45, at which time we will vote on the Boxer amendment. That is what we will vote on at 7:45. It will be a 10-minute vote and we will hold that 10-minute vote. In other words, there will not be any effort to go past 10 minutes. We will close it out after 10 minutes.

I ask unanimous consent that we recess until 7:45 and at 7:45 we shall vote on the Boxer amendment which has been submitted to both sides.

There being no objection, the Senate, at 7:15 p.m., recessed until 7:45 p.m., and reassembled when called to order by the Presiding Officer (Mr. BURR).

AMENDMENT NO. 257

Mr. GREGG. Is the amendment at the desk?

Mrs. BOXER. Yes. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 257.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a point of order in the Senate against any appropriations bill if it allows funds to be provided for prepackaged news stories that do not have a disclaimer that continuously runs through the presentation which says, ''Paid for by the United States Government.'')

At the appropriate place, insert the following:

SEC. ____. POINT OF ORDER.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any appropriations bill if it allows funds to be provided for prepackaged news stories that do not have a disclaimer that continuously runs through the presentation which says, ''Paid for by the United States Government.''.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mrs. BOXER. Mr. President, the Comptroller General of GAO tells us that prepackaged news that is put together by Federal agencies is unacceptable and that—I am quoting them—''Americans deserve to know when their Government is spending taxpayer money to try to influence them.''

My amendment simply encourages agencies to add a disclaimer to those prepackaged news stories that says ''Paid for by the United States Government.''

This is very important for the taxpayers to know it is their money that is being spent. I hope and I wish the other side would agree to this amendment. If not, I guess we will have to have a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment creates a point of order on language which probably is not able to be given a conciseness that would make it effective. What does ''prepackaging'' mean? It would be virtually impossible to exercise this point of order,

and I think it would set a bad precedent for the Senate to create such a point of order.

I oppose the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. GREGG. This will be a 10-minute vote, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Montana (Mr. BURNS).

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—44

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Jeffords	Obama
Boxer	Johnson	Pryor
Byrd	Kennedy	Reed
Cantwell	Kerry	Reid
Carper	Kohl	Rockefeller
Conrad	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden
Durbin	Lincoln	

NAYS—54

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burr	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner

NOT VOTING—2

Burns	Clinton

The amendment (No. 257) was rejected.

AMENDMENT NO. 259

Mr. GREGG. Mr. President, I yield a minute to the Senator from California to make a comment on her amendment.

Mrs. BOXER. Mr. President, I thank Senators Gregg, Conrad, Stevens, and Sununu. We are all working together to make sure that our oceans can finally get the attention they deserve. We have a new commission on oceans. Admiral Watkins is working hard on that commission. What we are doing, which has been agreed to on all sides, is simply saying we need to enact a comprehensive, coordinated, integrated national ocean policy that will ensure the long-term economic and ecological health of the U.S. oceans, coasts, and lakes.

I think it is wonderful that we can come together on this, and on the Commerce Committee we will be working to make sure this happens.

I thank the Chair.

Mr. GREGG. I thank the Senator.

Mrs. BOXER. I ask that this amendment be adopted.

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. 259) was agreed to, as follows:

(Purpose: To express the sense of the Senate regarding the need for a comprehensive, coordinated, and integrated national ocean policy)

On page 65, after line 25, insert the following:

SEC. 510. SENSE OF THE SENATE REGARDING THE NEED FOR A COMPREHENSIVE, COORDINATED, AND INTEGRATED NATIONAL OCEAN POLICY.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Commission on Ocean Policy and the Pew Ocean Commission have each completed and published independent findings on the state of the United States oceans, coasts, and Great Lakes.

(2) The findings made by the Commissions include the following:

(A) The United States oceans, coasts, and Great Lakes are a vital component of the economy of the United States.

(B) The resources and ecosystems associated with the United States oceans, coasts, and Great Lakes are in trouble.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President and the Congress should—

(1) expeditiously consider the recommendations of the United States Commission on Ocean Policy during the 109th Congress; and

(2) enact a comprehensive, coordinated, and integrated national ocean policy that will ensure the long-term economic and ecological health of the United States oceans, coasts, and Great Lakes.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we just had a good example, one amendment cleared and one dropped. We need to do more of that. We have 20 amendments left here, 7 on the other side; that is 27. We have a lot of work to do. We need Senators to be willing to give up some of these amendments. They can offer them at a later time. I ask my colleagues to consider that.

I thank the Senator from California.

AMENDMENT NO. 211

Mr. GREGG. Mr. President, the next item will be a 5-minute vote, with 1 minute to speak about it. It is Senator DORGAN's amendment.

Mr. DORGAN. Mr. President, this is amendment No. 211. This amendment adds back $1 billion to the Indian accounts. We all know we have a bona fide crisis in health care, housing, and education on Indian reservations in this country. Many of those appropriations have been cut. This amendment restores some of that cut. It is $1 billion, which would be paid for by closing a tax loophole.

Mr. GREGG. Mr. President, this amendment would raise taxes by $3.25 billion. It is a tax-and-spend amendment. There is absolutely no assurance that any of these funds would go as represented on the amendment. That would be a decision made by the proper authorizing or appropriating committee.

Mr. DORGAN. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Ms. CANTWELL, and Mrs. MURRAY, proposes an amendment numbered 211.

The amendment is as follows:

(Purpose: To restore funding for tribal programs and provide necessary additional funding based on recommendations from Indian country and to reduce the deficit.)

On page 3 line 10, increase the amount by $500,000,000.

On page 3 line 11, increase the amount by $600,000,000.

On page 3 line 12, increase the amount by $700,000,000.

On page 3 line 13, increase the amount by $700,000,000.

On page 3 line 14, increase the amount by $700,000,000.

On page 3 line 19, increase the amount by $500,000,000.

On page 3 line 20, increase the amount by $600,000,000.

On page 3 line 21, increase the amount by $700,000,000.

On page 4 line 1, increase the amount by $700,000,000.

On page 4 line 2, increase the amount by $700,000,000.

On page 4 line 7, increase the amount by $1,000,000,000.

On page 4 line 16, increase the amount by $589,000,000.

On page 4 line 17, increase the amount by $195,000,000.

On page 4 line 18, increase the amount by $87,000,000.

On page 4 line 19, increase the amount by $66,000,000.

On page 4 line 20, increase the amount by $38,000,000.

On page 4 line 24, decrease the amount by $89,000,000.

On page 4 line 25, increase the amount by $405,000,000.

On page 5 line 1, increase the amount by $613,000,000.

On page 5 line 2, increase the amount by $634,000,000.

On page 5 line 3, increase the amount by $662,000,000.

On page 5 line 7, increase the amount by $89,000,000.

On page 5 line 8, decrease the amount by $316,000,000.

On page 5 line 9, decrease the amount by $929,000,000.

On page 5 line 10, decrease the amount by $1,563,000,000.

On page 5 line 11, decrease the amount by $2,225,000,000.

On page 5 line 15, increase the amount by $89,000,000.

On page 5 line 16, decrease the amount by $316,000,000.

On page 5 line 17, decrease the amount by $929,000,000.

On page 5 line 18, decrease the amount by $1,563,000,000.

On page 5 line 19, decrease the amount by $2,225,000,000.

On page 12 line 15, increase the amount by $135,000,000.

On page 12 line 16, increase the amount by $7,000,000.

On page 12 line 20, increase the amount by $20,000,000.

On page 12 line 24, increase the amount by $41,000,000.

On page 13 line 3, increase the amount by $41,000,000.

On page 13 line 7, increase the amount by $20,000,000.

On page 16 line 15, increase the amount by $330,000,000.

On page 16 line 16, increase the amount by $222,000,000.

On page 16 line 20, increase the amount by $80,000,000.

On page 16 line 24, increase the amount by $14,000,000.

On page 17 line 3, increase the amount by $4,000,000.

On page 17 line 7, increase the amount by $1,000,000.

On page 17 line 16, increase the amount by $80,000,000.

On page 17 line 17, increase the amount by $37,000,000.

On page 17 line 21, increase the amount by $34,000,000.

On page 17 line 25, increase the amount by $6,000,000.

On page 18 line 4, increase the amount by $2,000,000.

On page 18 line 16, increase the amount by $300,000,000.

On page 18 line 17, increase the amount by $270,000,000.

On page 18 line 21, increase the amount by $27,000,000.

On page 18 line 25, increase the amount by $3,000,000.

On page 20 line 16, increase the amount by $130,000,000.

On page 20 line 17, increase the amount by $47,000,000.

On page 20 line 21, increase the amount by $26,000,000.

On page 20 line 25, increase the amount by $18,000,000

On page 21 line 4, increase the amount by $15,000,000.

On page 21 line 8, increase the amount by $14,000,000.

On page 23 line 16, increase the amount by $25,000,000.

On page 23 line 17, increase the amount by $6,000,000.

On page 23 line 21, increase the amount by $8,000,000.

On page 23 line 25, increase the amount by $5,000,000.

On page 24 line 4, increase the amount by $4,000,000.

On page 24 line 8, increase the amount by $3,000,000.

On page 30 line 16, decrease the amount by $500,000,000.

On page 30 line 17, decrease the amount by $3,200,000,000.

On page 48 line 6, increase the amount by $1,000,000,000.

On page 48 line 7, increase the amount by $589,000,000.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—45

Akaka	Durbin	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Clinton	Kohl	Rockefeller
Conrad	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden

NAYS—55

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

The amendment (No. 211) was rejected.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the next amendment will be from the Senator from Wisconsin for 30 seconds.

AMENDMENT NO. 258

Mr. FEINGOLD. I call up amendment No. 258.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. BINGAMAN, proposes an amendment numbered 258.

The amendment is as follows:

(Purpose: To ensure that savings associated with legislation that reduces overpayments to Medicare Advantage plans is reserved for deficit reduction and to strengthen the Federal Hospital Insurance Trust Fund)

On page 40, after line 8, insert the following:

SEC. ____. RESERVE FUND FOR DEFICIT REDUCTION AND TO STRENGTHEN THE PART A TRUST FUND.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings under the medicare program under title XVIII of the Social Security Act by reducing overpayments to Medicare Advantage plans (such as legislation that requires the full amount of savings from the implementation of risk adjusted payments to Medicare Advantage plans to accrue to the medicare program, that eliminates the plan stabilization fund under section 1858(e) of such Act, and that adjusts the MA area-specific nondrug monthly benchmark amount under part C of such title to exclude payments for the indirect costs of medical education under section 1886(d)(5)(B) of such Act), by the amount of savings in that legislation, to ensure that those savings are reserved for deficit reduction and to strengthen the Federal Hospital Insurance Trust Fund.

Mr. FEINGOLD. Mr. President, in deference to the request of our two floor leaders, I will not ask for a rollcall vote, but I do hope my colleagues will voice their support for this amendment.

This is real deficit reduction. The other side keeps asking us to cut spending. This amendment does just that. This amendment cuts over $20 billion from the Medicare Program and unnecessary overpayments to private Medicare plans.

We have a simple choice: subsidize private health insurance companies or reduce the deficit. The private Medicare plans are successful in bringing costs down and if the senior supposedly wants to choose private plans, then why should American taxpayers pay private companies more money than traditional Medicare?

We heard a lot of talk from the other side about the need to cut spending. This amendment is a fiscally responsible effort to bring down the deficit. I urge my colleagues' support.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is amazing to me that this is the second time tonight that we have had people who are standing around wanting to change the Medicare Modernization Act, and it does not even go into effect until the 2006. We do not even know that all this money my colleague wants to save will ever be spent in the first place, and if it is spent, it is to bring the plans to rural Wisconsin so that his folks in rural Wisconsin can have the same benefits as people in Florida or Los Angeles. It was a major compromise of this bill. We ought to preserve that compromise because it is for rural America.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I suggest a voice vote on this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin already suggested

a voice vote. The question is on agreeing to amendment No. 258.

The amendment (No. 258) was rejected.

Mr. GREGG. Mr. President, the next amendment is an amendment from the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 203

Mr. LEAHY. Mr. President, I am offering a sense-of-the-Senate amendment intended to head off the administration's plans to raid the Crime Victims Fund of more than $1.2 billion. I am joined by Senators KENNEDY, MIKULSKI, FEINGOLD, BIDEN, DURBIN, OBAMA, and DODD on this amendment.

We created this fund under the Victims Crime Act of 1984 to be used for the victims of crime. We made a solemn promise these funds would be there. The budget resolution rescinds all amounts remaining in the fund. It is wrong. We should not be saying your suffering—even though we promised with great fanfare, the President and everybody else promised that your suffering is going to be our concern. We should not say it is no longer that way.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I suspect under the rules adopted earlier this evening, with the way things are going to be accounted for in the Appropriations Committee, the point of this amendment will be moot.

I suggest a voice vote.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. FEINGOLD, Mr. DURBIN, Mr. BIDEN, and Mr. OBAMA, proposes an amendment numbered 203.

The amendment is as follows:

(Purpose: To express the sense of the Senate in support of full funding and availability of the Crime Victims Fund)

At the end of title V, insert the following:

SEC. ___. SENSE OF THE SENATE ON THE CRIME VICTIMS FUND.

(a) FINDINGS.—The Senate finds the following:—

(1) The Victims of Crime Act of 1984 (''VOCA'') was enacted to provide Federal financial support for services to victims of all types of crime, primarily through grants to state crime victim compensation and victim assistance programs.

(2) VOCA created the Crime Victims Fund (''the Fund'') as a separate account into which are deposited monies collected from persons convicted of Federal criminal offenses, including criminal fines, forfeitures and special assessments. There are no general taxpayer generated revenues deposited into the Fund.

(3) Each fiscal year, the Fund is used to support—

(A) Children's Justice Act grants to States to improve the investigation and prosecution of child abuse cases;

(B) victim witness coordinators in United States Attorney's Offices;

(C) victim assistance specialists in Federal Bureau of Investigation field offices;

(D) discretionary grants by the Office for Victims of Crime to provide training and technical assistance and services to victims of Federal crimes;

(E) formula grants to States to supplement State crime victim compensation programs, which reimburse more than 150,000 violent crime victims annually for out-of-pocket expenses, including medical expenses, mental health counseling, lost wages, loss of support and funeral costs;

(F) formula grants to States for financial assistance to upwards of 4,400 programs providing direct victim assistance services to nearly 4,000,000 victims of all types of crimes annually, with priority for programs serving victims of domestic violence, sexual assault and child abuse, and previously underserved victims of violent crime; and

(G) the Antiterrorism Emergency Reserve, to assist victims of domestic and international terrorism.

(4) Just 4 months ago, a strong bipartisan, bicameral majority in Congress affirmed its support for the Crime Victims Fund and increased its commitment to crime victims in the Justice for All Act of 2004 (Public Law 108–405), which establishes Federal crime victims rights and authorized 2 new VOCA-funded victim programs.

(5) Before fiscal year 2000, all amounts deposited into the Crime Victims Fund in each fiscal year were made available for authorized programs in the subsequent fiscal year.

(6) Beginning in fiscal year 2000, Congress responded to large fluctuations of deposits into the Fund by delaying obligations from the Fund above certain amount, as follows:

(A) For fiscal year 2000, $500,000,000.

(B) For fiscal year 2001, $537,500,000.

(C) For fiscal year 2002, $550,000,000.

(D) For fiscal year 2003, $600,000,000.

(E) For fiscal year 2004, $625,000,000.

(F) For fiscal year 2005, $625,000,000.

(7) In the conference report on an omnibus spending bill for fiscal year 2000 (Public Law 106–113), Congress explained that the reason for delaying annual Fund obligations was ''to protect against wide fluctuations in receipts into the Fund, and to ensure that a stable level of funding will remain available for these programs in future years''.

(8) VOCA mandates that ''. . . all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation''.

(9) For fiscal year 2006, the President is recommending ''rescission'' of $1,267,000,000 from amounts in the Fund.

(10) The rescission proposed by the President would result in no funds being available to support crime victim services at the start of fiscal year 2007. Further, such rescission would make the Fund vulnerable to fluctuations in receipts into the Fund, and would not ensure that a stable level of funding will remain available for vital programs in future years.

(11) Retention of all amounts deposited into the Fund for the immediate and future use of crime victim services as authorized by VOCA is supported by many major national victim service organizations, including—

(A) Justice Solutions, NPO;

(B) National Organization for Victim Assistance;

(C) National Alliance to End Sexual Violence;

(D) National Children's Alliance;

(E) National Association of VOCA Assistance Administrators;

(F) National Association of Crime Victim Compensation Boards;

(G) Mothers Against Drunk Driving;

(H) National Center for Victims of Crime;

(I) National Organization for Parents of Murdered Children;

(J) National Coalition Against Domestic Violence;

(K) Pennsylvania Coalition Against Rape; and

(L) National Network to End Domestic Violence.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the funding levels in this resolution assume that all amounts that have been and will be deposited into the Crime Victims Fund, including amounts deposited in fiscal year 2006 and thereafter, shall remain in the Fund for use as authorized under the Victims of Crime Act of 1984.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 203.

The amendment (No. 203) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, the next amendment will be offered by the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 169

Mr. SANTORUM. Mr. President, this is one of the most important things we can do to meet the pandemic afflicting Africa right now. The President came up with a great number for bilateral aid. We are still a little short on the global fund. This is to add half a billion dollars to the global fund to make sure we can meet our commitment to provide drugs and services to this pandemic.

I yield the remainder of my time to the Senator from Illinois.

Mr. DURBIN. Mr. President, I am happy to join the Senator from Pennsylvania in a bipartisan effort to attack the deadliest epidemic in modern times. I encourage my colleagues to support this amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself, Mr. DURBIN, Mr. BINGAMAN, Mrs. CLINTON, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, and Ms. STABENOW proposes an amendment numbered 169.

The amendment is as follows:

(Purpose: Reaffirming that the United States maintain a one-to-two ratio for contributions to the Global Fund, that the United States not exceed contributing more than 33 percent of the Global Fund's revenue, and that the United States contribute an additional $500,000,000 to the Global Fund for Fiscal Year 2006, for a total of not less than $3,700,000,000 for all international HIV/AIDS, tuberculosis, and malaria programs)

On page 9, line 15, increase the amount by $500,000,000.

On page 9, line 16, increase the amount by $500,000,000.

On page 26, line 14, decrease the amount by $500,000,000.

On page 26, line 15, decrease the amount by $500,000,000.

At the appropriate place, insert the following:

SEC. ___. UNITED STATES RESPONSE TO GLOBAL HIV/AIDS, TUBERCULOSIS, AND MALARIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The HIV/AIDS pandemic has reached staggering proportions. At the end of 2004, an estimated 40,000,000 people were infected with HIV or living with AIDS. HIV/AIDS is estimated to kill 3,000,000 men, women and children each year. Each year, there are estimated to be 5,000,000 new HIV infections.

(2) The United States was the first, and remains the largest, contributor to the Global Fund.

(3) The Presidential Administration of George W. Bush (referred to in this section as the ''Administration'') has supported language in the Global HIV/AIDS authorization bill that links United States contributions to the Global Fund to the contributions of other donors, permitting the United States to provide 33 percent of all donations, which would match contributions on a one-to-two basis.

(4) Congress has provided one-third of all donations to the Global Fund every year of the Fund's existence.

(5) For fiscal year 2006, the Global Fund estimates it will renew $2,400,000,000 worth of effective programs that are already operating on the ground, and the Administration and Fund Board have said that renewals of existing grants should receive priority funding.

(6) The Global Fund is an important component of United States efforts to combat AIDS, tuberculosis and malaria, and supports approximately 300 projects in 130 countries.

(7) For fiscal year 2006, the President has requested $300,000,000 for the United States contribution to the Global Fund.

(8) Through a mid-year review process, Congress and the Administration will assess contributions to date and anticipated contributions to the Global Fund, and ensure that United States contributions, at year-end, are at the appropriate one-to-two ratio.

(9) Congress and the Administration will monitor contributions to the Global Fund to ensure that United States contributions do not exceed one-third of the Global Fund's revenues.

(10) In order to cover one-third of renewals during fiscal year 2006, and to maintain the one-to-two funding match, the United States will need to contribute an additional $500,000,000 above the President's request for the Global Fund for fiscal year 2006 to keep good programs funded at a level of $800,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this budget resolution assume that none of the offsets needed to provide $800,000,000 for the Global Fund will come from international humanitarian assistance programs.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 169.

The amendment (No. 169) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. SANTORUM. 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 North Dakota.

Mr. CONRAD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. CONRAD. What is the next amendment in the queue?

The PRESIDING OFFICER. The only amendment that has been proposed but not disposed of is the Allen amendment.

Mr. GREGG. Is this the Allen amendment relative to NASA?

The PRESIDING OFFICER. The Senator from New Hampshire is correct.

Mr. GREGG. That amendment was agreed to by unanimous consent, as modified, in a tranche of amendments we did earlier this evening. We will get this clarified, Mr. President.

Mr. CONRAD. Mr. President, I ask that we recognize Senator LINCOLN for the purpose of offering an amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 192

Mrs. LINCOLN. Mr. President, I would imagine that everyone in this body has heard equally as much from their local sheriffs as I have about the problem of methamphetamines across this country, particularly in rural America.

What this amendment does is it takes and restores the funding from the COPS initiative to methamphetamine enforcement and cleanup. We have seen tremendous increases across this great Nation in this destructive drug and what it is doing to rural America.

I compliment some of my colleagues on the other side—Senator COLEMAN and Senator TALENT—who have done a lot of work on this issue. We have good cosponsors on this side.

We pay for this initiative by some of the tax loopholes that did not seem to get closed in the FSC/ETI package. We are glad to work with our colleagues in any way possible to get this funding out to our States, out to our local law enforcement officers. They are having a devastating time trying to address this issue, and I hope my colleagues will take a look at the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I yield myself a minute off the managers' time. I was under the impression that the Senator's amendment took the funds from 920. Are you saying the Senator's amendment pays for this with an increase in taxes?

Mrs. LINCOLN. We will be more than willing to work with the other side on how we pay for it. It does need to be paid for.

Mr. GREGG. Mr. President, I reserve my time.

Mrs. LINCOLN. We can modify the amendment if the Senator would like.

Mr. GREGG. Why don't we reserve action on the Senator's amendment until we have a couple seconds to talk about it?

Mr. President, I would like to clarify that the Allen amendment has been adopted.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to modify my amendment that I have just offered and that the funds necessary to implement this amendment be taken from the 920——

The PRESIDING OFFICER. Does the Senator from Arkansas call up her amendment?

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 192.

Mr. CONRAD. 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 restore funding to the COPS Methamphetamine Enforcement and Clean Up Program to 2005 levels and to close corporate tax loopholes)

On page 3, line 10, increase the amount by $4,000,000.

On page 3, line 11, increase the amount by $13,000,000.

On page 3, line 12, increase the amount by $21,000,000.

On page 3, line 13, increase the amount by $27,000,000.

On page 3, line 14, increase the amount by $32,000,000.

On page 3, line 19, increase the amount by $4,000,000.

On page 3, line 20, increase the amount by $13,000,000.

On page 3, line 21, increase the amount by $21,000,000.

On page 4, line 1, increase the amount by $27,000,000.

On page 4, line 2, increase the amount by $32,000,000.

On page 4, line 7, increase the amount by $32,000,000.

On page 4, line 8, increase the amount by $32,000,000.

On page 4, line 9, increase the amount by $32,000,000.

On page 4, line 10, increase the amount by $32,000,000.

On page 4, line 11, increase the amount by $32,000,000.

On page 4, line 16, increase the amount by $4,000,000.

On page 4, line 17, increase the amount by $13,000,000.

On page 4, line 18, increase the amount by $21,000,000.

On page 4, line 19, increase the amount by $27,000,000.

On page 4, line 20, increase the amount by $32,000,000.

On page 23, line 16, increase the amount by $32,000,000.

On page 23, line 17, increase the amount by $4,000,000.

On page 23, line 20, increase the amount by $32,000,000.

On page 23, line 21, increase the amount by $13,000,000.

On page 23, line 24, increase the amount by $32,000,000.

On page 23, line 25, increase the amount by $21,000,000.

On page 24, line 3, increase the amount by $32,000,000.

On page 24, line 4, increase the amount by $27,000,000.

On page 24, line 7, increase the amount by $32,000,000.

On page 24, line 8, increase the amount by $32,000,000.

On page 30, line 16, decrease the amount by $4,000,000.

On page 30, line 17, decrease the amount by $97,000,000.

On page 48, line 6, increase the amount by $32,000,000.

On page 48, line 7, increase the amount by $4,000,000.

On page 48, line 9, increase the amount by $32,000,000.

On page 48, line 12, increase the amount by $32,000,000.

At the appropriate place, insert the following:

SEC. ___. OFFSET FOR INCREASES IN FUNDING FOR THE COPS METHAMPHETAMINE ENFORCEMENT AND CLEAN UP PROGRAM.

It is the sense of the Senate that this resolution assumes that any increases in funding for the COPS Methamphetamine Enforcement Clean Up Program should be offset by increased revenues to be derived from closing corporate tax loopholes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I ask the Senator from Arkansas, is the Senator from Minnesota, Mr. COLEMAN, listed as a cosponsor?

Mrs. LINCOLN. Senator COLEMAN did ask to be listed as a cosponsor. I ask unanimous consent that both Senator TALENT and Senator COLEMAN be added as cosponsors to my amendment.

Mr. TALENT. Yes, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I now ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 192), as modified, is as follows:

(Purpose: To restore funding to the COPS Methamphetamine Enforcement and Clean Up Program to 2005 levels and to close corporate tax loopholes)

On page 23, line 16, increase the amount by $32,000,000.

On page 23, line 17, increase the amount by $4,000,000.

On page 23, line 20, increase the amount by $32,000,000.

On page 23, line 21, increase the amount by $13,000,000.

On page 23, line 24, increase the amount by $32,000,000.

On page 23, line 25, increase the amount by $21,000,000.

On page 24, line 3, increase the amount by $32,000,000.

On page 24, line 4, increase the amount by $27,000,000.

On page 24, line 7, increase the amount by $32,000,000.

On page 24, line 8, increase the amount by $32,000,000.

On page 26, line 14, decrease the amount by $32,000,000.

On page 26, line 15, decrease the amount by $4,000,000.

On page 26, line 17, decrease the amount by $32,000,000.

On page 26, line 18, decrease the amount by $13,000,000.

On page 26, line 20, decrease the amount by $32,000,000.

On page 26, line 21, decrease the amount by $21,000,000.

On page 26, line 23, decrease the amount by $32,000,000.

On page 26, line 24, decrease the amount by $27,000,000.

On page 27, line 1, decrease the amount by $32,000,000.

On page 27, line 2, decrease the amount by $32,000,000.

At the appropriate place, insert the following:

SEC. ___. OFFSET FOR INCREASES IN FUNDING FOR THE COPS METHAMPHETAMINE ENFORCEMENT AND CLEAN UP PROGRAM.

It is the sense of the Senate that this resolution assumes that any increases in funding for the COPS Methamphetamine Enforcement Clean Up Program should be offset by increased revenues to be derived from closing corporate tax loopholes.

Mr. GREGG. I suggest we have a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 192, as modified.

The amendment (No. 192), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 197 WITHDRAWN

Mr. ALLEN. Mr. President, in the two matters that were listed, so we have this all straight, my amendment No. 197, which has not been acted on—we passed my amendment 198, which was a sense of the Senate insofar as aeronautics funding which has been adopted—I ask unanimous consent that amendment No. 197 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 253

Mr. CONRAD. Mr. President, I ask that we consider the Baucus amendment that is pending. Senator BAUCUS can give us 30 seconds on his amendment and then perhaps we could get it accepted.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. GRASSLEY, Mr. LEAHY, Mr. BINGAMAN, Mrs. MURRAY, and Mr. TALENT, proposes an amendment numbered 253.

Mr. BAUCUS. 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 support full funding for HIDTAs)

On page 65, after line 25, insert the following:

SEC. ___. SENSE OF THE SENATE SUPPORTING FUNDING FOR HIDTAS.

(a) FINDINGS.—The Senate finds the following:

(1) The High Intensity Drug Trafficking Area (HIDTA) program encompasses 28 strategic regions, 355 task forces, 53 intelligence centers, 4,428 Federal personnel, and 8,459 State and local personnel.

(2) The purposes of the HIDTA program are to reduce drug trafficking and drug production in designated areas in the United States by—

(A) facilitating cooperation among Federal, State, and local law enforcement agencies to share information and implement coordinated enforcement activities;

(B) enhancing intelligence sharing among Federal, State, and local law enforcement agencies;

(C) providing reliable intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and

(D) supporting coordinated law enforcement strategies which maximize use of available resources to reduce the supply of drugs in HIDTA designated areas.

(3) In 2004, HIDTA efforts resulted in disrupting or dismantling over 509 international, 711 multi-State, and 1,110 local drug trafficking organizations.

(4) In 2004, HIDTA instructors trained 21,893 students in cutting-edge practices to limit drug trafficking and manufacturing within their areas.

(5) The HIDTAs are the only drug enforcement coalitions that include equal partnership between Federal, State, and local law enforcement leaders executing a regional approach to achieving regional goals while pursuing a national mission.

(6) The proposed budget of $100,000,000 for the HIDTA program is inadequate to effectively maintain all of the operations currently being supported.

(7) The proposed budget of $100,000,000 for the HIDTA program would undermine the viability of this program and the efforts of law enforcement around the country to combat illegal drugs, particularly methamphetamine.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the spending level of budget function 750 (Administration of Justice) is assumed to include $227,000,000 for the High Intensity Drug Trafficking Areas; and

(2) unless new legislation is enacted, it is assumed that the HIDTA program will remain with the Office of National Drug Control Policy, where Congress last authorized it to reside.

Mr. BAUCUS. Mr. President, this is very simple. It is to restore a cut in the HIDTA funding. HIDTA is called the High Intensity Drug Trafficking Administration. This is the major law enforcement mechanism. It covers lots of different law enforcement agencies, in the west, particularly rural areas, to fight methamphetamine. We need the resources to fight methamphetamine. Methamphetamine is probably the largest scourge in many rural parts of America. This is designed to enable us to have the resources to fight methamphetamine in our country.

The PRESIDING OFFICER. All time has expired.

Mr. GREGG. Mr. President, I suggest a voice vote on this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, on our side, we want to signal strong support for this amendment, and we can voice vote the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 253.

The amendment (No. 253) was agreed to.

Mr. TALENT. 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. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

AMENDMENT NO. 202

Mr. CONRAD. Mr. President, I ask that we recognize Senator DAYTON for the purpose of offering an amendment and that Senator DAYTON have 1 minute to describe his amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. DAYTON. Mr. President, I call up amendment No. 202 and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator will suspend.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I recognize that there is a lot going on right now and I apologize for a touch of confusion, but if Senator DAYTON has been yielded 1 minute as a result of a unanimous consent, we ask unanimous consent for 1 minute on our side in opposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself, Mr. AKAKA, Mr. LEVIN, Mr. LIEBERMAN, and Ms. MIKULSKI, proposes an amendment numbered 202.

Mr. DAYTON. 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 provide full funding for the Individuals with Disabilities Education Act, IDEA, part B grants over five years. This amendment is fully offset by restoring the uppermost marginal income tax rate for millionaires only, and by closing corporate tax loopholes. The amendment will also provide for $2.5 billion in deficit reduction over the five-year period)

On page 3, line 10, increase the amount by $12,100,000,000.

On page 3, line 11, increase the amount by $13,000,000,000.

On page 3, line 12, increase the amount by $13,600,000,000.

On page 3, line 13, increase the amount by $17,100,000,000.

On page 3, line 14, increase the amount by $17,966,000,000.

On page 3, line 19, increase the amount by $12,100,000,000.

On page 3, line 20, increase the amount by $13,000,000,000.

On page 3, line 21, increase the amount by $13,600,000,000.

On page 4, line 1, increase the amount by $17,100,000,000.

On page 4, line 2, increase the amount by $17,966,000,000.

On page 4, line 7, increase the amount by $12,977,000,000.

On page 4, line 8, increase the amount by $13,556,000,000.

On page 4, line 9, increase the amount by $14,236,000,000.

On page 4, line 10, increase the amount by $14,922,000,000.

On page 4, line 11, increase the amount by $15,600,000,000.

On page 4, line 16, increase the amount by $260,000,000.

On page 4, line 17, increase the amount by $8,836,000,000.

On page 4, line 18, increase the amount by $13,125,000,000.

On page 4, line 19, increase the amount by $14,021,000,000.

On page 4, line 20, increase the amount by $14,703,000,000.

On page 4, line 24, increase the amount by $11,840,000,000.

On page 4, line 25, increase the amount by $4,164,000,000.

On page 5, line 1, increase the amount by $475,000,000.

On page 5, line 2, increase the amount by $3,079,000,000.

On page 5, line 3, increase the amount by $3,263,000,000.

On page 5, line 7, decrease the amount by $11,840,000,000.

On page 5, line 8, decrease the amount by $16,004,000,000.

On page 5, line 9, decrease the amount by $16,479,000,000.

On page 5, line 10, decrease the amount by $19,558,000,000.

On page 5, line 11, decrease the amount by $22,821,000,000.

On page 5, line 15, decrease the amount by $11,840,000,000.

On page 5, line 16, decrease the amount by $16,004,000,000.

On page 5, line 17, decrease the amount by $16,479,000,000.

On page 5, line 18, decrease the amount by $19,558,000,000.

On page 5, line 19, decrease the amount by $22,821,000,000.

On page 17, line 16, increase the amount by $12,977,000,000.

On page 17, line 17, increase the amount by $260,000,000.

On page 17, line 20, increase the amount by $13,556;000,000.

On page 17, line 21, increase the amount by $8,836,000,000.

On page 17, line 24, increase the amount by $14,236,000,000.

On page 17, line 25, increase the amount by $13,125,000,000.

On page 18, line 3, increase the amount by $14,922,000,000.

On page 18, line 4, increase the amount by $14,021,000,000.

On page 18, line 7, increase the amount by $15,600,000,000.

On page 18, line 8, increase the amount by $14,703,000,000

On page 30, line 16, decrease the amount by $12,100,000,000.

On page 30, line 17, decrease the amount by $73,766,000,000.

At the end of Section 309, insert the following:

SEC. 310. RESERVE FUND FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

The Chairman of the Committee on the Budget of the Senate shall, in consultation with the Members of the Committee on the Budget and the Chairman and Ranking Member of the appropriate committee, increase the allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 to the Committee on Health, Education, Labor, and Pensions of the Senate by up to $12,977,000,000 in new budget authority and $260,000,000 in outlays for fiscal year 2006, and $71,292,000,000 in new budget authority and $50,944,000,000 in outlays for the total of fiscal years 2006 through 2010, for a bill, amendment, or conference report that would provide increased funding for part B grants, other than section 619, under the Individuals with Disabilities Education Act (IDEA), with the goal that funding for these grants, when taken together with amounts provided by the Committee on Appropriations, provides 40 percent of the national average per pupil expenditure for children with disabilities.

Mr. DAYTON. Mr. President, I thank my cosponsors, Senators DURBIN, MIKULSKI, LIEBERMAN, STABENOW, and AKAKA. My amendment would increase the Federal share of funding for special education to the level of 40 percent of the cost that was promised when IDEA was established almost 30 years ago. Despite the increases that President Bush has proposed and that this Congress has enacted in the last 4 years, that Federal share is still less than half of what was promised back then. My colleagues have before them as a part of the letter that I submitted what the difference is for their respective States. For Minnesota, it is about $250 million. That money would be badly needed and best used by our local school districts.

As a result of the shortfall in Minnesota, and I suspect other States, funds that are supposed to go to regular education get shifted over to cover the shortfall for special education, meaning the quality of education for all of our students goes down.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DAYTON. I ask my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment would add $74 billion in spending and would increase taxes by $74 billion. It comes in the context of the fact that it would actually exceed the authorized level of IDEA as just reauthorized. In addition, it ignores the fact that this President has made a stronger commitment to IDEA than any President in history, especially in comparison to the prior President. This President has increased IDEA funding

by 74 percent in his first 4 years in office, and he has made a commitment in this budget to add another $500 million in IDEA. It is obviously a classic tax-and-spend amendment, and I certainly hope my colleagues would defeat it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GREGG. I would suggest that this be a 10-minute vote since we had a break in the voting.

The PRESIDING OFFICER. There appears to be a sufficient second.

The question is on agreeing to amendment No. 202.

This will be a 10-minute vote.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 37, nays 63, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—37

Akaka	Feinstein	Mikulski
Baucus	Harkin	Murray
Bayh	Inouye	Obama
Biden	Jeffords	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Chafee	Landrieu	Sarbanes
Clinton	Lautenberg	Schumer
Corzine	Leahy	Stabenow
Dayton	Levin	Wyden
Durbin	Lieberman	
Feingold	Lincoln	

NAYS—63

Alexander	DeWine	McCain
Allard	Dodd	McConnell
Allen	Dole	Murkowski
Bennett	Domenici	Nelson (FL)
Bingaman	Dorgan	Nelson (NE)
Bond	Ensign	Roberts
Brownback	Enzi	Salazar
Bunning	Frist	Santorum
Burns	Graham	Sessions
Burr	Grassley	Shelby
Carper	Gregg	Smith
Chambliss	Hagel	Snowe
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Isakson	Talent
Conrad	Kohl	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner

The amendment (No. 202) was rejected.

Mr. CONRAD. Mr. President, can I just say for the information of my colleagues—could I have order?

The PRESIDING OFFICER. The Senator will suspend. The Senate will come to order.

Mr. CONRAD. Can I say for the information of my colleagues, we are getting close now. We are under 10 amendments to go. We are trying to work things out. We have a number of other amendments. I see the chairman is back now. I think there are three more amendments that we could take on a unanimous consent basis, is that not correct?

Mr. GREGG. We can in probably just a few minutes, yes.

Mr. CONRAD. So, for the information of our colleagues, if they will continue to work with us we can reach conclusion at a reasonable time. We have made enormous progress in the last hour, I say to my colleagues. Again, we are at about 10 amendments left. We have a number that we can work out.

With 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. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 155, 216, AS MODIFIED, 157, AS MODIFIED, 163, 167, AND 154, AS MODIFIED, EN BLOC

Mr. GREGG. Mr. President, I list the following amendments which have been agreed to. We will ask they be accepted en bloc by unanimous consent: the Gregg-Clinton-Kennedy flu reserve amendment, No. 155; the Snowe-Kerry SBA, as modified, No. 216; the Bayh sense of the Senate on a GAO study of debt, No. 157; the Santorum amendment No. 163, a sense of the Senate on charitable activity; the Chafee clean water, Baucus-Grassley SSA—Social Security Administration—No. 167; the Clinton comparative effectiveness sense of the Senate, No. 154.

I ask unanimous consent those amendments be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 155

(Purpose: To establish a deficit neutral reserve fund for influenza vaccine shortage prevention)

At the appropriate place, insert the following:

SEC. ____. DEFICIT NEUTRAL RESERVE FUND FOR INFLUENZA VACCINE SHORTAGE PREVENTION.

If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the participation of manufacturers in the production of influenza vaccine, increases research and innovation in new technologies for the development of influenza vaccine, and enhances the ability of the United States to track and respond to domestic influenza outbreaks as well as pandemic containment efforts, the chairman of the Committee on the Budget shall revise committee allocations for the Committee on Health, Education, Labor, and Pensions and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, regardless of whether the committee is within its 302(a) allocations, and such legislation shall be exempt from sections 302, 303, 311, and 425 of the Congressional Budget Act, and from section 505 of the concurrent resolution on the budget for fiscal year 2004 (H. Con. Res. 95), if that measure would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

AMENDMENT NO. 216, AS MODIFIED

(Purpose: To increase funding for the SBA's programs such as Microloans, Small Business Development Centers, Women's Business Centers, the HUBZone program and other small business programs and to offset the cost through a reduction in funds under function 150 for foreign microloans and other programs)

On page 9, line 15, decrease the amount by $78,000,000.

On page 9, line 16, decrease the amount by $60,000,000.

On page 9, line 20, decrease the amount by $13,000,000.

On page 9, line 24, decrease the amount by $28,000,000.

On page 10, line 3, decrease the amount by $1,000,000.

On page 14, line 15, increase the amount by $78,000,000.

On page 14, line 16, increase the amount by $60,000,000.

On page 14, line 20, increase the amount by $13,000,000.

On page 14, line 24, increase the amount by $28,000,000.

On page 15, line 3, increase the amount by $1,000,000.

AMENDMENT NO. 157, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the amount of United States debt that is foreign-owned)

On page 65, after line 25, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING FOREIGN-OWNED DEBT.

It is the sense of the Senate that the Secretary of the Treasury and the Comptroller General should each conduct a study to examine the economic impact of United States publicly-held debt that is held by foreign governments, institutions, and individuals. The study should provide an analysis of the following:

(1) The amount of foreign-owned debt dating back to 1980, broken down by foreign governments, foreign institutions, and foreign private investors, and expressed in nominal terms and as a percentage of the total amount of publicly-held debt in each year.

(2) The economic impact that the increased foreign ownership of United States publicly-held debt has had on the ability of the United States to maintain a stable dollar policy.

(3) The impact that foreign ownership of United States publicly-held debt has had, or could have, on United States trade policy.

AMENDMENT NO. 163

(Purpose: To express the sense of the Senate regarding tax relief to encourage charitable giving incentives)

At the end of title V, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING TAX RELIEF TO ENCOURAGE CHARITABLE GIVING.

(a) FINDINGS.—The Senate finds that—

(1) the CARE Act, which represents a part of the President's faith-based initiative, will spur charitable giving and assist faith-based and community organizations that serve the needy;

(2) more than 1,600 small and large organizations from around the Nation have endorsed the CARE Act, and in the 108th Congress the CARE Act had bipartisan support and was sponsored by 23 Senators;

(3) although the CARE Act passed the Senate on April 9, 2003, by a vote of 95 to 5, and the House of Representatives passed companion legislation on September 17, 2003, by

a vote of 408 to 13, a conference committee on the CARE Act was never formed and a final version was not passed in the 108th Congress; and

(4) charities around the Nation continue to struggle, and the passage of the incentives for charitable giving contained in the CARE Act would provide significant dollars in private and public sector assistance to those in need.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that a relevant portion of amounts in this budget resolution providing for tax relief should be used—

(1) to provide the 86,000,000 Americans who do not itemize deductions an opportunity to deduct charitable contributions;

(2) to provide incentives for individuals to give tax free contributions from individual retirement accounts for charitable purposes;

(3) to provide incentives for an estimated $2,000,000,000 in food donations from farmers, restaurants, and corporations to help the needy, an equivalent of 878,000,000 meals for hungry Americans over 10 years;

(4) to provide at least 300,000 low-income, working Americans the opportunity to build assets through individual development accounts or IDAs, which can be used to purchase a home, expand educational opportunity, or to start a small business; and

(5) to provide incentives for corporate charitable contributions.

AMENDMENT NO. 167

(Purpose: To express the sense of the Senate that the full amount of the President's request for the administrative costs of the Social Security Administration for fiscal year 2006 should be funded)

At the appropriate place insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING FUNDING OF ADMINISTRATIVE COSTS OF SOCIAL SECURITY ADMINISTRATION.

It is the sense of the Senate that Congress should approve the full amount of the President's request for the administrative costs of the Social Security Administration for fiscal year 2006, including funds for the implementation of the low-income prescription drug subsidy under part D of title XVIII of the Social Security Act (as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003).

AMENDMENT NO. 154, AS MODIFIED

(Purpose: To express the sense of the Senate concerning comparative effectiveness studies)

At the appropriate place in title III, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING COMPARATIVE EFFECTIVENESS STUDIES.

It is the Sense of the Senate that—

(1) the overall discretionary levels set in this resolution assume $75,000,000 in new budget authority in fiscal year 2006 and new outlays that flow from this budget authority in fiscal year 2006 and subsequent years, to fund research and ongoing systematic reviews, consistent with efforts currently undertaken by the Agency for Health Care Research and Quality designed to improve scientific evidence related to the comparative effectiveness and safety of prescription drugs and other treatments and to disseminate the findings from such research to health care practitioners, consumers, and health care purchasers; and

(2) knowledge gaps identified through such efforts be addressed in accordance with the authorizing legislation and with oversight from the committees of subject matter jurisdiction.

Mr. SARBANES. Mr. President, will the chairman, the manager of the bill, yield for a question?

Mr. GREGG. Yes.

Mr. SARBANES. I understand in the list you just read was a sense of the Senate by Senator CHAFEE on clean water, is that correct?

Mr. GREGG. That is correct.

Mr. SARBANES. I inform the managers that I have an amendment involving clean water, but I will not offer it.

Mr. GREGG. I thank the Senator. That is very helpful.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Journal clerk proceeded to call the roll.

Mr. GREGG. 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.

AMENDMENT NO. 217, AS MODIFIED

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment by Senator KOHL dealing with juvenile accountability block grants, No. 217, be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 217) as modified, was agreed to, as follows:

(Purpose: To restore $1 billion to juvenile justice and local law enforcement programs funded by the Department of Justice, including the Juvenile Accountability Block Grant Program, the Byrne Justice Assistance Grant Program, the COPS Program, and the High Intensity Drug Trafficking Area (HIDTA) Program)

On page 23 line 16, increase the amount by $500,000,000.

On page 23 line 17, increase the amount by $60,000,000.

On page 23 line 21, increase the amount by $140,000,000.

On page 23 line 25, increase the amount by $125,000,000.

On page 24 line 4, increase the amount by $100,000,000.

On page 24 line 8, increase the amount by $75,000,000.

On page 26 line 14, decrease the amount by $500,000,000.

On page 26 line 15, decrease the amount by $60,000,000.

On page 26 line 18, decrease the amount by $140,000,000.

On page 26 line 21, decrease the amount by $125,000,000.

On page 26 line 24, decrease the amount by $100,000,000.

On page 27 line 2, decrease the amount by $75,000,000.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Journal clerk proceeded to call the roll.

Mr. GREGG. 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.

AMENDMENTS NOS. 155, AS MODIFIED, AND 157, AS MODIFIED

Mr. GREGG. Mr. President, I ask that the previously agreed-to Bayh and Gregg amendments be modified with the modifications which are at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 154, AS MODIFIED

Mr. GREGG. I ask that it also apply to the Clinton amendment No. 154.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask that we now turn our attention to the Pryor LIHEAP amendment and that we recognize Senator PRYOR for 30 seconds to present that amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 213

Mr. PRYOR. Mr. President, I call up amendment No. 213.

The PRESIDING OFFICER. The clerk will report.

The assistant Journal clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 213.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the Low-Income Home Energy Assistance Program and reduce the national debt by closing corporate tax loopholes)

On page 3, line 10, increase the amount by $1,200,000,000.

On page 3, line 19, increase the amount by $1,200,000,000.

On page 4, line 7, increase the amount by $1,200,000,000.

On page 4, line 16, increase the amount by $1,200,000,000.

On page 20, line 16, increase the amount by $1,200,000,000.

On page 20, line 17, increase the amount by $1,200,000,000.

On page 30, line 16, decrease the amount by $1,200,000,000.

On page 30, line 17, decrease the amount by $1,200,000,000.

On page 48, line 6, increase the amount by $1,200,000,000.

On page 48, line 7, increase the amount by $1,200,000,000.

Mr. PRYOR. Mr. President, I offer an amendment to increase the funding for LIHEAP from $1.8 billion to $3 billion. This amendment is fully offset. LIHEAP has received level funding for more than 20 years, but energy prices have not remained level. They have not remained stable. In fact, they are at all-time highs. We all have stories such as this from our States. Recently, a mother of two from Arkansas turned on her electric oven in order to heat

the house, burned the house down, and killed her two daughters. We all have similar stories such as that from around the Nation.

This is an amendment that will help the people who need it most in all of our States.

Mr. GREGG. Mr. President, this amendment actually increases spending on the program by $1.2 billion. It is a bit excessive, and, therefore, I will oppose this amendment and ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 213) was rejected.

Mr. CONRAD. Mr. President, I want to say for the information of Senators that we are now very close. We have six or seven amendments left to do. We are working hard to try to clear some of them. Some of them no doubt will still require votes. We ask for our colleagues' patience. We have, I think, made enormous progress. You will remember when we started this, we were headed for being here until 3 o'clock in the morning. Very substantial progress has been made because of the cooperation of Members on both sides. If we can be patient a few more minutes, we can clear additional amendments and then be prepared to push to the end.

AMENDMENT NO. 254, AS MODIFIED

Mr. GREGG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant Journal clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. SALAZAR, proposes an amendment numbered 254, as modified.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore funding for the payment in lieu of taxes program (PILT), in order to compensate rural counties for deceased tax revenues as a result of non-taxed federally owned county lands. The increase is offset using Function 150)

On page 9, line 15, decrease the amount by $150,000,000.

On page 9, line 16, decrease the amount by $150,000,000.

On page 24, line 16, increase the amount by $150,000,000.

On page 24, line 17, increase the amount by $150,000,000.

Mr. GREGG. I ask unanimous consent the amendment be accepted.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment.

The amendment (No. 254), as modified, was agreed to.

Mr. CONRAD. This is another good example of a Senator cooperating, I might add. We got one amendment worked out, he dropped another amendment. This is a very good way to proceed.

I ask the Chair if we could turn our attention to Senator PRYOR.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 252, AS MODIFIED

Mr. PRYOR. I call amendment 252, as modified, to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself and Mr. BAUCUS, proposes an amendment numbered 252, as modified.

Mr. PRYOR. I ask unanimous consent the reading of the amendment be dispensed.

The amendment, as modified, is as follows:

(Purpose: To create a reserve fund for extension of the treatment of combat pay as earned income for purposes of the earned income tax credit and the child tax credit)

At the end of title III, insert:

SEC. _____. RESERVE FUND FOR EXTENSION OF TREATMENT OF COMBAT PAY FOR EARNED INCOME AND CHILD TAX CREDITS.

If the Committee on Finance reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that makes permanent the taxpayer election to treat combat pay otherwise excluded from gross income under section 112 of the Internal Revenue Code as earned income for purposes of the earned income credit and makes permanent the treatment of such combat pay as earned income for purposes of the child tax credit, provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Committee on the Budget may revise the allocations of budget authority and outlays, the revenue aggregates, and other appropriate measures, provided that such legislation would not increase the deficit for the period of fiscal year 2006 or the total of fiscal years 2006 though 2010.

Mr. GREGG. Mr. President, if the Senator from Arkansas wants to proceed.

Mr. PRYOR. Mr. President, amendment 252, as modified, creates a reserve fund for the extension of the treatment of combat pay as earned income for purposes of the earned-income tax credit and the child tax credit. This actually is something the Senate signed off on last year, but it was knocked out in conference. I certainly would appreciate positive consideration for this amendment.

Mr. GREGG. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment.

The amendment, (No. 252), as modified, was agreed to.

Mr. GREGG. As the Senator from North Dakota has mentioned, we are moving rather close to completion. There are a couple of amendments still pending on which votes may be required. Hopefully, we can proceed promptly to those and wrap this up also promptly.

AMENDMENT NO. 238, AS MODIFIED

Mr. GREGG. Mr. President, I suggest the Senator from Michigan has an amendment.

Mr. LEVIN. Mr. President, I send modified amendment numbered 288 to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. DEWINE, Ms. STABENOW, Mr. LIEBERMAN, and Mr. BINGAMAN, proposes an amendment numbered 238, as modified.

The amendment is as follows:

(Purpose: To promote innovation and U.S. competitiveness by expressing the sense of the Senate urging the Senate Appropriations Committee to make efforts to fund the Advanced Technology Program, which supports industry-led research and development of cutting-edge technologies with broad commercial potential and societal benefits)

In the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE ADVANCED TECHNOLOGY PROGRAM.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate Committee on Appropriations should make every effort to provide funding for the Advanced Technology Program in fiscal year 2006.

Mr. LEVIN. Mr. President, this amendment is on behalf of Senator DEWINE, myself, Senator LIEBERMAN, and others. We have lost 2.8 million manufacturing jobs in this country in the last 4 years. We have a very modest program called the Advanced Technology Program, which, according to the Department of Commerce, in their publication, which I would be happy to share with those who can come to take a look at it, according to the Department of Commerce, this program has had a result eight times more in technologies developed than the amount of money we have put into the program. It is an eight-time return—multiple—in advanced technologies which is achieved when the Department of Commerce partners with industry.

Mr. GREGG. Mr. President, this amendment would suggest we continue a program which has certainly outlived its day. It is essentially walking around money for the technology industries, picking winners and losers in the area of commercial products that the Government has no role in doing. It is money that could be better spent on basic research—for example, at the NIH.

I strongly oppose this amendment and hope we will defeat it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. This is now a sense of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 238. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Pennsylvania (Mr. SANTORUM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—53

Akaka	Durbin	Nelson (FL)
Allen	Feinstein	Nelson (NE)
Baucus	Harkin	Obama
Bayh	Hutchison	Pryor
Biden	Inouye	Reed
Bingaman	Jeffords	Reid
Boxer	Johnson	Rockefeller
Byrd	Kennedy	Salazar
Cantwell	Kerry	Sarbanes
Carper	Kohl	Schumer
Clinton	Landrieu	Shelby
Coleman	Lautenberg	Snowe
Conrad	Leahy	Specter
Corzine	Levin	Stabenow
Dayton	Lieberman	Voinovich
DeWine	Lincoln	Warner
Dodd	Mikulski	Wyden
Dorgan	Murray	

NAYS—46

Alexander	DeMint	Lugar
Allard	Dole	Martinez
Bennett	Domenici	McCain
Bond	Ensign	McConnell
Brownback	Enzi	Murkowski
Bunning	Feingold	Roberts
Burns	Frist	Sessions
Burr	Graham	Smith
Chafee	Grassley	Stevens
Chambliss	Gregg	Sununu
Coburn	Hagel	Talent
Cochran	Hatch	Thomas
Collins	Inhofe	Thune
Cornyn	Isakson	Vitter
Craig	Kyl	
Crapo	Lott	

NOT VOTING—1

Santorum

The amendment (No. 238), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I think the RECORD should show that Senator SANTORUM, through no fault of his own, missed the last vote. And I regret that we cannot, through unanimous consent, correct that.

Mr. GREGG. I think that is a very appropriate statement by the Senator from North Dakota, which we all can agree with.

Mr. President, I yield to the Senator from Vermont for an amendment.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 237, AS MODIFIED

Mr. LEAHY. Mr. President, I have an amendment at the desk regarding Boys and Girls Clubs.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. LEAHY. I ask to send a modification of the amendment to the desk. If they cannot find the amendment at the desk, I ask that it be in order to have the modification be the amendment to be considered. It is amendment No. 237.

The PRESIDING OFFICER. The clerk will report.

The assistant Journal clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 237, as modified.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for Boys and Girls Clubs)

On page 23 line 16, increase the amount by $25,000,000.

On page 23 line 17, increase the amount by $6,000,000.

On page 23 line 21, increase the amount by $8,000,000.

On page 23 line 25, increase the amount by $5,000,000.

On page 24 line 4, increase the amount by $4,000,000.

On page 24 line 8, increase the amount by $3,000,000.

On page 26, line 14, decrease the amount by $25,000,000.

On page 26, line 15, decrease the amount by $6,000,000.

On page 26, line 18, decrease the amount by $8,000,000.

On page 26, line 21, decrease the amount by $5,000,000.

On page 26, line 24, decrease the amount by $4,000,000.

On page 27, line 2, decrease the amount by $3,000,000.

Mr. LEAHY. Mr. President, this is an amendment to restore funding for the Boys & Girls Clubs of America to their current fiscal year level. From my days as a prosecutor, throughout my career in the Senate, I have seen the great value of Boys and Girls Clubs. This is not a Democratic or Republican issue.

We have a responsibility to make sure that our children are safe and secure. I know firsthand how well Boys and Girls Clubs work and what top-notch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys and Girls Clubs because we rarely encountered children from these kinds of programs. In fact, after I became a U.S. Senator, a police chief was such a big fan of the clubs that he asked me to help fund a Boys and Girls Club in his district rather than helping him add a couple more police officers.

In Vermont, Boys and Girls Clubs have succeeded in preventing crime and supporting our children. The first club was established in Burlington 63 years ago. Now we have 20 club sites operating throughout the State in Addison, Chittenden, Orange, Rutland, Washington, Windham and Windsor Counties. There are also four new Boys and Girls Clubs in the works in Winooski, Brattleboro, Barre and Vergennes. These clubs will serve well over 10,000 kids statewide.

As a senior member of the Senate Appropriations Committee, I have pushed for more Federal funding for Boys and Girls Clubs. Since 1998, Congress has increased Federal support for Boys and Girls Clubs from $20 million to $85 million in this fiscal year. Due in large part to this increase in funding, there now exist 3,500 Boys and Girls Clubs in all 50 States serving more than 4 million young people.

Because of these successes, I was both surprised and disappointed to see that the President requested a reduction of $25 million for fiscal year 2006. That request will leave thousands of children and their Clubs behind. We cannot allow such a thing to happen.

Last year, Senator HATCH and I worked together to shepherd into law a reauthorization of Justice Department grants at $80 million for fiscal year 2006, $85 million for fiscal year 2007, $90 million for fiscal year 2008, $95 million for fiscal year 2009 and $100 million for fiscal year 2010 to Boys and Girls Clubs to help establish 1,500 additional Boys and Girls Clubs across the Nation with the goal of having 5,000 Boys and Girls Clubs in operation by December 31, 2010.

If we had a Boys and Girls Club in every community, prosecutors in our country would have a lot less work to do in the courtroom. Each time I visit a club in Vermont, I am approached by parents, educators, teachers, grandparents and law enforcement officers who tell me ''Keep doing this! These clubs give our children the chance to grow up free of drugs, gangs and crime.''

You cannot argue that these are just Democratic or Republican ideas, or conservative or liberal ideas—they are simply good sense ideas. We need safe havens where our youth—the future of our country—can learn and grow up free from the influences of drugs, gangs and crime. That is why Boys and Girls Clubs are so important to our children.

Across the Nation, Boys and Girls Clubs are preventing crime and supporting our children. My amendment will restore funding for the Boys and Girls Clubs of America to the fiscal year 2005 level of $85 million. It provides a full offset at $50 million split evenly for the Boys and Girls Clubs and for deficit reduction by, for example, closing corporate tax loopholes. It also expresses the sense of the Senate on the value of Boys and Girls Clubs in their mission to inspire and enable all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible and caring citizens.

Congress has authorized and appropriated increased levels of funding for the Boys and Girls Clubs of America in each of the last 8 years because of the clubs' proven role in discouraging

youth gangs, drug abuse and youth violence. The budget resolution, following the President's lead, reduces funding for Boys and Girls Clubs by $25 million—from $85 million to $60 million—and completely ignores the 5-year authorization for the Boys and Girls Club grant program enacted by Congress and signed by the President in October 2004. A drop to $60 million in the coming fiscal year will likely result in an across-the-board decrease of 30 percent to club pass-thru grants, as well as a 30 percent cut to the overall increase in youth served. In connection with my amendment I have offered to substitute other offsets.

Mr. President, I urge the Senate to adopt the Leahy amendment to restore funding by $25 million for the 2006 fiscal year for the Boys and Girls Clubs of America. Our country's strength and ultimate success lies with our children. Our greatest responsibility is to help them inhabit this century the best way possible and we can help do that by supporting the Boys and Girls Clubs of America.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 237), as modified, was agreed to.

Mr. LEAHY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 262

Mr. GREGG. Mr. President, I send to the desk, on behalf of Senators GRASSLEY, BAUCUS, ENZI, and KENNEDY, an amendment and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. GRASSLEY, proposes an amendment numbered 262.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate with respect to pension reform)

At the end of title V, insert the following:

SEC. ___. SENSE OF THE SENATE WITH RESPECT TO PENSION REFORM.

(a) FINDINGS.—The Senate finds the following:

(1) The rules for calculating the funded status of pension plans and for determining calculations, premiums, and other issues should ensure strong funding of such plans in both good and bad economic times.

(2) The expiration of the interest rate provisions of the Pension Funding Equity Act of 2004 at the end of 2005 and the need to address the deficit at the Pension Benefit Guaranty Corporation (referred to in this section as the ''PBGC'') demand enactment of pension legislation this year.

(3) Thirty-four million active and retired workers are relying on their defined benefit plans to provide retirement security, and a failure by Congress to reform the defined benefit system will place at risk the pensions of millions of Americans.

(4) Stabilization of the defined benefit pension system and the PBGC may require significant and structural changes in the Employee Retirement and Income Security Act of 1974 and the Internal Revenue Code of 1986, which must be undertaken in a single comprehensive set of reforms.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate conferees shall insist on the Senate position expressed in this resolution with respect to PBGC premiums.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 262) was agreed to.

Mr. GREGG. Mr. President, I yield to the Senator from Ohio.

AMENDMENT NO. 161, AS MODIFIED

Mr. DEWINE. Mr. President, amendment No. 161 is at the desk, with modifications.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself and Mr. LEAHY, proposes an amendment numbered 161, as modified.

The amendment is as follows:

(Purpose: To increase funding for Child Survival and Maternal Health Programs)

On page 9, line 15, increase the amount by $76,000,000.

On page 9, line 16, increase the amount by $15,000,000.

On page 9, line 20, increase the amount by $34,000,000.

On page 9, line 24, increase the amount by $14,000,000.

On page 10, line 3, increase the amount by $7,000,000.

On page 10, line 7, increase the amount by $3,000,000.

On page 26, line 14, decrease the amount by $76,000,000.

On page 26, line 15, decrease the amount by $15,000,000.

On page 26, line 18, decrease the amount by $34,000,000.

On page 26, line 21, decrease the amount by $14,000,000.

On page 26, line 24, decrease the amount by $7,000,000.

On page 27, line 2, decrease the amount by $3,000,000.

Mr. DEWINE. Mr. President, today I join my friend and colleague, Senator LEAHY, in offering this amendment that would increase the funding level for the child survival and maternal health program to $400 million.

Basically, by voting for this amendment we will save many lives. It provides money for vaccinations, immunizations, and vitamins that will save lives around the world.

Mr. LEAHY. I join the Senator and urge adoption of the amendment.

Mr. CONRAD. Mr. President, we now have the DeWine amendment before us.

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. 161), as modified, was agreed to.

PARITY ASSUMPTION

Mr. DOMENICI. Mr. President, I begin by complimenting my friend from New Hampshire and the Chairman of the Senate Budget Committee on a job well done. As the new Chairman, he has skillfully navigated a difficult course to produce the budget resolution before us today. Congratulations.

I also want to tell him that even though this is his first year as the Budget Committee chairman, he has handled the job like a seasoned veteran.

I would like to raise the issue of mental health parity as the Senate debates the FY 2006 Senate Budget Resolution.

It is my understanding the resolution before us assumes the revenue impact of enacting a mental health parity law at a cost of $1.5 billion over 5 years. However, I want to make sure that this is indeed the case because the assumption I just mentioned is not specifically referenced in S. Con. Res. 18. Rather, the overall revenue number is such that it assumes Congress will pass mental health parity legislation.

Mr. GREGG. I understand the concern of the distinguished senior Senator from New Mexico regarding mental health parity legislation and I would concur with my colleague's assessment. S. Con. Res. 18 does assume the revenue impact of enacting mental health parity legislation.

Mr. DOMENICI. I thank the distinguished Chairman for his consideration and explanation of this important matter.

ENERGY SAVINGS PERFORMANCE CONTRACTS

Mr. INHOFE. Mr. President, I would like to bring to the Budget Committee's attention a great program that saves the Federal Government both money and energy—it is called Energy Savings Performance Contracting or ESPC. Under this public-private initiative, the private sector upgrades our aging federal facilities and military bases with new energy efficient equipment, at no upfront cost to the government. The private sector is then paid back over time with the savings from the government's utility bills. The beauty of this program is that under the law, the energy savings must cover the project costs and also guarantee that there will be additional savings to the government, as codified per the Energy Policy Act of 1992:

H.R. 776

Energy Policy Act of 1992 (Enrolled as Agreed to or Passed by Both House and Senate)

SEC. 155. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) IN GENERAL.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended—

(1) by striking ''The head'' and inserting the following:

''(a) IN GENERAL.—(1) The head''; and

(2) by inserting at the end the following:

''(2)(A) Contracts under this title shall be energy savings performance contracts and shall require an annual energy audit and specify the terms and conditions of any Government payments and performance guarantees. Any such performance guarantee shall provide that the contractor is responsible for maintenance and repair services for any energy related equipment, including computer software systems.

''(B) Aggregate annual payments by an agency to both utilities and energy savings performance contractors, under an energy savings performance contract, may not exceed the amount that the agency would have paid for utilities without an energy savings performance contract (as estimated through the procedures developed pursuant to this section) during contract years. The contract shall provide for a guarantee of savings to the agency, and shall establish payment schedules reflecting such guarantee, taking into account any capital costs under the contract.

''(C) Federal agencies may incur obligations pursuant to such contracts in finance energy conservation measures provided guaranteed savings exceed the debt service requirements.''

It's a win-win program for the government and taxpayers.

The problem is that under the current CBO budget scoring methodology, the entire contract cost is scored up front and there is no accounting for the guaranteed savings which are required by law. Since these guaranteed savings are not recognized, this program is scored as costing the government money when in reality this is not the case. The Office of Management and Budget views the program as budget neutral, and the program has strong support from the Administration.

This current scoring dilemma for the ESPC program has been problematic in the reauthorization of this valuable program. I respectfully ask that the Budget Committee work with the Congressional Budget Office to resolve this scoring problem for the ESPC program.

Mr. BINGAMAN. I want to thank the Senator from Oklahoma for raising this issue, and I will ask the Budget Committee staff to look into the scoring of the ESPC program with an eye towards accounting for the mandatory savings and thus resolving the matter.

IT/P4P RESERVE FUND

Mr. KENNEDY. Mr. President, I commend the chairman and ranking member of the Budget Committee for working with me, and with the chairman of the HELP Committee, as well as with the chairman and ranking member of the Finance Committee to include within the budget resolution a reserve fund to provide incentives for adoption of modern information technology to improve quality in health care and for performance-based payments that are based on accepted clinical performance measures that improve the quality of health care.

The goal of this fund is to allow for legislation to create a program through which incentives would be provided in the initial years of the program to encourage health care providers to enhance their use of information technology and improve quality. The fund would achieve deficit neutrality through the savings that will accrue to public programs through better use of information technology and higher quality care. The reserve fund thus requires deficit neutrality over the 5 years of the budget resolution.

It was the intent of all those Members who worked on this proposal to require the program to achieve deficit neutrality over the 5 years of the budget resolution, but not to require deficit neutrality in the initial year of the program or, on a year-by-year basis, in subsequent years. I ask the distinguished chairman of the Budget Committee whether what I have just described reflects their understanding of the intent of the program to be established in accordance with this reserve fund.

Mr. GREGG. Mr. President, the description of the intent of the reserve fund that my colleague from Massachusetts just provided also reflects my understanding and intent in supporting the inclusion of this fund. I believe the intent of the reserve fund would be satisfied by legislation reported by the HELP Committee or the Finance Committee that is not deficit neutral in the initial year or any other single year during fiscal years 2006 to 2010 but that otherwise complies with the conditions of the reserve fund. I do not intend to raise or support a budget point of order raised against such legislation on the basis that it is not deficit neutral in any particular year during fiscal years 2006–2010.

Mr. BAUCUS. Mr. President, the description of the intent of the reserve fund offered by my colleagues from Massachusetts and from New Hampshire also reflects my understanding of the intent of including this fund in the budget resolution. I commend the chairman and ranking member of the Budget Committee for their leadership in including this reserve fund in the Senate budget resolution. And I commend my colleagues from New Hampshire and Massachusetts and others for their willingness to work toward this signal of our bipartisan commitment to improving the quality and safety of health care in this country, and to addressing the problem of health care costs. These are critically important issues facing our nation today, and I look forward to continuing our bipartisan dialogue, making the best use of this important reserve fund, and working together on legislation to encourage the adoption of health information technology for quality improvement and to develop performance-based payment systems.

AMENDMENT NO. 204

Mr. BYRD. Mr. President, I voted in support of Senator SMITH's amendment to strike $14 billion in Medicaid cuts from the budget resolution and instead create a bipartisan Medicaid commission to study how to best reform the program.

Sound policy—not arbitrary budget cuts—should be the driving force for strengthening and improving the Medicaid program. A Medicaid commission could help foster a much-needed dialogue about how to take prudent steps to make this critical safety net stronger and sustainable in the long term.

More than 40 million Americans, including 300,000 West Virginians, rely on Medicaid. In West Virginia, the health care safety net—comprised of hospitals, nursing homes, home health agencies, physician offices, and community health centers—relies heavily on Federal Medicaid funding to care for the poor, disabled, and elderly.

If Medicaid funding is capped at an arbitrary funding level, states, such as West Virginia, will be left to shoulder the burden of increasing health care costs on their own. The health care needs of low-income people do not magically disappear just because there are fewer federal funds made available.

It is my hope that a bipartisan consensus of policies can be reached to best address the challenges confronting the Medicaid program. The passage of the Smith Amendment to establish a Medicaid commission is a constructive first step toward that goal.

AMENDMENT NO. 216

Mr. KERRY. Mr. President, on January 20, 2005, President Bush said in his Inaugural speech, ''We will widen the ownership of homes and businesses. . . .'' Two weeks later he turned around and submitted a budget that cut funding for the only agency dedicated to cultivating small business ownership in this country, the Small Business Administration. How much did he cut? 20 percent. This is nothing new. The President's track record is even worse. Since President Bush took office in 2001, he has reduced small business resources available through the SBA by 36 percent, the most of any government agency. You may not think the SBA is important, but, last year alone, through the SBA, more than 88,000 small businesses in this country got loans and venture capital, totaling more than $21 billion. A lot more than that, 1.5 million, turned to the SBA and its partners last year for management counseling so that they could start a business, keep their doors

open, or expand their business. Think of the SBA next time you get ice cream from Ben & Jerry's, see a mother with a ''boppy'' baby pillow, take a road trip and see a Winnebago, send a package Federal Express, type on an Apple computer, or swing a Callaway golf club. All these companies were helped by the SBA. Where would these companies have been when they were shut out from financing if the SBA had not existed? Imagine the void in our economy without the taxes they generate and all the people without jobs if those companies didn't exist. SBA more than pays for itself.

The SBA is a good return on the investment for our country. As my colleague from Maine, Senator SNOWE, pointed out at our recent hearing on the SBA's fiscal year 2006 budget, the SBA's budget represents less than 3/100ths of a percent of all Federal spending. And a lot of that funding for the SBA supports emergency loans that help families and businesses when disaster strikes. We are all for fiscal responsibility, but cutting this resource that is so important to our economy is not responsible. Instead of weakening this resource, we should be maximizing it to leverage more businesses and creating more jobs.

Evidently my colleagues agree because tonight they agreed unanimously to adopt a bi-partisan amendment to restore $78 million to the SBA's budget for fiscal year 2006. Senator SNOWE and I both had our own amendments, but in the end we joined together so that we could get a win for small business. I thank the Chair for her cooperation and leadership.

My amendment would have restored $139 million to the SBA, including $42 million in fee relief for borrowers and lenders in the 7(a) Loan Guarantee program; $30 million for microloans and $20 million for microloan technical assistance; $5 million for PRIME; $24 million to restore funding New Markets Venture Capital that was unfairly and unwisely rescinded; $3.6 million for 7(j) contracting assistance to disadvantage small businesses; $2 million for Native American Outreach; $109 million for Small Business Development Centers; a combined $4 million for SBIR FAST and Rural Outreach; $7 million for SCORE; $5 million for the U.S. Export Assistance Centers; $2 million for Veterans Business Outreach; $16.5 million for Women's Business Centers; and $6.5 million for 65 procurement center representatives. That would have raised SBA's funding to $732 million, still far less than the $900 million provided to the SBA 5 years ago. It was a responsible and reasonable increase.

Nevertheless, to get things done, we must reach across the aisle and work together. So, as I said earlier, I joined my colleague of the Small Business and Entrepreneurship Committee, Chair SNOWE, to pass Senate amendment No. 216. It did not go as far as I would have liked, but it is still a big step in the right direction. As part of the compromise, Senator SNOWE agreed to include $5 million for the PRIME micro business program. The Snowe-Kerry compromise includes: $15 million for Microloan Technical Assistance, which the President recommended terminating; $1.91 million to fund $20 million in microloans, which the President recommended terminating; $5 million for the Program for Investment in Microentrepreneurs, PRIME, which the President recommended terminating, $3 million for the Small Business Innovation Research, SBIR, FAST Program, which the President recommended terminating; $1 million for the SBIR Rural Outreach Program, which the President recommended terminating; $21 million for Small Business Development Centers, increasing funding to $109 million overall; $10 million to fund procurement center representatives, PCRs, in order to hire 100 new representatives; $7.7 million for the HUBZone program, increasing funding to $10 million; $4.5 million for the Women's Business Centers Program, increasing funding to $16.5 million; $3.5 million for U.S. Export Assistance Centers, increasing funding to $5 million; $2 million for the SCORE program, increasing funding to $7 million; $750,000 for Veterans Outreach, increasing funding to $1.5 million; and $500,000 for the 7(j) contracting assistance program, increasing funding to $2.5 million.

These amounts are important to include in the RECORD so that the public knows our intentions. I thank my colleagues, Senators SNOWE, CONRAD, and GREGG, for their help and also their staffs. In advance, I ask my colleagues on the appropriations committee to match our requests.

AMENDMENT NO. 169

Mr. SANTORUM. Mr. President, the HIV/AIDS pandemic has reached staggering proportions. At the end of 2004, an estimated 40 million people were living with HIV/AIDS. Each year, 5 million more people become infected.

The United States has demonstrated important leadership fighting the AIDS epidemic. And this leadership is yielding results. At the end of 2004, an estimated 700,000 people in the developing world were receiving antiretroviral therapy. Many of these individuals were receiving treatment thanks to U.S.-supported bilateral and multilateral programs.

The President's budget request for fiscal year 2006 includes $2.9 billion for bilateral programs for AIDS, tuberculosis, and malaria. This amendment would maintain full funding for this component of the President's request.

The Global Fund to Fight AIDS, tuberculosis, and malaria is an important component of U.S. efforts, and supports approximately 300 projects in 130 countries. The United States was the first and remains the largest contributor to the Global Fund.

To balance the U.S. share and encourage contributions from other donors, the administration supported language in the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 that links U.S. contributions to the Fund to the contributions of other donors.

Together with Senator DURBIN, I believe Congress should fulfill the commitment implied in the act by matching, on a one-to-two basis, the contributions of other donors. Through a mid-year review process, Congress and the administration should assess anticipated contributions to the Global Fund and ensure that U.S. contributions, at year-end, are at the appropriate one-to-two ratio, and that the U.S. does not exceed 33 percent of total contributions to the fund.

For fiscal year 2005, the Global Fund estimates it will renew $2.4 billion worth of effective programs that are already operating on the ground. The administration and the Global Fund Board have said that renewing existing grants should receive funding priority.

In order to cover one-third of renewals during fiscal year 2006, and to maintain the one-to-two funding match, the U.S. will need to contribute an additional $500 million above the President's request to keep well-functioning programs funded at a level of $800 million.

Senator DURBIN and I consider this number to be the necessary level of funding. Failing to renew grants could cut off life-saving treatments in proven programs.

Senator DURBIN and I firmly believe that funding the global fight against AIDS is a top priority. If adopted by the Senate, this amendment will ensure a level of $3.7 billion for international AIDS, tuberculosis, and malaria assistance, including $800 million for the Global Fund.

AMENDMENT NO. 238

Mr. LEVIN. Mr. President, for the second year in a row, the President proposes to completely eliminate the Advanced Technology Program, ATP. Last year, Congress wisely chose to fund the ATP program at $142.3 million. The bottom line is that the ATP promotes the development of new, innovative products that are made and developed in the United States, helping American companies compete against their foreign competitors and contribute to the growth of the U.S. economy.

I hope Congress will continue to fund this important program in fiscal year 2006. Doing so will help strengthen the technological and economic leadership of America's high technology manufacturing companies that is necessary for them to remain competitive in today's global marketplace. It will also help

ensure that the most cutting-edge companies can continue to innovate, expand and create jobs.

My amendment expresses the sense of the Senate calling on the Senate Committee on Appropriations to make every effort to restore funding for the Advanced Technology Program in fiscal year 2006.

Continued ATP funding would encourage public-private cooperation and investment in economically important technology R&D. Through a cost-shared program, the ATP provides grants to support research and development of high-tech, cutting-edge technologies with commercial potential and societal benefits. The ATP focuses on improving the competitiveness of American companies and funds many research and development projects that have the potential to create broad-based U.S. economic benefits and that otherwise may not get developed or that would be developed too slowly to take advantage of market opportunities.

According to one study, the manufacturing sector, more than any other, helps to generate increased economic activity in other industries with every dollar of goods produced generating an additional $1.43 in economic activity in other industries or sectors.

According to the U.S. Department of Commerce, returns for the American people on the ATP, as measured from 41 of the 736 projects—just 6 percent of the portfolio—have exceeded $17 billion in economic benefits, more than eight times the amount invested in ATP.

Manufacturers' investment in innovation account for almost two-thirds of all private-sector research and development. This investment in turn leads to advances in other manufacturing sectors and spillover into nonmanufacturing activities in the United States.

ATP involvement accelerates the development and commercialization of new technologies. Time to market was reduced by 1 year in 10 percent of projects, by 2 years in 22 percent of projects, and by 3 years in 26 percent of projects.

The ATP program supports small business. Over 65 percent of ATP projects have been led by small businesses. This is exceptional given that small businesses lead in the creation of job growth and new technology advancement in our country.

ATP has received applications from 50 States and made awards to high technology businesses in 40 States plus the District of Columbia.

The Biotechnology Industry Organization, BIO, the Industrial Research Institute, the Alliance for Science and Technology Research in America, and the American Chemical Society have expressed support for ATP.

Unfortunately, current funding levels do not meet the demand for ATP. Over 1,000 proposals submitted in 2002 alone yielded enough high quality projects to absorb the total funding available in both fiscal year 2002 and fiscal year 2003. Fiscal year 2004 saw the second highest number of applications for funding in ATP history, 870, but funding was available for only 59 awards.

The ATP is one of the few Federal programs available to help American manufacturers remain competitive in the global economy. This high octane economic development engine should be supported by Democrats and Republicans alike. If we want NIST to continue making these important job-creating ATP awards, we have to fund it.

According to the Bureau of Labor Statistics, nationally we have lost nearly 2.8 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies. Supporting the ATP program is one way to do this.

AMENDMENT NO. 253

Mr. BAUCUS. Mr. President, I rise today to speak to an amendment with my good friend and colleague, Senator GRASSLEY, expressing the sense of the Senate on the High Intensity Drug Trafficking area, or HIDTA, program. My amendment assumes that the HIDTA program will be fully funded at $227 million in fiscal year 2006 and that the HIDTA program will remain with the Office National Drug Control Policy, ONDCP, where it was last authorized by Congress to be. Additional cosponsors are Senators LEAHY, BINGAMAN, MURRAY, and TALENT. I would also like to add Senators GORDON SMITH and DEWINE as cosponsors to this amendment. I thank my colleagues for their strong support.

I am proud to offer this much-needed amendment. The proposed budget would cut the HIDTA program by 56 percent, assuming only $100 million for HIDTA. The President's Budget also proposes to shift the program from ONDCP to the Organized Crime Drug Enforcement Task Force program within the Department of Justice. Both of these proposals could derail the highly successful HIDTA program.

As many of my colleagues know, methamphetamine is a powerful and highly addictive central nervous system stimulant that is associated with violence and crime. It can cause paranoia, aggression, and mood swings. The byproducts of making meth are highly toxic and flammable and require costly clean ups. They also endanger many children who are exposed when their parents cook meth within the home. Since its inception in 1990, HIDTA has become one of the most effective and comprehensive programs we have to fight meth.

Specifically, a HIDTA designation provides states like Montana with increased resources, information and intelligence to fight methamphetamine use and production. The Federal funding and increased cooperation among Federal, State and local law enforcement frees up state resources that allow, for example, the Montana Department of Justice to better support Montana's rural communities. It provides law enforcement officials with new technology to coordinate their efforts at the local, State, and Federal level.

Montana fought hard and successfully to join the Rocky Mountain HIDTA in 2002. Since that time, Montana has successfully cut the number of meth labs it busts in half. I have been told by law enforcement across my State that the proposed cuts to HIDTA, combined with cuts proposed by the President to other Justice assistance programs like the Byrne and COPS programs, would be a disaster for Montana. It would effectively end drug enforcement in rural Montana and would set the clock back years in our efforts to fight the rapid spread of meth in our state.

Yesterday, I was proud to cosponsor and support Senator STABENOW's amendment to restore funding for our first responder programs, Byrne and COPS. Sadly, that amendment failed. I also proudly supported Senator BIDEN's amendment to fully fund the COPS program. That amendment unfortunately also failed. We must do everything we can to make sure these programs survive and so far Congress is not holding up their end of the bargain.

Although my amendment specifically focuses on the HIDTA program, let me list again what the Montana Board of Crime Control has told me would happen to Montana if the President's fiscal year 2006 budget is enacted:

1. Montana will lose its multi-jurisdiction drug enforcement capacity, including seven multijurisdictional drug task forces. This means that already stretched local law enforcement agencies will have to do what they can to address drug enforcement at the local level, without broader support from the drug task forces.

2. Montana will lose 33 drug enforcement offices throughout the State.

3. Montana will experience a significant increase in drug availability, manufacturing and trafficking and drug-related crime.

4. Montana would experience an increase in clandestine labs that manufacture methamphetamine.

5. Montana would experience a reduction in the amounts of illegal drugs and guns removed from our communities.

6. Montana would experience the elimination of funds for rural law enforcement agencies' manpower, equipment and training.

Again, the above scenario is only the tip of the iceberg. The manufacturing,

trafficking, drug addiction and crime will have a ripple effect throughout the State in our public health and correction systems and the courts, negatively affecting public safety and the quality of life in Montana and across the United States.

As the findings in the Baucus-Grassley amendment explain, the HIDTA program encompasses 28 strategic regions, 355 task forces, 53 intelligence centers, 4,428 Federal personnel, and 8,459 State and local personnel. In 2004, HIDTA efforts resulted in disrupting or dismantling over 509 international, 711 multi-State, and 1,110 local drug trafficking organizations. In 2004, HIDTA instructors trained 21,893 students in cutting-edge practices to limit drug trafficking and manufacturing within their areas.

The HIDTAs are successful drug enforcement coalitions that include equal partnership among Federal, State, and local law enforcement leaders. This is what Congress created the HIDTA's to do—to provide coordination of drug enforcement efforts in critical regions of the country. That's why full funding for the HIDTA's is so important, and that's what the first part of the Baucus-Grassley sense of the Senate addresses—assuming that Congress will fully fund the HIDTA program at fiscal year 2005 levels.

The second part of the Baucus-Grassley Sense of the Senate on HIDTA would address the administration's decision to shift the HIDTA program from ONDCP to the Organized Crime Drug Enforcement Task Force, OCDETF, program within the Department of Justice. Moving the program from ONDCP to OCDETF is a mistake. The OCDETF program has a different mission and purpose than ONDCP and the HIDTA's. The HIDTA program has worked well at ONDCP and is a complement to the OCDETF mission. I do not understand why the Administration would want to shift it from its Congressionally authorized home within ONDCP.

Montana law enforcement tell me that moving the HIDTA program to OCDETF will do nothing to improve law enforcement capabilities and will undermine the unique partnerships and innovation that the HIDTA program has helped to create nationwide and that have been so successful in curbing the spread of meth in Montana. HIDTA's are about coordination and collaboration. OCDETF is more centrally managed, with an assumed Federal lead, and with a focus on investigation and prosecution—an important mission, but not the same as the HIDTA mission. Additionally, according to the National Narcotics Officers Association, the vast majority of OCDETF's cases originate within HIDTA funded operational task forces. The current organization works; why change it?

I urge my colleagues to support this important amendment. I also hope that we can adopt one of the many amendments that would actually increase funding for all Justice assistance programs, like Byrne and COPS, but this amendment is an important step in the right direction.

AMENDMENT NO. 193

Mr. DODD. Mr. President, it had been my intent to offer an amendment No. 193, to S. Con. Res. 18, the FY 06, Congressional Budget Resolution, to fully fund the Help America Vote Act, HAVA, P.L. 107–252, by increasing discretionary spending in FY 06 by $822 million. This issue is too important, however, to be relegated to 30 seconds, or less, of debate, and so under the circumstances, I will not offer this amendment to fully fund HAVA today.

However, I want to serve notice to my colleagues, that Congress must act soon to provide funds to the States to finance the mandatory election reform requirements we imposed on the States in HAVA. If not, we will have created an unjustified and unfunded mandate on State and local governments and lost the opportunity to ensure that every eligible American voter has an equal opportunity to cast a vote and have that vote counted in the 2006 Federal elections.

The amendment was supported by a broad coalition of organizations representing the civil rights communities, voting rights groups, disabilities groups, and State and local governments, spearheaded by the Leadership Conference on Civil Rights and the National Association of Secretaries of State. I am grateful to LCCR and NASS for their consistent leadership in ensuring that Congress, and the President, fulfill our commitment to fully fund the HAVA reforms. I applaud the non-partisan work of the LCCR/NASS Coalition and look forward to continuing to work with them to see this commitment come to fruition.

No civil right is more fundamental to the vitality and endurance of a democracy of the people, by the people, and for the people, than the people's right to vote. In the words of Thomas Paine, ''The right of voting for representatives is the primary right by which other rights are protected.'' To ensure this right, Congress passed the bipartisan Help America Vote Act. At a time when we are spending millions of dollars to ensure the spread of democracy across the globe, we must also remember that building democracy and freedom for every American must begin at home. Ensuring that primary right to vote for all eligible American voters was the bipartisan goal of HAVA.

Nearly two and one-half years ago, the Senate overwhelmingly passed this bipartisan landmark legislation and on October 29, 2002, President Bush signed HAVA into law. At the White House signing ceremony, surrounded by a bipartisan group of Members, President Bush said in a brief speech, ''When problems arise in the administration of elections, we have a responsibility to fix them . . . Every registered voter deserves to have confidence that the system is fair and elections are honest, that every vote is recorded and that the rules are consistently applied. The legislation I sign today will add to the nation's confidence.''

I could not agree more with the President. However, for the second year in a row, while the President's budget assumes millions in funding for democratic elections in foreign countries, the President's budget assumes no funding for elections at home. Our shared bipartisan vision for HAVA as the vehicle to restore the nation's confidence in the results of our elections cannot be realized without the promised funding to the States.

In the aftermath of historic elections in Iraq, it is critical that America take stock of our own decentralized elections systems. There is much we can learn from the Iraqi experiment in democracy that can strengthen the equal opportunity for participation of all Americans in our democracy. In light of the continuing barriers that Americans found at polling places across this Nation in November 2004, we cannot fail to fully fund HAVA. America's ability to promote free societies abroad is inextricably linked to our ability to promote, expand and secure Federal elections at home.

HAVA has been acknowledged as the ''first civil rights law of the 21st century.'' For the first time in our Nation's history, Congress acknowledged the responsibility of the Federal government to provide leadership and funding to States and local governments in the administration of Federal elections. Congress required States to conduct Federal elections according to minimum Federal requirements for provisional balloting, voting system standards, and statewide voter registration lists, including new requirements to prevent voter fraud. Finally, Congress refused to impose an unfunded mandate on States by authorizing nearly $4 billion in payments to States over three fiscal years to implement the HAVA requirements and disability access services.

To date, Congress has appropriated over $3 billion for these purposes and States are currently in varying stages of implementing HAVA requirements to meet the pending 2006 effective date. But Congress has failed to fully fund HAVA and as a consequence, there remains a $822 million shortfall in Federal funds. In addition to the $600 million authorized in FY 05, but not appropriated, Congress has underfunded HAVA by an additional $222 million for a total of $822 million.

To remedy this, the amendment I intended to offer would have increased

function 800 by $727 million in BA in FY 06 for election reform requirements payments to the States, and increased function 500 by $95 million in BA in FY 06 to fund election reform disability access payments to the States. The amendment was fully offset by adjusting the reconciliation savings assigned to the Finance Committee in order to allow for the closing of corporate tax loopholes and provided additional deficit reduction in an equivalent amount in the amount of $822 million.

The absence of these funds will at best impede, or at worst stop, statewide election reforms for the 2006 Congressional elections, the 2008 Presidential elections, and beyond. According to a letter issued by the LCCR/NASS Coalition in support of my amendment, State and local governments cannot enact the requirement reforms on time without full Federal funding. The coalition letter states, in pertinent part: ''Without full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford complete implementation of important HAVA mandates.''

Similarly, the National Association of Counties, NACO, in a letter dated March 17, 2005, noted that a recent NACO report ''demonstrates that the funds counties have received so far for implementation of the Help America Vote Act are clearly insufficient.'' The letter goes on to conclude that HAVA has ''clearly become an unfunded mandate on the nation's counties.''

Some have expressed concerns that States do not need additional Federal funding, nor should Congress appropriate additional funding, because States still have millions in unspent HAVA funding. This argument is contrary to both the law and the facts. As a matter of law, HAVA does not require States to spend Federal funding by a date-certain within any fiscal year. To the contrary, HAVA merely requires States to comply with specific Federal requirements by certain effective date deadlines, depending upon the timing of the first Federal election in that State. Since the time, place and manner of Federal elections may differ from state to state, HAVA accommodates the diversity of state circumstances by ensuring that States could retain Federal funding without making premature obligations or expenditures and without threats of a Federal recoupment of such funds.

Similarly, HAVA did not mandate a ''one-size'' fits all approach to how States will implement the HAVA requirements or other election reforms. As a result, HAVA contains a savings clause requiring that Federal funds remain available until expended pursuant to 42 USC 15462. As a matter of fact, while some States have unspent HAVA dollars today, it is also a fact that all States are in varying degrees of compliance with HAVA, including enacting state implementing legislation, establishing certain processes such as administrative complaints procedures, contacting or obligating funds for new or retro-fitted voting systems, or otherwise enhancing any number of election-related programs and procedures to improve state-based election administration. At this time, there does not appear to be any State that is fully compliant with HAVA and that also has a significant surplus of funds.

Moreover, the most important requirements in the Act do not have to be implemented by the States until the first Federal elections on or after January 1, 2006. Also, because of the delay in the issuance of the voluntary voting system standards by the Election Assistance Commission, some States have delayed purchases of voting systems and technology until that guidance is issued. Consequently, such States have unexpended funds.

However, that does not lessen the critical need for full funding in fiscal year 2006. Although the FY 06 funds will not be available to the States until October 1, 2005, just 3 months before some States must have these requirements in place, States will be able to issue contracts, obligate funds for programs, and otherwise fully implement real election reforms if Congress signals its intent to provide these necessary funds.

After the concerns raised by the November 2000 general election, Congress made a commitment to the States, and to the voters of this Nation, that we would be a full partner in the conduct of Federal elections. While Congress accomplished much with the passage of HAVA, 4 years later in the November 2004 general election, voters faced many of the same barriers in different forms and new barriers to voting that HAVA promised to remove. After the 2000 November elections, Americans recognized that real election reform changes must be made to ensure the integrity and security of our democracy. We can do better and we must do better. Full Federal funding is critical to ensuring that America will do better.

HAVA began a new era in election law—one where the Federal Government is a supporting partner to help State and local governments, in conjunction with civil rights, voting rights and disability rights organizations, to conduct fair, free and transparent elections in our Nation. HAVA is our collective promise to the American people to fix the problems in our Federal elections.

If we fail to honor our commitment now and provide the States with only partial funding, we may jeopardize the opportunity of the States to implement the most historic and comprehensive election reforms in American history and may ensure that the public's confidence was misplaced in Congress. Full Federal funding is critical to ensuring the integrity and security of Federal elections and the confidence of the American people in the final results of those elections.

It is time to fulfill that promise and we must do so yet this year.

I ask unanimous consent that a letter issued by the coalition of organizations spearheaded by the Leadership Conference on Civil Rights and the National Association of Secretaries of State dated March 8, 2005 and a letter issued by the National Association of Counties, dated March 17, 2005, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAKE ELECTION REFORM A REALITY; FULLY FUND THE ''HELP AMERICA VOTE ACT''

DEAR SENATORS: We, the undersigned organizations, urge you to support full funding for the Help America Vote Act of 2002 (HAVA) and include $822 million in the upcoming FY06 Senate Budget Resolution. This figure represents the authorized HAVA funds that remain unappropriated.

HAVA, which passed with overwhelming bipartisan support, includes an important list of reforms that states must implement for federal elections. State and local governments have been working on such reforms as improving disability access to polling places, updating voting equipment, implementing new provisional balloting procedures, developing and implementing a new statewide voter registration database system, training poll workers and educating voters on new procedures and new equipment.

To help state and local governments pay for these reforms, HAVA authorized $3.9 billion over three fiscal years. To date, Congress has generously appropriated $3 billion between FY03 and FY04. Unfortunately, while HAVA authorized funding for states for FY05, none was appropriated. The states and localities need the remaining authorized funding to implement the requirements of HAVA, and the federal EAC needs to be fully funded to carry out its responsibilities as well.

States and localities are laboring to implement the requirements of HAVA based on a federal commitment that HAVA would not be an unfunded mandate. State officials have incorporated the federal amounts Congress promised when developing their HAVA implementation budgets and plans. Without full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford complete implementation of important HAVA mandates. According to a state survey, lack of federal funding for HAVA implementation will result in many states scaling back on their voter and poll worker education initiatives and on voting equipment purchase plans, both of which are vital components to making every vote count in America.

We are thankful that you have seen the importance of funding the work of the Election Assistance Commission in FY06. States, localities and civic organizations look forward to the work products from the EAC that will aid in the implementation of HAVA, e.g., voting system standards, statewide database guidance, and studies on provisional voting, voter education, poll worker training, and voter fraud and voter intimidation.

We thank you for your support of funding for the Help America Vote Act, and we look

forward to working with you on this critical issue. Should you have any questions, please contact Leslie Reynolds of the National Association of Secretaries of State at (202) 624–3525 or Rob Randhava of the Leadership Conference on Civil Rights at (202) 466–6058, or any of the individual organizations listed below.

Sincerely,

Organizations Representing State and Local Election Officials

Council of State Governments.
International Association of Clerks, Recorders, Election Officials and Treasurers.
National Association of County Recorders, Election Officials and Clerks.
National Association of Counties.
National Association of Latino Elected and Appointed Officials Educational Fund.
National Association of Secretaries of State.
National Association of State Election Directors.
National Conference of State Legislatures.

Civil and Disability Rights Organizations

Advancement Project.
Alliance for Retired Americans.
American Association of People with Disabilities.
American Federation of Labor—Congress of Industrial Organizations.
Asian American Legal Defense & Education Fund.
Asian Pacific American Labor Alliance, AFL–CIO.
Asian Pacific American Legal Center.
Association of Community Organizations for Reform Now.
Brennan Center for Justice at NYU School of Law.
Common Cause.
Dēmos: A Network for Ideas & Action.
FairVote: The Center For Voting and Democracy.
Hadassah, the Women's Zionist Organization of America.
Jewish Council for Public Affairs.
Lawyers' Committee for Civil Rights Under Law.
Leadership Conference on Civil Rights.
League of Women Voters.
NAACP Legal Defense & Educational Fund, Inc.
National Asian Pacific American Legal Consortium.
National Association for the Advancement of Colored People.
National Coalition on Black Civic Participation.
Project Vote.
Public Citizen.
United Auto Workers.
United States Student Association.
U.S. Public Interest Research Group.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, March 17, 2005.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.
Hon. BOB NEY,
House of Representatives, Washington, DC.
Hon. CHRISTOPHER DODD,
U.S. Senate, Washington, DC.
Hon. STENY HOYER,
House of Representatives, Washington, DC.

DEAR SENATORS MCCONNELL AND DODD AND REPRESENTATIVES NEY AND HOYER: On behalf of county officials across the nation, I would like to reiterate our appreciation for your efforts on behalf of counties in the development of the Help America Vote Act of 2001. As you remember, NACo and other organizations representing state and local government officials supported the Help America Vote Act based on an assumption that the federal government would meet numerous deadlines set forth in the legislation and would provide the full authorized level of funding. Thanks to your leadership, sufficient funding was provided in fiscal years 2003 and 2004. However, no funds were provided for FY 2005 and total funding for the Help America Vote Act remains more than $800 million short of the authorized amount.

Attached is an excerpt from a recent report of the National Association of Counties that demonstrates that the funds counties have received so far for implementation of the Help America Vote Act are clearly insufficient. This excerpt, from a recent snapshot survey conducted by the National Association of Counties on the costs that counties have identified for compliance with unfunded federal mandates, shows that the Help America Vote Act has clearly become an unfunded mandate on the nation's counties.

This funding shortfall is a particular burden for counties because the federal government did not live up to its commitment to issue federal voting systems standards by January 1, 2004. These standards are not expected until later this year; the delay is creating uncertainty surrounding compliance with HAVA and is driving up costs for many counties. We look forward to working with you and your staff to secure additional funding and assist counties in meeting the deadlines in the Help America Vote Act.

Sincerely,

LARRY NAAKE,
Executive Director.

EXCERPT FROM UNFUNDED MANDATES: A SNAPSHOT SURVEY

A report issued in March 2005 by the National Association of Counties based on a snapshot survey conducted during a two-week period from January 26 through February 11, 2005. The full report provides a snapshot of the continuing unfunded mandates burden facing counties on the tenth anniversary of the Unfunded Mandates Reform Act.

HELP AMERICA VOTE ACT

The Help America Vote Act requires most counties in the nation to purchase new voting equipment that permits all voters to cast a secret ballot regardless of disability. The accelerated timetable nationwide and lack of federal standards are driving up the cost for counties to purchase equipment. In addition, counties are working in cooperation with the states to merge existing voter registration databases into a statewide list and to implement new voting procedures, such as provisional ballots.

Thirty six provided information on their costs related to the Help America Vote Act. The counties who responded represent a broad mix of states that have moved forward with reform, those that are nearing compliance and those have not yet budgeted for or issued contracts on voting equipment. Some of the figures that counties provided below do not include the full cost of purchasing voting equipment:

	2003	2004	2005	Population
Cochise County, AZ	$53,626.00	$48,390.00	$36,090.00	122,161
Butte County, CA	40,000.00	850,000.00	2,000,000.00	212,010
Colusa County, CA	3,050.00	9,590.00	46,350.00	19,678
Kern County, CA	5,000,000.00			713,087
Mesa County, CO	19,535.00	157,700.00	124,676	
Brevard County, FL		43,000.00	2,442,500.00	505,711
Escambia County, FL		344,663.00		295,886
Lee County, FL	6,200,000.00	100,000.00	300,000.00	492,210
Polk County, IA		20,000.00	750,000.00	388,606
Scott County, IA		3,500.00	200,000.00	159,414
Idaho County, ID	34,480.00	36,560.00	36,560.00	15,413
Hamilton County, IN			25,000.00	216,826
Lake County, IN			2,120,900.00	487,476
Sedgwick County, KS	44,700.00	29,600.00	29,350.00	462,896
Calvert County, MD		9,300.00	77,158.00	84,110
Anoka County, MN		793,178.00		314,074
Blue Earth County, MN		55,000.00	56,650.00	57,306
Durham County, NC			5,000.00	236,781
Gaston County, NC			21,441.00	193,097
Northhampton County, NC			8,000.00	21,782
Richland County, ND		2,522.00		17,598
Rolette County, ND		7,931.77	0.00	13,732
Ward County, ND		22,225.00	2,825.00	56,721
Williams County, ND	2,368.38	17,757.27	5,000.00	19,316
Clark County, NY		997,566.00	131,825.00	1,576,541
Clermont County, OH			7,110.00	185,799
Montgomery County, OH		300,000.00	2,000,000.00	555,187
Chester County, PA	1,168,935.00	8,208,611.00	1,648,480.00	457,393
Monroe County, PA	10,000.00	44,000.00	45,000.00	154,495
County of Gloucester, VA	1,785.00	1,788.00	58,788.00	36,698
Fairfax County, VA	184,388.00	194,092.00	203,797.00	1,000,405
Prince George, VA		6,783.00	7,340.00	34,305
Kitsap County, WA		8,768.00		240,719
Greenbrier, WV			490,000.00	34,656
Monongalia County, WV		4,000.00		84,370

The highest cost was reported by Chester County, Pennsylvania, which spent in excess of $8 million of its own source revenue on HAVA compliance in FY 2004. Over the three-year period, the total cost for a family of four in Chester County is $96.42. Idaho County, Idaho, is spending $27.92 per family of four. Greenbrier County, West Virginia, is spending $56.56 per family of four in FY 2005. Montgomery County, Ohio, is spending $2.3 million for FY 2004–FY 2005, or $16.57 per person. Taxpayers in Butte County, California, are spending $54.53 per family of four to update their voting equipment over the three-year period and voters in Lake County, Indiana are paying $17.40 per family in FY 2005.

Notes and additions to the data:

Henrico County, Virginia has subsequently reported county funding for FY 2004 of $805,000 for the purchase of new voting equipment. The federal share of the total is $650,000; the state is providing $2 million. The registrar's office also anticipates spending $307,141 in the operating budget for FY 2005 for costs associated with the new voting machines.

The following explanations from individual counties are likely typical of county costs reported in the snapshot survey:

Scott County, Iowa has explained that their data includes $3,500 is a rough estimate of staff time used in the planning process that has not been reimbursed by state or federal funds. The $200,000 figure for FY 2005 is an estimate of the county share of the cost of new machines and software net of federal and state funds.

Polk County, Iowa has indicated that their figure for FY 2004 is associated with administrative costs such as reprinting forms. The figure for FY 2005 represents the county cost, less federal and state reimbursements, for the purchase of accessible voting equipment.

Clermont County, Ohio, has indicated that none of their reported costs are for the actual purchase of equipment. The entire figure is for administrative labor and travel associated with review of proposed equipment except for $300 for printing and processing of provisional ballots.

AMENDMENT NO. 253

Mr. GRASSLEY. Mr. President, I am pleased to rise today and join Senator BAUCUS and our colleagues in offering this Sense of the Senate resolution calling for full funding of the High Intensity Drug Trafficking Areas program.

In all areas the President proposes and Congress disposes, and the budget is no different. While I support the President's efforts to control Federal spending to address the budget deficit, I have concerns about how some of his proposals would affect law enforcement efforts to identify, arrest, and prosecute drug trafficking organizations selling their poison to our kids and grand kids. I think it is critically important that we not hinder their ability to protect citizens, especially from the dangers of drugs.

In particular, the proposal to transfer to the Department of Justice and reduce the funding for the High Intensity Drug Trafficking Areas program—also known as the HIDTA program—would have a major impact on drug enforcement efforts. With the continued growth of meth in Iowa and throughout the Midwest, we cannot afford to reduce programs designed to increase cooperation and coordination. Just as modem technology allows our businesses and our citizens to freely move around the country, the criminal element within the United States can take advantages of these same opportunities. That's why it is essential that they be able to work together, across jurisdictions, so that our laws against drug trafficking can be effectively enforced.

Congress provided the Office of National Drug Control Policy with the responsibility for the management—and effectiveness—of the High Intensity Drug Trafficking Areas program. For a relatively modest investment, Federal, State, and local law enforcement have tremendously benefitted from the increased information sharing and improved coordination that HIDTAs create. The task forces created through the HIDTA program can serve as models for initiatives against terrorism, money laundering, and other modem threats to civil society.

This amendment is consistent with the views expressed by the Budget Committee. It is consistent with the views expressed in the legislation introduced last year to reauthorize the Office of National Drug Control Policy.

I hope that all of our colleagues will join us in supporting this amendment.

AMENDMENT NO. 197

Mr. DEWINE. Mr. President, I rise today to join Senator ALLEN in urging the Senate to adopt budget language reinforcing our Nation's commitment to vital aeronautics research. For decades, the National Aeronautics and Space Administration has conducted a wide array of aeronautics research programs that have helped ensure our economic and military security and revolutionize the way we travel. NASA's work in aeronautics has captured the spirit of the Wright Brothers, spawning generation after generation of progress. The amendment before us, which I am cosponsoring, will help make certain that progress continues for many years to come.

Members of this body, including me, will fly to their home states later today or tomorrow when we have completed the budget, and when we do, we will benefit from countless innovations first developed in NASA aeronautics programs over the years—efficient jet engines, safe and secure air traffic control networks, advanced de-icing technologies, and so on.

The impact of NASA's work is indeed widespread. The U.S. aviation industry supports over 11 million jobs and contributes $1 trillion in economic activity. Our airlines carry 750 million passengers per year, with that number expected to grow to a billion within 15 years. We ship 52 percent of our exports by air, and in fact, the aviation industry contributes more to the U.S. balance of trade than any other domestic manufacturing industry.

Today we are at grave risk of losing the staff, facilities, and expertise necessary to continue the long history of NASA's aeronautics research programs. We are at risk of essentially allowing the first ''A'' in NASA—the one that stands for aeronautics—to die over the next several years. What a tragedy that would be for the traveling public, for our aviation industries, for our military, and really for our entire economy.

The budget we have before us does not contain specific references to aeronautics funding. Nonetheless, we know of NASA's plans for aeronautics from its fiscal year 2006 budget request. We know that the agency intends to reduce overall aeronautics funding by over 17 percent from fiscal year 2004, dropping another 12 percent by 2009. That is nearly one-third in just 5 years.

The cuts are even more severe within the ''vehicle systems'' account—the portion of NASA's aeronautics program that focuses on making aircraft safer, faster, quieter, more fuel efficient, and dynamic. NASA has announced its intention to cut over 28 percent of its budget in this area relative to fiscal year 2004, with plans to eventually cut even deeper in the out years. What will the practical consequences of these cuts be?

For starters, the cuts mean that all subsonic and hypersonic research will be terminated. This is the research that focuses on designing stronger airframes and better turbine engines—technologies that with just a little work can be taken from the lab and applied directly to functional aircraft, whether commercial or military. As a result, domestic aircraft and engine producers will lack the ability to draw on a body of solid pre-competitive research, while competitors abroad benefit from well financed efforts, such as the European Union's ''Vision 2020'' aeronautics program. Ultimately, the consequence may be the loss of our longstanding global leadership in civil aviation and all the economic benefits that flow from that leadership.

Second, many of the facilities necessary to design and test new aeronautics technologies will likely be closed as a result of budget shortfalls. Wind tunnels and propulsion test facilities are used by government, academia, and industry—often on a pay-for-use basis—and require minimal funding to maintain. A recent RAND National Defense Research Institute determined that over 84 percent of these NASA facilities serve strategic national needs, and concluded that the success of the U.S. aerospace industry ''relies on our workforce and test facility infrastructure . . . and will continue to need to predict airflow behavior over a range of designs.'' If we allow wind tunnels and propulsion labs to close, there will, in fact, be no way to serve these needs.

So these proposed aeronautics cuts are a double threat to the U.S. aviation industry: On the one hand, they get NASA out of the business of subsonic research, and on the other, they may well lead to the closure of the very facilities industry and academia would need to replace that research. There would, of course, be consequences for cross-cutting technologies used by the military and for the scores of Americans employed in these areas. On balance, the overall long-term impact would be devastating.

Instead of focusing on these subsonic and hypersonic aeronautics program areas, NASA intends to focus on ''barrier breaking'' flight demonstrations. These are exciting projects that involve UAVs and aircraft capable of quietly crossing the sound barrier, and they may pay off 15, 20, or 25 years down the road. By then, however, it could be too late for our aviation industry. The language offered by Senator ALLEN today addresses that fact head-on by restoring balance in NASA's aeronautics programs.

We need to step back and re-evaluate where we are with aeronautics research, where we want to be in 5, 10, 15 years, and make a commitment to do what it takes to get us there. A study specifically requested by Congress in the fiscal year 2004 omnibus appropriations bill mapping this course will be unveiled later this month by the National Institute of Aerospace. Just yesterday, the House Science Committee held an important hearing on the direction of aeronautics research.

There is movement on these issues, and we will have opportunities to define our goals as the year progresses. What Senator ALLEN is proposing to do is to say that we must keep all of our options open and our areas of expertise healthy until we are able to come to a conclusion between Congress, the administration, industry, academia, and really our Nation on what our direction will be. Senator ALLEN's language, in essence, ensures that our debate on how to approach aeronautics will not be over before it begins.

AMENDMENT NO. 220

Ms. COLLINS. Mr. President, the Lieberman-Collins amendment No. 220 provides $855 million to restore cuts to vital first responder programs in the Department of Homeland Security and the Department of Justice, and for port security grants. The amendment provides an additional $565 million for programs that support our first responders, including State homeland security formula grants, Urban Area Security Initiative grants, FIRE Act grants, SAFER grants, Emergency Management Planning Grants, and the Metropolitan Medical Response System. It would restore $140 million for community policing and local law enforcement efforts under the COPS and Byrne Grant programs. It would also provide $150 million for port security grants, ensuring at least the same amount of funding for the Nation's ports as last year.

AMENDMENT NO. 217

Mr. KOHL. Mr. President, I submitted an amendment to the budget resolution with Senator HATCH, Senator SPECTER, Senator BIDEN, Senator DEWINE, Senator LEAHY, and Senator BAUCUS to restore funding for juvenile justice and local law enforcement programs closer to last year's levels. Our amendment will increase funding for these programs funded by the Department of Justice by $500 million. Specifically, this money will add $173 million to the Office of Juvenile Justice and Delinquency Prevention, OJJDP, budget, $200 million for the Byrne Justice Assistance Grant Program and the COPS program, and $127 million to the High Intensity Drug Trafficking Area, HIDTA, program. The amendment accomplishes this by raising the functional total for the justice allocation by $500 million offset in function 920, which gives the Appropriations Committee the flexibility to design the exact offsets.

Let me briefly illustrate why we must put money back into these programs. Following the administration's lead, the Senate Budget Committee allocated $187 million to the OJJDP budget, which is about $173 million less than what we appropriated last year. I am particularly disturbed that the Senate budget resolution assumes complete elimination of the Juvenile Accountability Block Grant program, JABG, which received $55 million last year. JABG provides funding for intervention programs that address the urgent needs of juveniles who have had run-ins with the law.

The Budget Committee seems to feel that the JABG program is ineffective. An example from my home State of Wisconsin proves otherwise. Using Federal dollars from the JABG program, the Southern Oaks Girls School, a juvenile detention center outside of Racine, WI, built a new mental health wing to provide much-needed counseling services for the girl inmates. The administrator of this school cites a 56 drop in violent behavior since the new mental services have been offered. This is just one example of JABG's many successes, a record that supports keeping JABG alive and well-funded.

The same is true of title V Local Delinquency Prevention Program, the only Federal program solely dedicated to juvenile crime prevention. The Senate budget assumes a $50 million cut to title V, penny pinching now that will cost us dearly in the future. According to many experts in the field, every dollar spent on prevention saves three or four dollars in costs attributable to juvenile crime. And who can put a dollar value on the hundreds, even thousands of young lives turned from crime and into productive work and community life by the juvenile crime prevention programs supported by title V?

Following the President's lead, the Senate Budget Committee also drastically cuts the programs most important to state and local law enforcement. Congress appropriated a little more than $700 million last year in both discretionary and formula funds for the Byrne Justice Assistance Grant program. The budget before us assumes no funding for this program at all. Byrne grants pay for State and local drug task forces, community crime prevention programs, substance abuse treatment programs, prosecution initiatives, and many other local crime control programs.

Talk to any police chief or sheriff back in Wisconsin and they will tell you that the Byrne program is the backbone of Federal aid for local law enforcement. Do we really want to walk away from a program with more than 30 years of success supporting our local police chiefs, sheriffs, and district attorneys?

The COPS program is another victim of this budget. The budget assumes $118 million for the COPS program. That is down from $388 million last year. What is worse is that, within the COPS program, popular initiatives like the COPS Universal Hiring Program and the COPS Technology Grants Program are zeroed out entirely. We should remember that just 3 years ago, the overall COPS program received more than a billion dollars. Of that amount, $330,000,000 was for the hiring program that helped provide police officers for towns in Wisconsin like Ashland and Onalaska. Another $154,000,000 was for the COPS technology program that helped fund critical communications upgrades in cities, like Milwaukee and Madison and many other cities, not only in Wisconsin, but across the Nation.

Almost 3 years ago, I asked Attorney General Ashcroft him why the COPS program was being cut. He answered that that the COPS program was a ''good thing'', that it ''worked very well'' and that it had been one of the ''most successful programs'' we have ever had. I call on the Senate to heed our former Attorney General's words and restore funding for COPS in our budget.

Finally, The Senate budget assumes cuts in the High Intensity Drug Trafficking Areas, HIDTA program from $227 top $100 million. The HIDTA program is a vital collaboration between Federal, State and local law enforcement to combat drug trafficking through intelligence-gathering and cooperation. This proposed cut in the overall HIDTA program threatens the future of smaller HIDTAs like the one in Milwaukee, a program that has been extremely successful in stemming crime.

The downward spiral of juvenile justice and local law enforcement funding is a disturbing budget trend with ugly real world implications. As a result of the Byrne, COPS, JABG, HIDTA and title V programs, we have enjoyed steadily decreasing crime rates for the past decade. But, if we do not, at a minimum, maintain funding for crime fighting, we cannot be surprised if crime again infests our cities, communities, and neighborhoods.

The budget assumes more than $1.2 billion will be cut from what it would take to fully fund OJJDP, the Byrne Grant Program, COPS, and HIDTA at last year's level adjusted for inflation. We restore $500 million of that, not enough to make these important crime fighting programs whole, but enough to keep them functioning and working to keep our communities and families safe. Though some of us would prefer an even higher increase, my amendment represents a step in the right direction. I urge my colleagues to support this amendment.

AMENDMENT NO. 214

Mr. KOHL. Mr. President, I rise today in strong support of the Snowe-Wyden amendment. I am proud to cosponsor this amendment to allow the Secretary of Health and Human Services to negotiate for the lowest prescription drug prices in Medicare.

Americans pay the highest drug prices in the world. Americans pay, on average, two-thirds more than the Canadians, 80 percent more than the Germans, and 60 percent more than the British. While drug companies argue that they need high prices in America in order to fund research and development for new drugs, drug companies spend more on marketing, advertising, and administration than they spend on research.

Our seniors deserve a Medicare prescription drug benefit that gets the best prices for their medication. But the Medicare prescription drug law actually prohibits the Federal Government from negotiating with drug companies for lower prices. This is a missed opportunity and a waste of taxpayers' dollars.

In light of the growing concerns over the rising cost of this benefit—$57 billion more than originally expected—every effort should be made to save our seniors and taxpayers dollars.

This amendment requires the Secretary of Health and Human Services to use the tremendous purchasing power of the 41 million Medicare beneficiaries to assist the private drug plans in getting the lowest price for seniors. The savings provided by this amendment would go to pay for deficit reduction.

I urge my colleagues to support this commonsense effort to lower prescription drug prices and reduce the deficit.

AMENDMENT NO. 172

Mr. KOHL. Mr. President, I rise today in strong support of the Harkin amendment. I am proud to be a cosponsor of this amendment, which preserves funding for Perkins career and technical education for the next 5 years. While the Administration has determined that Perkins is ineffective, I rise today to defend Perkins and highlight its proven effectiveness in my home State of Wisconsin.

Perkins provides over $24 million in education and job training to Wisconsin students. These funds are allocated between the Wisconsin Technical College System and the Wisconsin Department of Public Instruction.

Over the past 5 years, 97 percent of Wisconsin's high schools have participated in the federally funded Perkins career and technical education programs. This includes over 98 percent of 11th and 12th grade students, as well as secondary special students in the State. As the result of this investment in career and technical programs, 96 percent of Wisconsin students completing high school career and technical education programs graduate, compared to the State's overall graduation rate of 91 percent.

The Wisconsin Technical College System and its 16-member colleges receive $13 million in Perkins funding to reach 25,000 students statewide. Students who qualify for Perkins-funded services are those most in need of assistance to ensure their future success in the workforce. Many are academically and economically disadvantaged. Some have disabilities, are single parents or have limited English proficiency. These students are provided counseling, disability support services, services related to increasing students enrolled in non-traditional occupations, remedial instruction, and transition services that help students successfully move from K–12 education to technical colleges and from technical colleges to the workforce.

Our technical colleges have demonstrated success helping their students meet these unique challenges. Six months after graduation, 91 percent of graduates are employed with an annual median salary of over $30,000. Five years after graduation, 97 percent are employed making nearly $36,000 a year. These graduates positively contribute to their communities and meet the needs of local businesses.

The loss of Perkins funding would significantly weaken our Nation's educational quality and economic competitiveness. This amendment is fully offset and provides deficit reduction. I urge my colleagues to support Senator HARKIN's amendment to ensure that students in Wisconsin and elsewhere continue to benefit from Perkins to compete in the 21st century economy.

Mr. SARBANES. Mr. President, I was pleased to join with my colleague Senator CHAFEE in sponsoring a sense of the Senate resolution which sought to restore the Clean Water State Revolving Funds to the fiscal year 2004 enacted level of $1.35 billion.

For the past 2 years, Senators CRAPO, JEFFORDS, and I, along with other Members of this body, have offered successful amendments to the budget resolution on the Senate floor seeking to boost funding for this program from $1.35 billion to $3.2 billion.

Unfortunately, these amendments were not accepted by the conference committee for fiscal year 2004, and there was no budget resolution in fiscal year 2005.

There is a tremendous need for increased funding for wastewater treatment infrastructure improvements throughout the country. As we underscore in this resolution, in 2002 the Congressional Budget Office estimated a spending gap for clean water needs between $132 billion and $388 billion over 20 years. This year we are proposing a very modest amendment simply to hold the line.

All States will be affected by the President's proposed cut in spending, a cut of 33 percent from the fiscal year 2005 enacted funding and a cut of 46 percent from the 2004 enacted level.

This cut will have a devastating impact on the ability of States and communities to continue upgrading their wastewater infrastructure and to meet the requirements of the Clean Water Act.

This request to restore the funding has broad bipartisan support: 41 Senators joined me in a letter seeking this restoration.

Americans overwhelmingly believe that clean and safe water should be a national issue and a national priority. Protecting our Nation's water is an essential Federal role, not just a State and local responsibility.

In a recent poll, nearly three-quarters of Americans agreed that ''clean and safe water is a national issue that requires dedicated national funding.'' More than two-thirds think Federal spending to ensure clean and safe water is more important than tax cuts. Across the Nation, our wastewater systems are aging. Some systems currently in use were built more than a century ago and have outlived their useful life.

Many communities cannot meet water-quality goals with their current systems. The American Society of Civil Engineers recently released its 2005 Report Card for America's Infrastructure and gave Wastewater systems a D minus, down from a D 2 years ago.

Obviously, I would like to see a significant increase in these clean water State revolving funds, which have been a highly effective means for improving wastewater treatment for communities across the Nation. However, at a minimum, I urge a simple restoration of the funding to the 2004 enacted level.

Mr. GRASSLEY. Mr. President, my colleague, Senator ENZI, and I filed our

amendment dealing with the defined benefit plan reform proposals in this budget. The amendment provides the necessary flexibility with respect to revenues and outlay savings between our two committees.

Unfortunately, a last-minute objection from staff on the other side sidetracked our amendment. We will pursue this amendment in the conference on the resolution.

VOTE EXPLANATION

Mr. PRYOR. Mr. President, yesterday I inadvertently missed a vote on an amendment to increase funding for AMTRAK by $1.4 billion. The amendment would have been paid for by closing corporate tax loopholes. If I were present I would have voted yea.

AMTRAK is important to Arkansas. By shifting the AMTRAK funding burden to States we are doing a real disservice to those people in rural America who rely on rail service. And without adequate assistance, I fear we will witness a rapid decrease in Amtrak's performance and infrastructure, and the end of rail service for my State.

I think it should be a goal of AMTRAK to achieve economic viability and I am open to discussions on how best to achieve that goal. But in this budget we should not ignore their funding needs or the needs of our rail passengers and State and local governments. I commend Senator ROBERT BYRD for this amendment and I regret having inadvertently missed this vote.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, had I been present for vote number 66, amendment No. 230 sponsored by Senator COLEMAN, to restore funding for Community Development Block Grants and other programs, I would have voted in favor of the amendment.

Due to the rapid scheduling of amendments at this time, I was unable to be here for that vote. However, my position with respect to CDBG funding is crystal clear. In fact, I was a cosponsor of the Sarbanes amendment to restore CDBG funding, which unfortunately failed on a 50–50 vote.

Although I preferred the offset in the Sarbanes amendment, I nonetheless would have voted for the Coleman amendment as well. CDBG provides critical funds to many communities in my State. It is one of the Federal Government's most effective neighborhood privatization programs. I am please that the Coleman amendment passed this body today, and I will continue to work in the Senate to ensure that the President's proposed cuts are not enacted into law.

Mr. BUNNING. Mr. President, I rise today to express my support for the Budget resolution before us.

Let's start with the revenue reconciliation instructions. We have already seen many amendments to raise taxes and I am sure we will see more. But there is another tax increase on the horizon. I am referring to the tax increase our constituents will feel in their pocketbooks and wallets if we fail to extend current tax law.

The so-called ''tax cuts'' the other side keeps referring to is really nothing more than just keeping current tax law. There are over 40 provisions that American families and employers have come to rely on that will expire at the end of this year if we do nothing.

The $70 billion in reconciliation that this resolution calls for is needed to prevent a massive tax increase. This is about provisions in current law that are important to our constituents and to our economy. We cannot afford to allow them to expire and therefore be raised.

Let's take a look at the items that the Finance Committee, which I serve on, will examine this year. There is the R&D tax credit. This is an important provision of the Tax Code that spurs innovation and new technologies and one that I and most others here support.

In fact, the bill introduced in the Senate in the last Congress to make this provision permanent had 40 cosponsors, including 22 Democrats. It will cost $7 billion to extend this provision alone for the 5 years of this budget.

Then there is the deduction for tuition expenses that will cost $10 billion to extend for 5 years. And we need to address the ability of taxpayers to deduct their State sales taxes from their Federal taxes. This will cost $2 billion for just 1 year.

We have a temporary, 1-year fix for the alternative minimum tax that will cost $30 billion.

Other items that expire this year include: the work opportunity and welfare-to-work tax credits, mental health parity, a provision regarding military pay and the earned income tax credit, a deduction for teachers who buy classroom supplies, the wind energy tax credit, oil and gas tax provisions, tax credit bonds for school renovations. I could go on and on.

Again, over 40 provisions in total will expire this year. Let me be clear, these are not new tax proposals. This is simply current law. If we do not extend these provisions we will cause a substantial increase in the tax bills of American families and businesses.

Our Finance Committee needs every cent of the $70 billion in the reconciliation instruction to make that happen. And that is even before we turn our attention to the dividends and capital gains tax provisions that have been important to our economy. I will push hard to extend these through the end of the budget window.

The amendments we have seen the last few days also deal with ''closing tax loopholes'' to get so-called ''corporate cheats''. I serve on the Senate Finance Committee and I can tell my colleagues that no one is more committed to closing tax loopholes than Chairman GRASSLEY.

In fact, the last tax bill we passed, the Jobs bill, had tens of billions of dollars in tax loophole closers. If any doubts that CHUCK GRASSLEY will take every opportunity to shut down tax cheats, then I suggest they go talk to him and look at the record on this issue.

And for the record, it has been a Republican Congress and President that has gone after these loopholes and tax cheats in the Finance Committee.

In addition to the over 40 tax extenders I referred to, we also have other priorities, such as the tax title of the Energy bill and charitable provisions in the Care Act. Charities do such important work in America and offer incredible compassion. They touch lives in ways the Government never can.

And if we want to be energy independent and less dependent on foreign sources, then we need to encourage the development of energy alternatives for the cleaner burning of fuels, such as clean coal technologies.

So I hope we can avoid getting caught in the rhetoric that calls the reconciliation instruction ''unnecessary.'' It is absolutely necessary if we are to prevent a massive tax increase. And it is especially vital when our economy is showing real signs of continuing solid growth.

I also want to address some of the complaints that we have heard about the horrible so-called ''cuts'' in Medicaid spending that the president asked for and we assumed in this budget.

Medicaid spending is projected to grow $1.112 trillion in the next 5 years. The president's plan would call for a spending increase of $1.098 trillion over 5 years.

Notice that I said a spending increase of more than $1 trillion. That works out to an annual growth rate of 7.2 percent. On what planet is an increase of 7.2 percent a year a cut? Let's get honest about the complaints we are hearing. What we are hearing are complaints that an increase of 40 percent in 5 years is just too little. Think about that: 40 percent.

All we are asking of the Medicaid program, as we hand them a more than $1 trillion funding increase, is to cut out $14 billion in abuse and waste. I don't understand how anyone can say with a straight face that it is impossible to save less than 2 percent of the budget of any program over a 5-year period. It absolutely can be done. We just need to have the will to do it.

We absolutely must get a handle on entitlement and mandatory spending because the numbers are alarming. By 2030 Medicare, Medicaid and Social Security spending alone will be 13 percent of GDP. Unless we reform entitlement spending, we simply cannot continue on our current path.

This budget is a first step, a very small first step, toward beginning to address the entitlement spending that threatens to overburden our economy.

I support this budget before us. It recognizes the realities of our world with the need to limit spending and extend current tax law to create jobs and keep America on the road to economic recovery. I congratulate Chairman GREGG on crafting a strong budget and I urge my colleagues to support it.

Mr. HATCH. Mr. President, I rise to express my support for the concurrent budget resolution presently before the Senate.

I want to start by congratulating Senator JUDD GREGG, the new chairman of the Budget Committee, along with the other members of that committee, for accomplishing the difficult task of putting together and reporting to the Senate a budget resolution that begins to address our spending and deficit challenges in a modest yet significant way.

As with many of my fellow Utahns, I am very concerned about the large and persistent deficits with which our Federal Government still wrestles. I continue to hear from constituents who seem discouraged that the Government has not been able to find more success in bringing the budget into balance, particularly after the several years of surplus we enjoyed in the latter part of the last decade.

Many Utahns have written to me to express their concerns that this generation is leaving a huge and growing burden on our children and grandchildren, one that perhaps will be too onerous for them to bear. As a longtime advocate of fiscal responsibility in families and in Government, I understand and agree with these concerns. The deficit and the mountain of public debt owed by the Federal Government do matter, and will make life harder for Americans in the future.

And so, those of us from Utah share a collective frustration that this budget does not make more progress toward cutting the deficit.

As I examine the budget resolution, however, I am struck by the fact that we, as a nation, are still facing turbulent conditions that seem to defy our best efforts to control our fiscal destiny. As we get farther and farther from the monumental events of the early part of this decade that have shaped our current landscape in so many ways, perhaps it is becoming easier to think that things are slowly returning to normal in our country.

But we need to remember that this Nation is still at war, and we still face tremendous challenges in protecting our homeland from further terrorist attacks. These needs are paramount and eclipse even the importance of balancing the budget. This budget resolution reflects these facts and provides for increases, although a relatively modest 4.1 percent growth in defense and homeland security spending.

At the same time, the budget places a virtual freeze on the growth of the remainder of discretionary spending accounts. This is in stark contrast to recent years, where such spending has grown at a relatively high rate. I believe this nondefense/homeland security freeze is a very important feature of this budget. Even though this restraint is rather modest, it is being met with a great deal of concern from many who had hoped to see more growth in the programs that fall under this category.

The budget also makes some small progress in bringing mandatory spending under control. Over the 5-year budget period provided by this resolution, this type of spending growth is cut by $32 billion. Although this is just a fraction of the growth in entitlement spending projected over this period, it is significant that this budget represents the first attempt to cut mandatory spending growth since 1997.

The results of these changes on the deficit are not dramatic, but they are noteworthy. The President set a goal last year to cut the deficit for fiscal year 2004, which was $521 billion, or 4.5 percent of GDP, in half within 5 years. The budget resolution before us projects this goal being met in fiscal year 2008 with a deficit of $258 billion that year, and falling to $208 billion by 2010. In relative terms, the deficit is projected to be 1.8 percent of GDP by 2008 and just 1.3 percent by 2010. While still too large, these deficits are certainly more manageable than those of recent years.

To meet these goals, the resolution provides some pretty tough discretionary spending caps for the next three fiscal years, and retains the pay-as-you-go rule from the fiscal year 2004 budget resolution.

Some of my colleagues are questioning the need for the budget to provide for approximately $70 billion in tax relief over the next 5 years. We need this money set aside to prevent tax increases that would be damaging to our growing economy.

Specifically, two provisions that have shown to be very important to increasing Federal revenue growth and helping the economy to recover are set to expire at the end of 2008. These are the reduced tax rates for dividend income and capital gain income that were enacted as part of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

If Congress allows these lower tax rates to expire, we would, in effect, be placing a significant tax increase on the economy. Capital gains rates would increase from a maximum of 15 percent to 20 percent, and the tax rate on dividends would leap from 15 percent to as high as 35 percent.

There is no doubt that these tax rate reductions, combined with the other tax cuts we passed in 2001, 2002, and 2003 have contributed to the recovery of the economy. After declining for 3 years, 2001–2003, Federal collections began increasing again in 2004, rising by 5.5 percent that year. For the current fiscal year, 2005, revenues are projected to jump by an impressive 9.4 percent. Moreover, revenues are expected to increase by an average of 6.4 percent each year until the end of the decade. This demonstrates to me the wisdom of our earlier decisions to cut taxes to get the economy growing again.

Allowing tax rates to increase might seem to some to be a smart way to fight the deficit, but I believe these revenue trends illustrate that such a move would be counterproductive and exactly the wrong thing to do. Therefore, it is very important that this budget include the reconciliation instructions that provide the opportunity for the Finance Committee to report the legislation that will prevent these tax cuts from expiring.

I look forward to working my colleagues on the Finance Committee in crafting a bill to extend both the dividends and capital gains tax rate reductions, as well as extending other important tax provisions that expire later this year.

While this budget resolution perhaps does not go as far as I would like to see in reducing the deficit and addressing spending growth, it is probably as strong as we can make it. I also recognize that this resolution has to garner a majority of votes in both the Senate and the House for it to take effect. Each one of my colleagues also has his or her own ideas of what would be the best combination of spending priorities for this coming fiscal year. In the end, what counts is what we can get a majority of us to agree upon the lowest common denominator.

Given the circumstances, the balances achieved in the budget resolution may well be the best we can do. It is not perfect, but it is a start, and it deserves our support.

Mr. BROWNBACK. Mr. President, for the past few years I have been advancing a concept that embodies fiscal responsibility, a concept that—if enacted—would be a sure sign to hard-working Americans that the Federal Government is serious about fiscal discipline.

Federal spending is at an all time high, now topping $20,000 per household, and that does not include spending from state and local taxes. This is the highest level of federal spending since World War II.

The Federal Government is now spending $2,292,000,000 per year on discretionary and mandatory spending, including Social Security.

Mr. President, $2.292 trillion is a lot of money. My Kansas constituents often say: ''I don't mind paying my taxes, but make sure my hard-earned money gets spent wisely.''

Does Federal spending need to be so high? We would all agree that the Federal Government has an essential role to play in various capacities, but are taxpayers getting the most out of every dollar sent to Washington? Again, I ask, does the Federal Government really need $20,000 per American household in order to operate?

And what real safeguards do we have in place to ensure that these $2.292 trillion are being spent wisely?

I am proud to have been elected to serve my constituents on a platform of reducing wasteful Federal spending and reforming Government. After 10 years though, I can testify that it takes a great deal of effort to keep a positive attitude. Balancing the budget, reducing Federal spending and returning taxpayer dollars to the families that earned them is hard work.

The reason for the difficulty in achieving success, in what would seem to be an obvious thing to do—reducing government waste and prioritizing spending—is that the specific interests trump the general interest on Capitol Hill.

For instance, there is a general interest to discourage smoking, and we spend many taxpayer dollars both to this end and on the treatment of lung cancer; however, taxpayer dollars are also still spent to subsidize tobacco because there is such specific interest pressure to keep tobacco subsidies alive.

The budget we are debating cuts the deficit in half in 5 years. I think we should balance the budget in seven years, but to be effective, we must work within the parameters of the system.

Systems matter, and to get solid reform accomplished you must have an approach that recognizes this reality. The problem with our current system—with the specific interest crowding out the general—is that it makes reform very difficult. Former Senator Phil Gramm taught me this truth in the Senate.

I believe that we need a new systematic approach to spending in Congress. This whole week, amendment after amendment has been offered on the Senate floor; generally speaking, each one of these amendments has the voice of a particular specific interest behind it. After all of the specific interest issues are raised, I will be happy if we can just cut the deficit in half in five years.

We need to create another mechanism, which will allow for the general interest to overcome the specific. Therefore, I put forward a new systematic approach.

Over the last few years, I have developed the Commission on the Accountability and Review of Federal Agencies, CARFA Act, which is a systematic approach.

Last year, we had a bipartisan hearing on the measure, in which all witnesses supported this new concept. In this year's version of the bill, we are incorporating some of the suggestions made at that hearing.

CARFA would take all of the Federal Government agencies and programs and put them under the review of a bipartisan commission—the members of which are appointed by both Congress and the White House.

The commission would review Federal agencies and programs, and present draft legislation to the Congress to realign or eliminate duplicative, wasteful, outdated, and failed agencies and programs.

Each house of Congress would get one vote on the bill—up or down—without amendment.

For example, if the commission finds 563 programs that are duplicative, wasteful, or already have accomplished their purpose and recommends their realignment or termination, then the Congress would vote—up or down—without amendment to realign or eliminate all of them or keep all of them. And you get only one vote—one vote in the House and one vote in the Senate—to send it forward to the President.

It is a systematic approach to address the specific interests dominating the debate in Washington.

The CARFA approach tries to get at the issue and create a systematic approach by giving the general interest a voice in the system. So now you have these 563 or 284 programs, and people come up to me and say: ''Well, what if you've got an agriculture program that has some benefit to Kansas, that you want to help and keep?''

Then, I look at the program and see that it does help Kansas, but I only get one vote and there are all of these other programs that I really do think need to be eliminated. And it makes the overall goal of balancing the Federal budget more achievable.

I am pleased that, once again this year, the chairman of the Budget Committee has seen the need for this measure and recognized how vitally important it is, as he has included a sense of the Senate calling for a commission along the lines of CARFA.

It is my hope that we will be able to work with the leadership this year and see the new CARFA systematic approach become a reality.

Mr. STEVENS. The amendment to strip development in ANWR from the budget yesterday ignores the outlook for the global consumption of oil. I am pleased that the Senate took a proactive approach to our current energy crisis, and voted to keep ANWR in the budget.

After listening at length to the statements of those opposed to responsible development on Alaska's North Slope, I was struck by the lack of concern over the national security implications of our dependence on foreign oil.

The global outlook for oil consumption is sobering, and it validates our decision yesterday to increase our domestic production by opening ANWR. One of the most serious areas of concern is the projected increase in China's oil consumption, which is set to grow at staggering rates.

China's economy is doubling every 8 to 10 years. This level of growth is expected to continue for at least 25 years.

To do this, China will need access to an increasing supply of oil. Milton Copulos, the President of the National Defense Council Foundation, told our House colleagues yesterday that fueling this economic growth will require ''so much oil . . . that the ability of current suppliers to produce it may be stretched to the breaking point.''

Jeffery Logan, Senior Energy Analyst and China Program Manager for the International Energy Agency, testified that, the average Chinese citizen consumed only one fourteenth of the oil consumed by the average American in 2004, but Chinese consumption is poised to increase rapidly.

Mr. Logan noted that in late 2003 China surpassed Japan to become the world's second largest petroleum consumer. He said:

> In 2004, Chinese demand expanded nearly 16 percent to 6.83 million barrels per day . . . [but] Domestic crude output in China has grown only very slowly over the past five years . . . Imports now account for 40 percent of Chinese oil demand.

To put this in perspective, Chinese oil consumption was responsible for 40 percent of the growth in global oil demand over the past four years. This trend will continue and China's consumption is projected to rise from 5.56 million barrels per day in 2003 to 12.8 million barrels in 2025.

Mr. Logan told the subcommittee that eventually China's ''import dependency'' will reach 75 percent stressing an already tenuous world oil supply.

Milton Copulos explained the consequences of this increase in Chinese consumption. He said:

> Under the best circumstances, the competition for oil generated by the explosive economic growth in Asia will serve to put a tremendous upward pressure on prices, driving them well above the current $50 plus per barrel average. OPEC officials have said oil prices could rise to as much as $80 a barrel and they may well be correct.
>
> Under the worst circumstances, . . . the competition for oil could lead to armed conflict—particularly with China.

I remember well the days of the 1970's oil embargo, and I agree with Mr. Copulos that, ''America is heading head-long into a disaster. Today our situation is far worse in 1973.''

I also agree with his assessment that:

> The simple truth is that America's energy endowment is more than sufficient to provide for all of our needs, both today and in the future. The only real shortfall that we have is a shortfall of the political will to find

innovative ways to fully utilize the resources we are blessed with.

Mr. Copulos discussed several areas where having the political will to take action could help turn our situation around. As an Alaskan, I am proud that our state can play a key role in the solutions he proposed.

The reality that some people do not want to face is the world is changing. China's economy is growing at a staggering pace, and without new domestic production, our country will face unimaginable competition for oil. ANWR is part of the solution to this looming crisis, and I am pleased Congress has finally had the political will to face this challenge and take proactive steps to prevent it.

Mr. LEVIN. Mr. President, this budget, like the President's budget, reflects the wrong priorities. This budget short changes public services such as education and health care for all Americans in order to further cut taxes mainly for the wealthiest Americans. This budget resolution is starkly out of touch with the vast majority of working families in Michigan and across the United States. The American people deserve better.

To create the impression that the budget cuts the deficit in half over the next 5 years, it simply leaves out several major expenses. These omissions include the cost of the wars in Iraq and Afghanistan, the cost of the personnel added to the Army and Marines and the cost of reforming the alternative minimum tax. Leaving these costs out of the budget paints an incomplete picture of the deepening Federal deficit and the damage being done to the Nation's fiscal outlook.

If the deficit continues to expand at its current rate, by 2015, each American's share of the debt will be at least $30,000. The bigger the deficit grows, the more likely it is that we will face rising long-term interest rates and slower economic growth. This will make it more expensive to buy a house, pay for college or pay off credit card debt. This is an unfair burden to pass on to our children and grandchildren.

The President's tax cuts are a major cause of our Nation's swing from a record budget surplus into an increasingly deep deficit ditch. Yet this resolution seeks $71 billion in additional tax breaks most of which are for the wealthiest Americans. The cornerstone of these proposed tax cuts is the extension of the capital gains and dividend tax cuts. These tax cuts would overwhelmingly benefit the wealthiest among us.

Largely as a result of its reckless tax cuts, this budget would actually increase, rather than decrease, the deficit. But this budget resolution, such as the President's budget, attempts to conceal the damage it is doing to the Nation's fiscal outlook by using 5-year projections instead of the customary 10-year numbers. Hidden just beyond the 5-year budget window is the exploding cost of the tax cut proposals and its growing effect on the deficit.

I am disappointed that the Senate did not adopt the Feingold-Chafee amendment to reinstate pay-as-you-go rules that would require both entitlement spending increases and tax cuts to be fully paid for or face a 60-vote point of order in the Senate. The pay-as-you-go rule, like the one which was successful in the 1990s, would have helped restrain the deficit without unduly harming critical public services.

I am pleased that the Senate rejected severe cuts to the Medicaid Program in a crucial vote earlier today. This is a victory for the 53 million children, pregnant women, elderly and disabled who rely on Medicaid to meet their health care needs. It is also a victory for the people that make our health care delivery system work.

Still the budget plan which is before the Senate today fails to address some of our Nation's most pressing problems, such as the loss of millions of manufacturing jobs, cuts in education funding, and environmental protection.

I am also saddened that the Senate rejected an amendment to continue to protect the Arctic National Wildlife Refuge. We have a responsibility to promote a balanced energy plan that invests in America's future and protects our environment, not one that damages our protected lands. Rather than drilling in our pristine wilderness, the United States should be investing in alternative sources of power, renewable energy programs and fuel efficient automotive technology to improve fuel economy without harming our environment.

This budget slashes funding for vital programs for working families in order to extend massive and fiscally irresponsible tax cuts that significantly lower the Nation's revenue and explode the deficit. These are the wrong priorities for America. I cannot support it.

Mr. KENNEDY. Mr. President, this budget does not adequately protect children. That is why I filed an amendment to help lift millions of children out of poverty. I will plan to offer this amendment at the next appropriate time.

In the last 4 years, over 4 million of our fellow citizens have fallen into poverty. Nearly 36 million Americans live below the poverty line; 3 million more Americans live in hunger or on the verge of hunger today than in the year 2000.

Today, nearly 13 million children live in poverty in the United States. It is shameful that in the richest and most powerful nation on Earth, nearly a fifth of all children go to bed hungry at night. Poverty is a moral issue, and we have a moral obligation to address it.

Current policies are failing, and it is time to take a stronger stand. We should set a national goal of reducing child poverty by 50 percent within a decade and to eliminate it entirely as soon as possible after that. To help meet this commitment, we should enact a one percent surtax for income over $1 million. This surtax, paid by our wealthiest citizens, will raise $3.5 billion this year, and more in subsequent years, to meet the needs of our most vulnerable citizens.

The amendment will create a child poverty elimination fund with a board to oversee the fund, and design the child poverty elimination plan.

We know how to achieve this goal. All it requires is the will, and the leadership, to do it. Prime Minister Tony Blair made a commitment to do so in Britain, and they have begun to reach the goal. Their approach is to support both parents and children. They have pledged to increase employment opportunities, raise incomes for those who work, increase support for those who cannot work, and improve public services for children and families.

It is time for America to make a similar commitment, and give real hope, real opportunity and real fairness to children and families mired in poverty in communities in all parts of our country.

We cannot continue to look the other way while millions of our fellow citizens work hard, play by the rules, and still cannot escape a lifetime in poverty.

Everywhere we look, the current budget is a nightmare for those who need our help the most. It cuts the Women, Infants, and Children Program, which provides health information and nutritious meals to low income pregnant women and their children. It cuts food stamps. It cuts Medicaid. It cuts low-income housing. It cuts low-income education. That is unacceptable. And yet the White House pretends it has an anti-poverty agenda. Nonsense. This budget is not anti-poverty, it is anti-poor.

As the wealthiest country on Earth, we are blessed with great abundance. In the powerful words of the Gospel, ''To whom much is given, much is required.'' That should be our national commitment to every American living in poverty today. I urge my colleagues to support this amendment.

Mr. AKAKA. Mr. President, I rise today to speak about a program very important to the children and families of Hawaii, as well as those who reside in other parts of the United States, the 21st Century Community Learning Centers Program. This program provides funding through a competitive grant process to fund ''centers that provide extended learning opportunities for students and related services to their families.''

The afterschool hours, those from 3 p.m. to 6 p.m., are a venturesome time for the youth of our country. Many

school age children are unsupervised during these 3 risky hours. Many of them lack constructive activities such as sports or other school or community sponsored programs. Those who lack such activities become vulnerable to mischief or even danger whether they are the victim of a crime or the perpetrator. Whether they are considering the use of tobacco, alcohol or drugs, or doing a myriad of other activities detrimental to their well-being, they would be better served in supervised afterschool activities, the kind of activities supported by the 21st Century Community Learning Centers Program.

According to FightCrime, an organization of law enforcement professionals representing all 50 states, ''Being unsupervised after school doubles the risk that 8th graders will smoke, drink alcohol or use drugs.'' They also report a study in Hawaii which noted an 84-percent drop in criminal convictions among school-aged males involved in quality afterschool programs funded by the 21st Century Community Learning Centers Program.

Afterschool programs can provide a critical link to positive growth for many of these students. The academic support and socialization provided by them will help many at-risk youth. These programs can provide that extra bit of help to enable children to succeed, in academics, and in life. This is what we are talking about, and this is just what this program provides.

The President's own evaluation system, the PART analysis, says that this program gets ''high scores for purpose, planning and management.'' This program was part of the President's signature education initiative, the No Child Left Behind Act, and is authorized at $2.25 billion for fiscal year 2006. Sadly, the President's fiscal year 2006 budget funds afterschool programs at the level-funded amount of $0.999 billion, less than 45 percent of its authorized level. In my own State of Hawaii, this underfunding results in more than 8,800 school-age children not being able to take advantage of programs to help with their education, character development or physical fitness, nor provide programs to ensure a safe environment during the afterschool hours.

The Dodd amendment to S. Con. Res. 18 attempts to address this funding shortfall. I am glad to be a cosponsor, and I thank him and the other members of the Afterschool Caucus, of which I am a part, for the leadership in trying to restore funding for this essential program.

Mr. JEFFORDS. Mr. President, a Federal budget is about setting priorities, and the priorities contained in this budget are all wrong.

About a year ago, Tom Friedman of the New York Times, described the President's budget as ''faith-based.'' Faith-based tax cuts were going to generate faith-based revenues, and we were all going to be better off. Well, the deficit is skyrocketing, interest rates are going up, and additional revenues haven't magically appeared.

If the budget before us were to pass unchanged, the deficit would increase each and every year for the foreseeable future. Vermonters understand that this is a burden we don't want to pass on to our grandchildren. We have fallen into a borrowing pattern that makes this Yankee cringe.

But let me emphasize that the deficits that we are now facing are primarily caused by a drop in revenues, not by wasteful spending on such things as education, veterans' benefits, and Amtrak. We could eliminate all of the Federal Government's discretionary spending outside of defense and we would still have a deficit.

On the mandatory side of the budget, I agree that we need to get a handle on increases in Medicaid spending and the pressures on Social Security due to the aging baby boom generation. But this budget fails to confront these challenges and in the case of Social Security pretends there is no problem.

How can we pass a budget that ignores the cost of the Iraq War after September 30? How can we pass a budget that includes more tax cuts for the few, but doesn't budget for the reform of the alternative minimum tax or the President's own Social Security proposal?

How can we pass a budget that forces us to ''pay for'' any increases in programs for our neediest citizens but doesn't require us to ''pay for'' tax cuts for the well-to-do? If we are to reinstate the pay-as-you-go rule, then it should, as it always has, include paying for both new spending and new tax cuts.

Speaking of tax cuts, I have grown very tired of the economic doublespeak now in fashion. If tax cuts were the policy of choice when we had large surpluses, and they are still the policy of choice when we now have large deficits, when if ever are tax cuts not the appropriate policy? Perhaps the families in Vermont who used up their heating assistance funds before winter was over, or the veteran on a waiting list for a medical procedure at a VA hospital, would prefer an increase in government spending to a tax cut.

Priorities, it is all about priorities.

We are 2 years into a war. American service men and women continue to come home with horrific wounds, both physical and mental. While the Department of Defense is keeping wounded soldiers in its medical system for longer periods of time and is shouldering a greater share of the costs, the long-term costs of health care and rehabilitation still fall heaviest on the Veterans Administration.

This budget responds by underfunding the VA by almost $16 billion over the next 5 years. How can we do this in the midst of a war? How can the President in good conscience insist on maintaining large numbers of troops in Iraq, and yet refuse to provide for the health care needs of veterans? This is unacceptable.

This budget drastically cuts the Community Development Block Grant, CDBG, program and other programs that our communities rely on. These programs now benefit so many Vermonters who struggle to make ends meet. This budget would consolidate 18 programs, including the CDBG, and slashes their funding by 34 percent. In Vermont, this budget would most harshly affect middle and low-income citizens by making safe and affordable housing unattainable, ending quality childcare programs, and compromising nutrition assistance. Funding for these important economic development programs must be restored.

I am very concerned that agriculture, conservation, and food assistance programs are faced with drastic cuts in funding. The Milk Income Loss Contract Program, MILC, which the President saw fit to include in his proposed budget, has been left out of this budget resolution. The MILC Program is necessary to help family farmers through tough times when milk prices are low.

This budget would also seriously compromise conservation programs that are used to restore our land and clean our water. Perhaps most unsettling will be the cuts to food assistance and nutrition programs, including food stamps. In Vermont, 30 percent of children live in low-income households that depend on food stamps for their basic needs and the medical safety net for their healthcare.

Vermont, together with States throughout the Nation, is facing a serious budget shortfall in providing the most basic level of healthcare to our most vulnerable citizens. Instead of facing that fact and providing temporary fiscal assistance to the States, the President called for billions of dollars in cuts in the Medicaid program, which the Senate fortunately rejected.

I am most disappointed that the Senate did not vote to provide additional funding for the Nation's water infrastructure. Spending on environmental programs from the national parks to programs that keep our water, land, and air clean will have to be reduced if this budget is enacted.

Priorities, it is all about priorities.

Even though education amendments passed, which I supported, that added money back to the Senate budget proposal, that is still insufficient to adequately fund important Federal education initiatives. I remain concerned that the budget resolution will eliminate funding for several key education programs, such as the $1.3 billion Perkins Career and Technical Education Act. This is especially depressing since

just last week the Senate, on a vote of 99–0, passed the Perkins bill. Then just a few days later, no funding is provided in the budget to carry out the program that was just passed.

In addition, the budget proposal does not provide the meaningful increases necessary to carry out the 4-year-old No Child Left Behind Act and the updated IDEA law that was enacted last December.

President Bush often mentions that education is a priority. He and I obviously define priority differently. To me, priority means you pay for the promises you make. I do not believe priority means you sign laws requiring more accountability to improve student performance, and then, in the next breath, send up a budget that doesn't provide the dollars needed to carry out the purposes of those laws.

I have spent a substantial part of my career calling for the full funding of special education. When the Individuals with Disabilities Education Act was enacted in 1975, Congress promised to pay 40 percent of the cost. In the current fiscal year, Congress will finance only 19 percent of the program, forcing States and localities to make up the difference.

I have tried to fulfill this promise in each of the last few years by making IDEA funding mandatory. The President and his allies have said that mandatory funding is not necessary, that we can meet the promise of IDEA by increasing funding by $1 billion each year. In this budget, IDEA funding is increased by only half of that amount.

This budget tells our children, their parents, and our local taxpayers that they are not a priority, and that we will not keep our word.

There is no question we are living through difficult budgetary times and savings must be sought at every opportunity. But we must not delude the American people into thinking that we can cut taxes, fight wars overseas, improve education, take care of our environment, and repair the Nation's transportation and water infrastructure all at the same time.

I cannot support the budget resolution because it does not adequately fund important domestic programs and promote tax cuts to the detriment of other priorities. At the same time, it does little to put our Nation's fiscal house in order.

Mr. KOHL. Mr. President, I am in strong opposition to this budget. As I have listened to the arguments of my colleagues on the other side of the aisle in favor of the budget, I am reminded of the Indian parable of the blind men and the elephant. Each could feel only one portion of the elephant, so each came to wildly different—and wildly inaccurate—conclusions as to what it was.

Similarly, it is hard for me to believe that those who are supporting this budget are looking at the whole picture. How can they call this budget fiscally responsible, when it would increase deficits $130 billion over where they would be if we did nothing at all? How can they brag that the budget tackles the difficult issue of entitlement reform, when nowhere is there mention of Social Security and Medicare, our two largest entitlement programs?

How can they refer to this as a blueprint for Congressional action, when it leaves out major spending and tax initiatives that we know the leadership wants to pursue: funding for the Iraq war beyond 2006; the cost of fixing the alternative minimum tax; the multitrillion dollar cost of the President's plan to privatize Social Security?

No one can defend this budget as a reasonable or complete response to the serious fiscal challenges this country faces. No one can defend this budget as accurately reflecting the priorities of our nation—for on those grounds, it is indefensible.

The President—along with Alan Greenspan and countless other wise pundits—have focused our attention on the severe budgetary consequences of the coming retirement of the baby boomers. Entitlements are growing at an unsustainable rate—and the time to address their growth is now.

Congress should act to strengthen Social Security now, rather than wait for the moment of crisis. Social Security can pay full benefits for another 40 or 50 years. After that—even if nothing is done—Social Security could still pay 70 to 80 percent of promised benefits. But if we act sooner rather than later, Social Security's long-term financial imbalance can be fixed through relatively modest adjustments. At the same time, we need to recognize that growing budget deficits will strain our ability to sustain not just Social Security, but other important programs like Medicare and Medicaid. We need to look at the entire Federal budget and act to bring these deficits under control so we can preserve programs that will put a strain on our budget in coming years.

How—given the President's crusade to ''save'' Social Security with private accounts, given the coming retirement of the Baby Boom—can this budget ignore Social Security and Medicare? Not a dollar assumed saved from either. Not a penny paid back to the Social Security trust fund. Not even an acknowledgement of the huge cost of the President's plan to divert Social Security payroll taxes into private accounts. Either this budget is incomplete or it is insincere.

I suppose we should be relieved not to see any provision made in the budget for the President's proposed private accounts. The President has chosen to make Social Security his top domestic priority, but so far he has only proposed the idea of private accounts, which he admits would do absolutely nothing to improve Social Security's finances. Borrowing to pay for the transition cost would add up to $5 trillion to the national debt. And because the President has taken all other options off the table, the private accounts would require massive benefit cuts to achieve solvency.

Obviously, Social Security reform—or entitlement reform in general—is not a priority to those who support this budget. And obviously, continued tax cuts financed with reductions in important government programs and with debt are. The budget puts on the fast track $70 billion in tax cuts—and not one penny of offsets. In fact, the Senate rejected Senator FEINGOLD's amendment, which I supported, that would have prohibited using debt to finance this sort of raid on the Treasury.

Instead, the Senate chose to expedite tax cuts that would disproportionately affect the wealthy. The budget facilitates the extension through 2010 of tax cuts on capital gains and dividend income. Nearly half of this will benefit households with incomes in excess of $1 million; in contrast, only 12 percent of the cuts will benefit families with incomes under $100,000. It is fiscal irresponsibility in truest form, to speed tax cuts through the Senate that will directly add to our growing deficit. In addition, the $70 billion figure includes permanent estate tax repeal. This provision, despite the fact that its true effect won't be felt until 2011, carries with it a price tag of more than $9 billion—$9 billion that will truly benefit the wealthiest Americans.

And while the budget finds plenty of room to reward millionaires with billion dollar tax cuts, it nickels and dimes the government programs the average American family relies on.

American seniors pay the highest drug prices in the world. Our seniors deserve a Medicare prescription drug benefit that gets the best prices for their medication. But the Medicare prescription drug law actually prohibits the Federal government from negotiating with drug companies for lower prices. This is a missed opportunity and a waste of taxpayers' dollars. Now, in light of the growing concerns over the rising cost of this benefit—more than $57 billion than originally expected—every effort should be made to save our seniors and taxpayers dollars. We missed a golden opportunity in the Budget today to accept an amendment that I was proud to cosponsor and require the Secretary of Health and Human Services to use the tremendous purchasing power of the 41 million Medicare beneficiaries to assist the private drug plans in getting the lowest price for seniors. The savings provided by this amendment would have gone to pay for deficit reduction.

Unfortunately, this commonsense effort to lower prescription drug prices and reduce the deficit was rejected.

However, I do applaud my colleagues on both sides of the aisle for having the courage to stop the proposed $15 billion cut to Medicaid. Stopping these drastic cuts will ensure that thousands of poor families, disabled Americans and the elderly get the proper medical care they need. The proposed $15 billion Medicaid cut would have translated to a loss of $300 million for Wisconsin. It would be extremely difficult for Wisconsin and other states to absorb a cut of this magnitude while continuing to provide the level of services 53 million Americans depend on. Now, there should be a thorough discussion about how Medicaid can work better to serve low-income Americans. But we should never force arbitrary cuts in Medicaid without first taking the time to consider the future efficiency and operation of the Medicaid program. Medicaid is an essential source of health care for millions of our Nation's most vulnerable citizens, and any changes to the program should be driven by informed, reasoned policy and not by arbitrary budget targets. I am pleased to have cosponsored the amendment that passed the Senate to protect Medicaid from these drastic cuts.

We have a continuing responsibility to meet the health care needs of our children, families, and elderly. But—even with the improvement in the Medicaid policy, the cuts proposed in this budget do not match those needs. Older Americans Act programs are level funded even as our population ages and the need for services grows. LIHEAP funding is cut by $182 million as more families and seniors face higher energy costs. Funding for health professions training has been reduced by 64 percent at a time when we face health care workforce shortages. And funding for rural health programs has been slashed by 80 percent when rural areas are in desperate need of adequate health resources.

Perhaps the worst failure of this budget—it fails our nation's children. This budget proposes the first cut in education spending in a decade. Yet again, this budget fails to fully fund No Child Left Behind, leaving the Act underfunded by $39 billion since enactment. It fails to set special education on a glide path to full funding—it is slated to be nearly $4 billion short of what was authorized four months ago. This budget should reflect our values and needs in education. It clearly does not.

This budget still fails to fulfill our commitment to our veterans. The American people made a promise to our men and women in uniform that when they had completed their service, the Veterans Administration would be there to help them meet their health care needs. When we made that commitment, it was not conditional, and it did not involve high fees. Today we seem to be slowly changing the terms of service. We now say to our veterans that they will have to wait months for an appointment, and some veterans are of such low priority to the system that they may never receive care at all. I supported an amendment that would have bridged the funding gap between the President's budget and the funding level that the veterans' groups believe is necessary. Unfortunately, Senator AKAKA's amendment was not agreed to. With that ''no'' vote, the Senate made a decision that some veterans did not deserve the benefits they had been promised.

I am also disappointed over the funding levels for transportation in this bill. I am especially disappointed that the Senate did not remedy the shortfall in funding for Amtrak. I was proud to cosponsor an amendment that would have fully funded Amtrak's basic needs at a level of $1.4 billion. The President's budget zeroed out funding for Amtrak, providing only $360 million to the Surface Transportation Board—and that would only be provided if Amtrak is forced to shut down in the Northeast Corridor. What the Administration fails to recognize, is that ridership in other areas of the country has increased; in Wisconsin, this means that 540,000 used Amtrak this past year. To force these 540,000 people onto our overcrowded roads and airports would be irresponsible, and I hope the Senate will reconsider before the end of the fiscal year.

While I am glad that we put the Senate on record opposing cuts to the Community Development Block Grant program, it is up to the Appropriators to decide whether to reverse the $2 billion cut in this vital program. CDBG and the 17 other federal community and economic development programs which the Administration proposed consolidating in the Commerce Department provide funds that are critical to meeting the needs of distressed and underserved communities. In my state of Wisconsin, at least 19 entitlement communities and many other smaller communities across the state are slated to lose millions of dollars if we do not stand firm and reverse this proposal.

I also regret that the Senate has decided to open up the Arctic National Wildlife Refuge to oil drilling. In the past bipartisan group of senators came together to protect this fragile ecosystem, but this year we failed to beat back drilling. By using the budget rules in a new, and some would say questionable, way a place that had been set aside as too valuable to be spoiled by drilling was opened to potential environmental degradation. The real tragedy here is that the oil we get from ANWR will have no impact on the price of oil. There is simply not enough oil in Alaska to have any real impact on the worldwide price. We have decided to risk irrevocable environmental damage but gained no additional control over our thirst for foreign oil. Until we aggressively address our domestic demand for oil, we will never be able be able to end our dependence on OPEC.

Following the administration's lead, the Senate Budget Committee allocated $187 million to the Office of Juvenile Justice and Delinquency Prevention, OJJDP, budget, which is about $173 million less than what we appropriated last year. I am particularly disturbed that the Senate Budget Resolution assumes complete elimination of the Juvenile Accountability Block Grant Program, JABG, which received $55 million last year. JABG provides funding for intervention programs that address the urgent needs of juveniles who have had run-ins with the law.

The same is true of Title V Local Delinquency Prevention Program, the only federal program solely dedicated to juvenile crime prevention. The Senate budget assumes a $50 million cut to Title V—penny pinching now that will cost us dearly in the future. According to many experts in the field, every dollar spent on prevention saves three or four dollars in costs attributable to juvenile crime. And who can put a dollar value on the hundreds, even thousands of young lives turned from crime and into productive work and community life by the juvenile crime prevention programs supported by Title V?

Following the President's lead, the Senate Budget Committee also drastically cuts the programs most important to state and local law enforcement. Congress appropriated a little more than $700 million last year in both discretionary and formula funds for the Byrne Justice Assistance Grant Program. The Budget before us assumes no funding for this program at all. Byrne grants pay for state and local drug task forces, community crime prevention programs, substance abuse treatment programs, prosecution initiatives, and many other local crime control programs.

The COPS program is another victim of this budget. The Budget assumes $118 million for the COPS program—that is down from $388 million last year. What's worse is that, within the COPS program, popular initiatives like the COPS Universal Hiring Program and the COPS Technology Grants Program are zeroed out entirely. We should remember that just three years ago, the overall COPS program received more than a billion dollars. Of that amount, $330,000,000 was for the hiring program and roughly $154,000,000 for the COPS technology program that helped fund critical communications upgrades in cities—like Milwaukee and Madison—and many other towns—like Ashland and Onalaska—across Wisconsin and the nation.

Finally, the Senate budget assumes cuts in the High Intensity Drug Trafficking Areas, HIDTA, program from $227 to $100 million. The HIDTA program is a vital collaboration between federal, state and local law enforcement to combat drug trafficking through intelligence-gathering and cooperation. This proposed cut in the overall HIDTA program threatens the future of smaller HIDTAs like the one in Milwaukee—a program that has been extremely successful in stemming crime.

The downward spiral of juvenile justice and local law enforcement funding is a disturbing budget trend with ugly real world implications. As a result of the Byrne, COPS, JABG, HIDTA and Title V programs, we have enjoyed steadily decreasing crime rates for the past decade. But, if we do not, at a minimum, maintain funding for crime fighting, we cannot be surprised if crime again infests our cities, communities, and neighborhoods.

That is why I offered an amendment with Senators HATCH and BIDEN to restore this dramatic loss of juvenile justice and local law enforcement funding. Cuts to these programs total more than $1.2 billion. Our amendment restores $1 billion of that—not enough to make these important crime fighting programs whole, but enough to keep them functioning and working to keep our communities and families safe.

For rural America, this budget leaves so much to be desired that it's hard to know where to begin. If you assume the President's vision on discretionary spending is carried out, as this budget proposes, basic agricultural research will be slashed beyond recognition. Rural housing, rural development and conservation will suffer. Nutrition for kids and food stamps for the working poor will be on the chopping block. And the fundamental fabric of rural America will be put at risk.

A budget is a statement of who we are as a nation. I do not believe we are a country that takes from the poor and sick to make the rich richer. I do not believe we are a country that steals from our children's future to indulge ourselves today. I do not believe we are a country that ignores threats to our prosperity and stability. I do not believe we are who this budget says we are, and I will vote against it.

Let me make one final point. Often, we hear that it would be irresponsible for Congress to reject a budget. Not this year. If we reject this budget,—if we do nothing at all—deficits will be $130 billion less than had we acted. A vote against the budget is a vote for deficit reduction. It is also a vote for responsible accounting, for honoring our commitments to our seniors and our children, for compassion towards those who are hungry, sick, or just struggling to raise a family in an uncertain world. For that reason, I will vote against this budget, and I urge my colleagues to do the same.

Mr. BIDEN. Mr. President, to govern is to choose. Nowhere are our priorities and our values made clearer than in the budgets we write here every year.

In these times, we face many tough choices. This budget ducks them all. It chooses the powerful over those without a voice. It chooses to reward wealth instead of work. It chooses the present over the future. It chooses debt and borrowing over sound finance.

This budget rejects the very rules that brought our budget into balance just a few years ago. It ducks our duty to take responsibility for our choices, and sends the bill to our children and grandchildren.

I will vote against this budget, and I urge my colleagues to reject it, too.

Just 4 years ago we were considering the first budget of the new Bush administration. At that time, we could look forward to a decade of budget surpluses, totaling $5.6 trillion.

We were paying down the national debt, and with every dollar accumulating in surplus, we were making our future stronger. Social Security funds were not being spent, as they are today, to fund the other functions of Government. Interest payments on the debt were shrinking, not growing.

With the impending retirement of the Baby Boom generation, with the need to educate and train a workforce to take on the world of the 21st Century, we were doing the right thing—saving for challenges we could see coming.

But instead of seeing those surpluses as an opportunity to get our house in order, instead of increasing our national savings by paying down the debt, the incoming administration insisted on a course that has resulted in the most dramatic reversal in our Nation's finances in our history.

The record at that time is full of warnings that tax cuts of that magnitude would make it difficult, if not impossible, to meet the known challenges ahead, much less any surprises that history could throw at us.

We were assured that the surpluses had to go, that we had all the money we needed to deal with recession, national security threats, natural disasters—anything we might have to face. We would be able to balance the budget, put money away for the surge in retirees, and meet every threat and challenge.

A lot of us did not buy it. The record is full of warnings about the long-term damage of massive tax cuts without regard for our future obligations.

But those tax cuts were passed. And more tax cuts followed every year, in time of economic boom, in time of recession, in peacetime, in wartime, when our budget was in surplus, and increasingly, as our budget deficits grew. Regardless of the situation, regardless of the facts, more tax cuts.

In the face of all the challenges we face, we are now running our Government on a level of revenue not seen since the 1950s. A 21st Century superpower, on a 1950s budget.

By the time they expire, the tax cuts we have put into law over the last 4 years will cost almost $2 trillion.

But we will be asked to extend those cuts past their expiration. Not to do so, we are told, would be a tax increase. But those expiration dates were chosen to make the tax cuts look smaller. Extending those cuts will raise the total cost to over $5 trillion through 2015.

That should cause serious people to stop and think. We are now engaged in an open-ended global war on terror, in a shooting war and reconstruction in Iraq. Security challenges from domestic threats to nuclear proliferation will continue to demand additional resources.

Medicare and Medicaid are facing real crises, driven by an aging population and rising health care costs. Social Security has a long term funding problem that will have to be confronted, the sooner the better.

As the global economy brings billions of new workers and customers into its scope, our country is in a real fight to protect and create good-paying jobs. That means strengthening our schools and universities, increasing research and innovation, investing in 21st Century infrastructure. All of that takes money.

This budget chooses to ignore those priorities. In fact, it cuts the resources we need to meet those challenges.

But it does not touch a dime of the $5 trillion the tax cuts will cost if they are all extended. Not a moment's pause, not a penny reconsidered.

The President constantly reminds us that the world has changed profoundly in the past four years. That is true. He tells us that we face unprecedented challenges. That is also true.

But his budget, the budget before us today, ignores those truths. It continues the most reckless budget policies I have seen in my 30 years in the Senate. Those policies have taken us from the strongest fiscal position we have known to the brink of the abyss. There is no way under these policies that we will ever get out of debt again.

We are now debating the most basic priorities of our Government. The budget document we will vote on today will be the statement of this Senate on what we value, and what I we do not value.

I am sorry to say that the most basic premise of this budget, is wrong. This budget protects tax cuts for those who need them least, and cuts the health care, housing, and education of those who need the most.

It protects the largest tax cuts in our history, in the face of the largest deficits we have ever seen.

The priorities in this budget are wrong. I do not think they are the priorities of the vast majority of people in

this country. I know that they are not my priorities.

Time and again during the week of debate, we have tried to provide funding for some priorities, and to reduce the money going to others.

During this debate, I offered an amendment to restore money for the COPS program that has put 100,000 policemen on the streets of our country. To cover those costs, I proposed closing loopholes used by corporations who move overseas to avoid paying taxes. But that amendment was voted down. Cops versus corporate tax breaks. Cops lose.

I voted to provide money for our veterans' health care, so sorely needed in these times. To pay for that, I was ready to close tax those tax loopholes. That amendment was voted down. Veterans versus corporate tax breaks. Veterans lose.

I voted to increase funding for first responders, our first line of defense against terrorism here at home. It was paid for by closing those loopholes. That amendment was rejected. Fighting terrorism versus corporate tax breaks. First responders lose.

I voted restore money for our national passenger rail system that carries 25 million people a year, for which not a dime has been put into this budget. But that amendment was voted down. Passenger rail versus corporate tax breaks. Passenger rail loses.

These and many other examples reveal the real priorities of this budget. Nothing makes that clearer than the outright rejection of the kind of common sense budget rules that helped us balance the budget during the 1990s.

Facing deficits of historical size, with no end in sight, most folks would consider it just common sense to set up some rules to rein this problem in. If you want to cut taxes, then cut spending to match. If you want to increase spending, you have to raise taxes to match.

Pay-as-you-go rules would require us to make tough choices, to take responsibility for our choices, and not just add to the mountains of debt we will dump on our children.

But not only does this budget reject those rules, it actually makes it easier to go deeper into debt, by protecting tax cuts, in time of record deficits. Senator FEINGOLD and Senator CARPER both offered amendments to correct that, and both amendments were rejected.

This budget is not just irresponsible, it is openly hostile to any attempt to make us live within our means.

This budget fails to address our most basic needs in these difficult times. It ducks our responsibility to pay for our own decisions. It does not reflect our Nation's priorities.

I urge my colleagues to join me in rejecting it.

Mrs. LINCOLN. Mr. President, today I rise to express my views on our budget and the priorities and ideas I believe we must focus on as a nation. First, I want to reiterate my extreme disappointment in President Bush's budget with respect to how it affects our rural communities. While reducing our Nation's historic deficit is essential, the burden and sacrifice shouldn't rest disproportionately on the backs of rural America—all Americans should share the burden. In my opinion, the President's budget relies too heavily on working families in rural America to make sacrifices while the President continues to advocate additional tax cuts for the ultrawealthy.

We have to find a responsible way for all Americans to share in this burden, and I think that my constituents stand ready to accept their share of that sacrifice. However, I am not going to ask the working families of this country to shoulder the entire burden. Rural programs are often the first programs on the chopping block, yet these are among the most important to our local communities and the economies they support. Our spending cuts must be balanced even if it requires rolling back the tax cuts for the ultrawealthy.

I have a long standing commitment to rural America and our Nation's farmers and I understand the challenges they face to maintain and strengthen their way of life. That is why I am so disappointed that this President has decided, through his budget, that our farmers and our rural communities are no longer a priority for him and his Administration.

I would like to take a few moments to focus on five areas where I believe the President failed rural America. The first area that the President's budget has come up short is with respect to rural law enforcement.

The President's budget cuts close to $1.9 billion in funding for local and state law enforcement and first responders. These cuts will be particularly crippling to rural law enforcement and inhibit a wide range of services including their ability to combat Arkansas' growing methamphetamine problem.

The President's budget includes a 27 percent cut, totaling approximately $455 million, in first responders funding. These cuts would hinder critical state and local efforts to protect our communities by making less funding available for the preparedness of first responders and citizens, public health, infrastructure security and other public safety activities. I am particularly concerned with how these cuts would affect the amount of federal Homeland Security funding provided to small and rural states such as Arkansas.

The President's budget includes a $215 million cut which would force rural fire departments to cut back on equipment purchase, safety training, fire prevention programs, and the purchase of new vehicles. These grants are especially important to Arkansas' rural and volunteer fire departments. Since 2001, the FIRE Act grant program has provided vital resources to many of Arkansas' 900 fire departments, 85 percent of which are voluntary. Since last Spring, more than 180 awards have been granted to Arkansas fire departments, totaling over $12 million.

Also, the President's budget proposes eliminating the Edward Byrne Memorial Justice Assistance Grant Program, which was budgeted at $536.5 million last year. I am deeply concerned with the elimination of this important program because it would significantly impact the ability of Arkansas law enforcement to combat the state's growing meth problem. The existence of 19 Drug Task Forces, funded by the Byrne Grants, are especially crucial in a state like Arkansas, which was recently ranked third in the nation, per capita, in terms of the number of meth labs seized and has recently seen the number of labs seized per year exceed 1,200.

The President's budget includes an 80 percent cut, totaling approximately $489 million, in COPS funding. Since Congress created this successful initiative with my support in 1994, the COPS Programs has assisted Arkansas law enforcement agencies in reducing violent crime across the state. In doing so, it has helped counties throughout Arkansas hire additional officers for community policing and homeland security activities by helping provide for their salaries and benefits. Since 1998, the Drug Enforcement Administration has used COPS funds for the training and certification of 379 state and local law enforcement officers as of June, 2004.

I want to make a special note of the fact that this budget cuts the COPS Methamphetamine Enforcement and Clean-Up by $32.5 million. These cuts would be greatly felt in Arkansas, where the use of methamphetamine is growing and has become the #1 priority for my state's drug law enforcement. COPS funding provided for the clean up and disposal of hazardous wastes found at 810 meth lab sites seized by Arkansas state and local law enforcement in 2003, and funded the cost which totaled more than $1.39 million.

The President's budget includes a 49 percent cut, totaling approximately $186 million, in Juvenile Justice Programs. These cuts would dramatically weaken the Juvenile Justice System, whose funds support state and local efforts to prevent juvenile delinquency and address juvenile crime. The President also seeks the elimination of the Juvenile Accountability Block Grants, JABG, which was funded by Congress in FY 2005 at $55 million. All of these cuts will significantly hamper rural law enforcement.

The second area where this President's budget short changes rural America is in healthcare. At a time

when 45 million Americans are uninsured, the President's budget eliminates 28 important health programs, which total $1.369 billion. Two of the most important programs for rural health are Medicaid and the Area Health Education Centers or AHECs.

With respect to Medicaid, Arkansas will lose more than $560 million in Medicaid dollars over the next 10 years under the President's cuts. In 2010, Arkansas will lose more than $55 million. Mr. President, these cuts would cause more than 5,700 Arkansas seniors and 22,000 children to lose their healthcare coverage.

One of the most devastating cuts affects Arkansas' Area Health Education Centers. Arkansas has six such centers. The President's budget would eliminate these vital centers for health and health education.

The third area where this budget fails rural America is in regard to education. The President has proposed cutting education funding by $530 million nationwide. Such a funding cut would hurt rural school districts in Arkansas that rely on federal dollars such as Title I, which provides services to low income students. The President's cuts to Title I could affect more than 28,000 Arkansas children.

Arkansas school districts are already struggling to meet the demands of the new No Child Left Behind law, which the President has never fully funded, so now is not the time to cut such vital funding. I note with special interest that the President's budget proposes extending the No Child Left Behind law to high schools at the expense of eliminating 48 programs, including all the vocational and technical education programs, education technology state grants, GEAR UP, Safe and Drug-Free Schools initiatives and the Communities State Grants, TRIO Talent Search and Upward Bound programs.

This budget proposes funding Arkansas' program at $128 million, nearly $90 million less than what the No Child Left Behind Law calls for. This budget proposes funding Arkansas' After School program at $12 million below what No Child Left Behind mandates. This could affect more than 15,000 Arkansas children. On top of that the President's budget cuts IDEA funding by more than $37 million.

The fourth area where this budget fails rural America is in relation to economic development. The President's budget would drastically cut economic initiatives relied on by Arkansas' rural communities. The economic development initiatives specifically benefit communities in Arkansas of 3,000 or fewer residents.

The President's budget restructures how Community Development Block Grant (CDBG) Program grants are allocated. Last year, CDBG alone was funded at $4.8 billion. The President proposes to consolidate CDBG with 17 other local assistance programs and fund the entire group at $3.71 billion. This would make it more difficult for Arkansas' Department of Economic Development to compete for this type of funding. These cuts could severely impair the state's ability to provide grants to Arkansas' rural communities. In addition, this move would directly impact the 14 entitlement cities that receive CDBG funds (cities include: Bentonville, Conway, Fort Smith, Jonesboro, Rogers, Texarkana, Fayetteville, Hot Springs, Jacksonville, Little Rock, North Little Rock, Pine Bluff, Springdale, and West Memphis). CDBG funds have been used for a variety of projects in Arkansas, including senior citizen centers, public health facilities, childcare facilities, affordable housing rehabilitation and construction projects, and rural fire stations.

The fifth area where this budget fails rural America is with respect to agriculture. The fine print of the President's budget includes drastic cuts in farm and commodity programs that are vital to Arkansas' farmers. The President's proposed cuts would break a firm promise the Federal government has made to American farmers and ranchers. Furthermore, the President's proposed cuts in Food Stamps will severely impact rural Arkansans.

The President did not have to propose cuts in these programs. The entire farm bill is one-half percent of the Federal budget. Yet, he chose these cuts that endanger entire communities in rural America. He chose to protect tax cuts for the ultra wealthy above our working farm families who are the backbone of rural America.

This should be a wake up call to the heartland of this country—many of whom supported President Bush's reelection. These programs have huge impacts on the quality of life in our rural communities. From his recent proposal to privatize Social Security, to these devastating cuts in his budget—the President has made it abundantly clear that he's going after working families in rural America.

Unfortunately, the FY 2006 Senate budget resolution we are debating today is only marginally better than the President's request. In my opinion, this resolution doesn't reflect the values and priorities of my state or the nation. The proposal before us ignores critical needs in my state and in rural communities across our nation. Specifically, the resolution, like the President's budget, would cut funding for Veterans, for education and training, for local law enforcement, for transportation and for agriculture and nutrition programs.

I am pleased we have made some improvements in the budget presented by the President during consideration in the Senate but unfortunately I believe the burden imposed by this budget still falls disproportionately on the backs of working families, especially those in rural communities throughout Arkansas and the nation.

Even though I am compelled to oppose the budget before the Senate today, I will continue to stand up for the priorities that are critical to the citizens of my state during the appropriations process ahead.

Mr. LEAHY. Mr. President, the President is setting a course that jettisons sound stewardship of fiscal policy and that ignores America's real needs, from education to first responders, and this budget resolution largely facilitates that reckless course.

Iraq's needs fare well in the President's spending priorities, but America's needs deserve to fare better. In record time, the administration's policies already have converted record surpluses into record deficits, and if these new policies are enacted, the worst is yet to come. More tax cuts for the wealthy, more borrowing, more deficits, and fewer investments in the priorities that really count in the everyday lives of America's families and communities.

We hear a lot in this town about ''compassionate conservatism.'' We hear speeches about declining family values and the breakdown of the traditional family. And we hear about streamlining Government and making it run more like a business based on cost-benefit analysis.

But the truth is, this budget before the Senate today is neither compassionate nor conservative. On the one hand it slashes, freezes, or totally eliminates funding for programs that help the poorest and the most vulnerable Americans, and on the other it uses smoke and mirrors to conceal the creation of a federal deficit larger than any other in our Nation's history.

This is a difficult time for many Americans, and this budget will only make things worse. Fifteen million American households cannot find affordable housing, yet this budget would force housing costs onto state and local governments.

Forty-four million Americans do not have health insurance, yet the budget that was brought to the floor would force the costs of Medicaid right back onto our cash-strapped State and local governments. I am pleased that we were able to soften this crushing blow to our states' Medicaid programs—for now—with a successful amendment. But there will be determined efforts to undo that vote at every step of the legislative process that lies ahead.

At a time when American companies are forced to hire from abroad because the students here lag behind in math and science skills, this budget would eliminate education programs by the dozen and severely underfund No Child Left Behind programs and funding for low-income schools. Perhaps most disturbingly, as we see more and more

young troops coming back from Iraq and Afghanistan in need of long term medical and psychological care, this budget would dramatically reduce benefits and services to veterans.

I recently received a letter from a charitable organization that I believe does great work, Catholic Charities USA, describing their views on the proposed budget. I think it will surprise many members what they say. I ask unanimous consent that March 8, 2005, Catholic Charities letter addressed to me be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 8, 2005.

Hon. PATRICK J. LEAHY,
U.S. Senate, 433 Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: On behalf of Catholic Charities USA, I urge you to support budget priorities for FY2006 that will strengthen the capacity of states, localities, and private agencies to protect and assist the poorest and most vulnerable members of our society.

Although our economy has recovered somewhat from the economic recession that began in late 2000, increasing numbers of Americans ate facing significant hardship. Unemployment remains high, as over 9 percent of the working population is either unemployed or underemployed, according to the Bureau of Labor Statistics. Poverty rates are rising again, and 35 million people—including 12 million children—are now living under the federal poverty line.

For millions of families, the difficulties presented by the weak economy have been exacerbated by other challenges. Fifteen million American households cannot find affordable housing, while forty-four million people in the U.S. lack health insurance. High housing costs, unexpected health costs, chronic illnesses aggravated by inconsistent health care—these and other factors contribute to the economic instability experienced by many families.

We at Catholic Charities USA are witness to the human toll of the failure to address these problems adequately. For instance, our agencies, which provide food, shelter, and other forms of emergency assistance to 4.5 million people annually, are reporting strong increases in requests for emergency assistance, especially among families with children. According to the U.S. Conference of Mayors, our experience is not unique. Their 2004 survey of 27 cities revealed that requests for emergency food and shelter increased 14 and 6 percent, respectively.

We therefore urge you to produce a budget that will protect funding for critical services and supports to help the millions of families struggling to achieve stability and self-sufficiency. Every decision of economic policy, including the setting of national budget priorities, must be judged in light of its impact on those who do not share in the abundance of the American economy. At a time when the United States is spending more on defense and homeland security, a question arises about who will pay for it. It should not be our nation's poorest citizens. We therefore ask you to support the following budget priorities:

Place a priority on investments in federal programs that protect and support low-income families and other vulnerable populations. Funding for many poverty programs was already cut or frozen in 2005. Others, such as Temporary Assistance for Needy Families (TANF), the Child Care and Development Block Grant (CCDBG), and the Social Services Block Grant (SSBG) have been frozen since 1996. Congress should address the budget deficit in a fair and balanced way maintaining investments in our children, protecting programs assisting seniors and persons with disabilities, and enhancing our national security.

Oppose the inclusion of Medicaid cuts in fiscal year 2006 budget reconciliation: Medicaid provides essential health coverage to over 50 million of our most vulnerable low-income children, working families, seniors, and people with disabilities. Neatly every state has already enacted painful cuts to its Medicaid program, including eligibility levels, services, and provider payments, and many states are facing deep Medicaid cuts again this year. Federal funding reductions would force states to implement even deeper cuts further restricting eligibility, eliminating or reducing critical health benefits, and cutting or freezing provider reimbursement rates. As a result, state Medicaid funding cuts could add millions more people to the ranks of the uninsured who would go without care, endangering their own health and public health.

The budget resolution should not place arbitrary caps on discretionary spending. The Administration has proposed statutory rules to cap discretionary spending over the next five years at its proposed 2006 spending levels. Such caps would require cuts of $200 billion in spending for domestic programs over the next five years, including funding for education, veterans' health care, rental assistance, utility assistance, and childcare. Such cuts would have a devastating impact on agencies and communities that are already struggling to meet the basic needs of vulnerable citizens.

We ask that Congress not attempt to balance the federal budget through reductions in discretionary programs assisting low-income families. Because domestic discretionary spending constitutes only 16 percent of the federal budget, even deep cuts in these programs would offer little help with the federal deficit, while sharply reducing assistance to families struggling to meet their basic needs.

If Pay-As-You-Go (PAYGO) rules are included in budget reconciliation, they should be balanced. If Congress chooses to reinstate PAYGO provisions, we urge that they be implemented in a neutral manner that does not encourage revenue reductions at the expense of critical programs serving the nation's most vulnerable families. Under the President's proposed PAYGO rules, entitlement program increases would have to be offset by entitlement reductions elsewhere. In contrast, tax reductions would require no offsets in the federal budget. This unbalanced policy would unfairly burden programs such as Medicaid that provide families with critical assistance, and would likely fail to achieve significant deficit reductions.

We recognize that Congress is faced with many difficult choices. In your deliberations, please remember those who have the fewest choices.

Respectfully,

FR. LARRY SNYDER.

Mr. LEAHY. Mr. President, what does this charitable religious group ask? Less funding for family planning efforts? No. More tax cuts for the wealthy? No. Tougher bankruptcy standards to help credit card companies? No. Class action relief for big corporations? No. Yet those have been the White House's and the Congress's priorities so far this year, and those are their priorities in this budget. But what this charitable religious group convincingly asks that we do is far different. They ask for the following: They ask Congress and the President to make a higher priority in the budget of federal programs that protect and support low-income families and other vulnerable people in our society. Oppose the inclusion of Medicaid cuts in Fiscal Year 2006 budget reconciliation. The budget resolution should not place arbitrary caps on discretionary spending. And if pay-as-you-go rules are included in budget reconciliation, they should be balanced.

Now, these sound like reasonable proposals that would help the neediest among us. Those sound like priorities that would benefit the 35 million people—including 12 million children—now living below the federal poverty line. These proposals truly sound compassionate.

Some claim that the cuts in this budget are steps toward fiscal responsibility. But anyone who looks closely at this budget will see that any semblance of fiscal responsibility is lost because this budget leaves out a number of Governmental costs in the outyears. It leaves out the costs of ongoing U.S. responsibilities in Iraq and Afghanistan. It leaves out the cost of any repair of the alternative minimum tax system. It leaves out the cost of extending the President's tax cuts. And most incredibly, it leaves out any of the expected $4.5 trillion in costs for the President's plan to privatize Social Security. With these costs factored in to the equation, the nonpartisan Congressional Budget Office predicts that by 2012, the United States deficit will reach $527 billion, making each family's share of the debt an astonishing $85,967.

I take very seriously this warning from the Government Accountability Office in their February 2005 report titled ''21st Century Challenges: Reexamining the Base of the Federal Government:''

> Absent significant changes on the spending and/or revenue sides of the budget, these long term deficits will encumber a growing share of federal resources and test the capacity of current and future generations to afford both today's and tomorrow's commitments. Continuing on this unsustainable path will gradually erode, if not suddenly damage, our economy, our standard of living and ultimately our national security.

This budget will plunge the United States into red ink as far as the eye can see. We have an obligation to be honest about the true costs of our budget to the people who are paying for it. If we continue to follow this path of fiscal irresponsibility, we will be leaving our children and grandchildren with a debt that they cannot possibly begin to afford. We need to turn around

the massive loss in total revenues that we have seen during the Bush years. We need to strengthen our current Social Security system so that less money is drained from the trust fund. And we need to realign our budget priorities with the real needs of the American people and discard these politically motivated budget cuts.

I may be seen in this town as a progressive Senator from Vermont, but I have a conservative message for my colleagues today. We cannot continue down this reckless path of financial irresponsibility that we have been led down for the past four years. We need to get our fiscal house in order. Foreign investors are growing weary of our record debt. Our sons and daughters in uniform—including those in our National Guard and Reserves—are in harm's way overseas and need to be properly equipped and to have the health insurance they deserve. And essential programs for disadvantaged people across the country are being slashed to squeeze out more money for tax cuts to the wealthiest among us. This is not the American way. We are a more compassionate people than this budget resolution assumes we are.

The American people deserve better than fiscal and budget policies such as these, and I will vote against this budget resolution.

Mr. GREGG. Mr. President, much to my amazement, and I suspect that of the Senator from North Dakota, we are at the end of this exercise.

I will yield to the Senator from North Dakota for a closing comment. Before I do that, I want to thank the staffs on both sides, the majority staff and the Democratic staff. They have done exceptional work under extremely intense, very difficult conditions. They have worked night and day for weeks on this, and now in the last few days they have been going 24 hours a day.

I also thank the members of the staff of the Senate for their extreme courtesy and extraordinary professionalism. Amendments have been thrown at them in an aggressive way, and they have handled it well. We thank them for their professionalism.

I yield to the Senator from North Dakota.

Mr. CONRAD. Mr. President, very briefly, I thank Senator GREGG for the tone he set not only in committee, but on the floor. I thank his staff for their professionalism and cooperation. We have gotten to know them and have worked closely with them and have enjoyed the experience.

I thank Members of the Senate who worked cooperatively. Just hours ago, we could have been faced with being here until 3 o'clock in the morning. Senators on both sides of the aisle really cooperated to allow us to complete business at this hour.

With all of that said, I urge Members to oppose this budget resolution. As I read it, this budget would increase the deficit by over $200 billion over and above what would happen if we just put this entire Government on autopilot. In addition, as I read this budget, it increases the debt each and every year by over $600 billion.

Mr. President, this is at a time when we already have record deficits and soaring debt and are increasingly vulnerable to the decisions of foreign central banks, as we have increased our borrowing from them by nearly 100 percent in just 3 years.

Finally, I don't think this budget has the right priorities for America. This has a dramatic cut in the COPS program, virtually eliminating it. It has cuts in things like firefighters grants and, at the same time, substantial tax cuts for the very wealthiest among us, a tax cut of more than $35,000 for millionaires in 2006 alone. That is at a time when we are reducing funding for a whole series of national priorities, including veterans and education beyond what was authorized.

Again, let me conclude by thanking colleagues on both sides for the professionalism with which this debate has been conducted.

I yield the floor.

Mr. GREGG. Mr. President, let me add a note of appreciation to the majority leader and the assistant leader on our side and the Democratic leader and his assistant leader. They have done an exceptional job of helping us on the bill.

Let me especially thank the Senator from North Dakota for the expeditious and fair way this bill was handled. It was, in large part, due to his extraordinary effort. I thank him for that. I thank his staff, led by Mary Naylor, and I thank Scott Gudes of my staff and the extraordinary team I have for the great work they have done.

This is not the perfect bill, not the bill I would choose had I controlled the magic wand. But it is a bill that is in the middle of the process, and, hopefully, it will evolve into a better bill as we go through the process.

I hope colleagues will join in passing it, as it is our obligation as a Government that we have a budget in order to guide the Government as we go forward.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. We will not end until the leader has worked things out, but the chairman was concluding his statement.

Mr. GREGG. My verbosity obviously got the best of me. I was concluded, and I thought it was an excellent conclusion. I appreciate the input of the Senator from Nevada. He brought it to an end at the appropriate time. I hope we can move forward.

Mr. CONRAD. Mr. President, I thank my staff very much for an extraordinary effort. Thank you very much.

Mr. REID. Mr. President, we cannot leave until the majority leader gets on the floor. We have to find out what we are going to do when we get back here.

Mr. BIDEN. We can check the RECORD. Let's vote.

Mr. REID. Does the leader have an idea what we are going to do when we get back?

Mr. FRIST. Mr. President, through the Chair, we are going to have a busy session when we get back. I would love to continue our discussion. We have a number of issues such as patient safety, and we have a couple of district judges that we need to do. We will see how far we get with welfare reform. We can have a busy 3 weeks.

Mr. REID. Tuesday will be our first vote?

Mr. FRIST. Tuesday would be our first vote, if we vote Tuesday. We would not vote on the first Monday back.

Mr. BYRD. Mr. President, may I inquire of the distinguished majority leader, will there be a session tomorrow?

Mr. FRIST. Mr. President, I have not had a full discussion with the Democratic leader about a session tomorrow. We can either have a discussion now or during the vote. We will discuss during the vote whether or not we will have a session.

Mr. BYRD. If we are not going to have a session, my first inquiry would be, how many days will the RECORD remain open for statements?

Mr. FRIST. Mr. President, through the Chair, in response to how many days the RECORD will be open, we will work that out as well during the vote.

Mr. BYRD. Mr. President, I ask unanimous consent that, upon the conclusion of the vote, I may be recognized to make some statements for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the concurrent resolution, as amended.

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 51, nays 49, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—51

Alexander	Bunning	Coleman
Allard	Burns	Collins
Allen	Burr	Cornyn
Bennett	Chambliss	Craig
Bond	Coburn	Crapo
Brownback	Cochran	DeMint

Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NAYS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

The concurrent resolution (S. Con. Res. 18), as amended, was agreed to.

(The concurrent resolution will be printed in a future edition of the RECORD.)

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, the narrow 51–49 vote on the budget resolution we just passed reveals the delicate balance that our leadership forged between spending restraints and the funding priorities of the American people. On the one hand, there is a clear need to dry up the red ink which threatens to plague our children, their children and generations to come. As the author of the Balanced Budget Constitutional amendment I am clearly aware of the need to maintain fiscal discipline.

At the same time, I also have a responsibility to the citizens of UT to make certain that important programs in our state receive the funding they need to operate on a sound basis.

Today, we cast many difficult votes which forced us to choose between those two competing priorities. One of those votes was on the Smith Medicaid amendment. I am extremely concerned about the $60 billion reduction in proposed spending growth for Medicaid in the President's budget. At the same time, it is important to note that even under the President's budget, Medicaid is projected to grow about 7 percent per year.

I feel that it is incumbent upon the Finance Committee and its members, Secretary Mike Leavitt and the President to work with States and communities to ensure that we preserve the safety net Medicaid offers to the elderly, the disabled and the low income. I have pledged to Chairman CHUCK GRASSLEY and Secretary Leavitt that I will work with them to ensure that there is adequate funding for this vital program. I am very concerned that we do right by this program which helps so many, many Utahns each year. We can't allow it to be torn apart.

Another difficult amendment facing the Senate today was the amendment offered by Senator NORM COLEMAN to restore funding in the budget for the Community Development Block Grant program, CDBG. As my colleagues are aware, I wrote to the Budget Committee and urged strongly that they include adequate room for the appropriators to fund the CDBG program. I was very disappointed that funding was not reflected in the budget reported by the Senate Budget Committee.

I consider the Community Development Block grant program to be an effective tool and an extremely important program for communities throughout the State of Utah. I feel it is important to note that the purpose of the Budget Resolution is to set out the framework for the FY 2006 priorities which will determine the allocations provided to each of the Appropriations Subcommittees. We all know it is very difficult to begin the appropriations process without having a budget in place to guide our work. Whether or not the final budget agreement which emerges from the House-Senate conference includes an explicit funding reference for the CDBG or not, action will turn to the Appropriations Committee which has the full authority, and indeed the responsibility, to provide funding for this program.

Let me make it perfectly clear to the communities in Utah that I will not drop my fight to secure adequate funding for the CDBG.

I want to assure my colleagues that my votes on the budget today do not reflect any lessened commitment on my part to the CDBG, Medicaid or other vital programs in UT.

Mr. DODD. Mr. President, I rise today to talk about the budget resolution that the Senate just voted on. This budget is irresponsible and takes the country in the wrong direction. It adds to our Nation's debt, continues to slash taxes for those in our Nation who least need tax breaks, and would enact massive cuts in critical domestic priorities. And it is for these reasons that I was unable to support this budget resolution.

The budget of the United States is a declaration of our Nation's moral priorities. It is a statement of where our Nation is now, and where we aim to be, years down the line. On all of these counts, this budget fails to reflect this Nation's values.

I know that Members of this body have strong differences on our budget priorities, but I think that we can all agree on the following two items. First, that our Nation is currently experiencing record-high deficits.

Second, that these deficits are impeding our ability to meet our needs in education, transportation, communication, health care, national security, and homeland security. There are strong views on both sides on how we got here. I believe that our change from record surpluses to record deficits was not an accident, nor was it a product of unforeseen events, but was a direct result of the fiscal policies pursued by the current administration. This result was not unforseen, not unexpected, and in some corridors even desired since there are those who have told us that deficits are ''good'' on the theory that chronically high deficits will preclude what they consider to be unwise and wasteful government spending, by which they mean spending on education, transportation, research and development, among other priorities.

Unfortunately, the budget that just passed does not in good faith address our record deficits. In fact, it worsens our Nation's fiscal health. This budget is a continuation of the reckless and unfair policies that have been pushed forward by this administration since its first days in office, and by its supporters in Congress. The majority's budget resolution would make deficits and debt worse, not better as they have claimed. Over the next 5 years, this budget proposal would increase deficits by $130 billion over what they would be under current law. And while the majority claims to be cutting the deficit in half with this budget resolution, I am afraid that that this assertion is false. This budget resolution actually leaves out large and significant costs, and in so doing masks the true size of the deficit.

The reality of the fact is that when omitted costs are factored in, such as the 10-year cost of AMT reform, $770 billion, and ongoing war costs, $380 billion, the operating deficits will remain above $500 billion and climb to $569 billion in 2010. These figures do not include the President's Social Security privatization plan, which would likely add an additional $4.4 trillion over 20 years to the national debt.

To make matters worse, by failing to provide estimates of the effects of its proposals beyond 2010, this budget resolution, obscures the fact that its tax cuts would increase the deficit by a much larger amount in the second 5 years—2011 through 2015—than in the first 5 years—2006 through 2010. According to the Congressional Budget Office, the tax cuts proposed in the budget would increase the deficit by another $1.4 trillion from 2011 through 2015.

The national debt would continue to skyrocket under this budget resolution. In 2001, when President Bush took office we were actually having serious conversations about paying off the national debt by 2008. Under this budget resolution, including the costs of AMT

reform and ongoing war costs, we will see the publicly held debt go from its current level of $4.3 trillion to at least $5.9 trillion by 2008. In 2001, this would have seemed inconceivable. This budget resolution also includes a reconciliation instruction for a $446 billion debt increase which means that a debt increase could happen in an expedited manner without affording the Senate full and proper consideration. While there was an amendment to remove the reconciliation instruction on the debt increase, it unfortunately did not pass.

Over the past few years, the administration has told us that figures like the deficit and the national debt are merely numbers that have little impact on Americans' lives. This is yet another reflection of an administration out of touch with reality.

What will be the ultimate result of our record budget and trade deficits? Higher interest rates on small business loans, families' mortgages, and education loans. These amount to a tax hike on working families and small businesses.

Americans may wonder, how does their government finance these deficits? The answer is that our government does much what many families or businesses do when faced with bills they can't pay—we borrow money. The money our government spends has to come from somewhere—and with each passing year, more and more of it comes from foreign nations.

Since President Bush took office, foreign debt holdings have increased almost 100 percent. We now owe $700 billion to Japan, $200 billion to China, and $69 billion to South Korea. This makes us more vulnerable to the decisions of foreign central bankers since they can decide that it's time to collect their debt—and we will have to pay up. If this were to happen, the implications for our economy would be catastrophic.

The majority had an opportunity this week to truly tackle the skyrocketing deficit—by restoring a strong pay-as-you-go rule, PAYGO, that would require any new mandatory spending or tax legislation to be paid for, or require 60 votes to pass. In 1983, I was one of the first Senators to offer a pay-as-you-go budget. It is smart budgeting; it works. One major reason why we were able to move from deficit to surplus in the 1990s is because we had a strong PAYGO rule. Unfortunately, the majority refused to support this important amendment this week, thereby sending a message that it is okay that we continue to drown in deficits.

As I said at the outset, the budget that the Senate just passed is not just a fiscal document. It is a statement about the majority's values. And just as this budget is fiscally irresponsible, it is also morally irresponsible.

This budget will cause pain and debilitation to working families throughout our country. In essence this budget tells working families that they need to do more with less. This budget tells them that as a nation we just do not have money to buy new computers for schools, to provide better health care, to provide services to the poor, the sick, the frail, and the elderly. This is appalling, but what makes it even more so is that at the same time, this budget turns around to the affluent of this country and gives more to them. This budget finds room to include tax cuts for millionaires, but does not have enough for the needs of middle-class families.

Despite record deficits and debt, and despite our efforts to address this, the budget before us provides for another $70 billion in tax cuts over 5 years using the ''reconciliation'' process which is a fast-track process that ensures that such legislation would need 51, rather than 60 votes to pass. ''Reconciliation'' was originally established to ensure fiscal responsibility, and here the majority is now using it to extend the tax cuts on dividends and capital gains. These tax breaks, which would average $35,000 a year, would disproportionately go to households that have incomes in excess of $1 million, a group that constitutes only 0.2 percent of all households.

Such policies will bankrupt the country and unfairly place the burden on the backs of middle-class workers. I strongly believe that this budget sets us on a dangerous course when we consider the challenges we face in the coming years.

In the global economy of the 21st century, America faces ever-increasing competition from foreign nations. How we fare in that competition will be a direct consequence of our willingness to make concrete investments in the capabilities of our greatest and most abundant resource: the American people.

Investing in the American people begins with ensuring each and every American receives a quality education. A quality education—beginning when a child is only a few years old, and continuing through college and beyond—is the key that opens the doorway to a lifetime of opportunity. Our competitors—nations like India and China—have realized that. They are making serious investments in the intellectual capacity of their citizens.

What are we doing?

One in every three programs slated for elimination in the President's budget are education programs. Aside from the eliminations, No Child Left Behind is underfunded by $12 billion, special education is underfunded by $3.6 billion, and afterschool programs are underfunded by $1.25 billion. How does the administration expect schools to raise the level of achievement for students without the resources needed to do it?

In today's global economy, we can ill afford to give our children any less than the best education available. As I have said many times before, education may be expensive but ignorance costs even more.

I was also appalled when I saw how little this budget provides for concrete investments in scientific progress.

In real terms, the total Federal R&D portfolio would decline for the first time since 1996. Total Federal support of research—basic and applied—would fall 0.6 percent to $54.8 billion.

The proposed Federal Research and Development portfolio in fiscal year 2006 is $132.3 billion, 0.6 percent or $733 million above this year's funding level, far short of the $2.2 billion increase needed to keep pace with inflation.

In many respects, I feel as if those who wrote this budget have forgotten the lessons of history. If we look at the groundbreaking scientific innovations over the past two centuries, we learn that an overwhelming number of them have been inextricably linked to real investments this Nation has made in research and development.

Where will we see the next great scientific achievement? Will it be here in the United States? Or will it be in China? Or England? Or Japan? Or Italy? The answer to that question lies in our willingness to make the right choices. Unfortunately, this budget does just the opposite.

While the budget contains an overall shortfall in R&D funding, I am pleased, however, that an amendment that was introduced by our colleague Senator GEORGE ALLEN and myself was accepted and included in the budget resolution. The budget had proposed to cut over $700 million out of NASA's Aeronautics budget over the next five years. Our amendment increases subsonic and hypersonic aeronautics research and development funding by $1.58 billion over 5 years, with an offset.

Aerospace and aviation are important assets for America and for my home State of Connecticut. In addition to its obvious national security benefits, the aeronautics industry makes a critical contribution to our Nation's economic growth and standard of living. We cannot continue to just give the minimum to aeronautics research and development if we want to be able to effectively compete in aeronautics and in the world economy. Acceptance of this amendment is a step forward in demonstrating that the United States is committed to our aviation and aeronautics industry and innovation.

If I listed every area in which this budget fails our Nation, I would be here much longer than my allotted time. But I would like to quickly outline just a few more of the critical priorities that this budget has shortchanged in order to provide tax cuts for millionaires:

Veterans funding would by cut by $14.5 billion. This administration constantly preaches the rhetoric of supporting our troops, yet it has consistently come up short when it comes to meeting the needs of those who have made great sacrifices for our freedoms.

Just as this budget fails those who protected our freedoms abroad, it endangers those who keep us safe here at home. It cuts firefighter assistance grants—grants that have helped fire departments buy new trucks, safety equipment, radios, hazmat suits—by 31 percent. It cuts funding for the COPS program—which supports police officers throughout our nation—by 96 percent.

We have known since the first roads of the Roman Empire that the fate of nations hinges in many respects on their ability to move people, goods, and services as efficiently as possible. Yet this budget cuts $15.9 billion in transportation funding.

Reductions in natural resource and environmental programs would total $29 billion over five years. This budget also fails to protect the Arctic refuge from drilling.

The budget also cuts child care assistance for 300,000 children through 2009. It is absurd to be cutting child care assistance for struggling parents at the same time that the President proposes that more low-income parents work longer hours. It is not just absurd, it is irresponsible. If you want welfare reform, you simply must have child care, as well.

This budget would terminate the Community Services Block Grant, leaving working poor families affected by the President's budget cuts with nowhere to turn for assistance.

I know that we can do better than this budget. Actually, we must do better, so that we can truly move our country forward, and do what is best for families everywhere.

HORIZON MINERS

Mr. BYRD. Mr. President, Smithers, WV, is a town of 904 residents on the banks of the Kanawha River, just outside of the state capitol of Charleston. Last October some 1,500 active coal miners and retirees, along with their wives, their children, their families, sat inside a hot and crowded gymnasium trying to cope with how, in a few short weeks, their lives had been turned upside down.

Two months earlier, a bankruptcy judge whom they had never met, and who resides in another state, vitiated their collective bargaining agreement. In West Virginia, this judge cost 270 active miners their jobs, and, along with 1,270 retirees and their dependents, rescinded their health benefits. These folks gathered in that gymnasium trying to understand what had happened and what could be done.

They are the Horizon miners. They are good, strong people. They devote themselves to their labors, and take pride in their work. They are committed, hardworking individuals who contribute much and ask for nothing more than simple fairness. And so imagine how they are made to feel, the anguish, frustration, and betrayal they are made to feel, when they learn the health benefits they labored for, the job security they I toiled for, has been taken away.

One can hardly blame these workers for feeling as though the world has ganged up on them. Their former employer, Horizon Natural Resources, for which they loyally worked for many years, had lobbied intensely in bankruptcy court to eliminate the health benefits of its own employees. In a U.S. court, where every honest man should expect a fair shake from an impartial judge, these workers were betrayed by the judicial system.

The judge, with the rap of a gavel, vitiated the 1992 Coal Industry Retiree Health Benefit Act, legislation passed by the Congress and signed by the President, to provide qualified coal miners with guaranteed health benefits, a promise dating back to President Harry S. Truman's pledge to John L. Lewis in 1946. One judge overturned a 60-year-old promise that had been codified by the Congress and endorsed by three Presidents. It was a disgraceful, shameful act.

These Horizon coal miners, betrayed by their employer, beguiled by the courts, now turn to their elected representatives in the Congress for help. And, thanks in large part to the efforts of Congressman NICK RAHALL and Senators ROCKEFELLER and SPECTER, the Senate is in a position to get something done.

Building on Senator ROCKEFELLER's efforts, Senator SPECTER has introduced legislation to help the Horizon miners. I urge the Judiciary Committee to take a careful look at that legislation. I urge the committee to hold hearings, and to listen to the plight of those coal miners and their families affected by Horizon's bankruptcy. This is an issue that affects not just the Horizon coal miners, but workers across the Nation who have seen their pension and health benefits taken from them.

It is happening across West Virginia. It is happening across the Appalachian region. It is happening in Indiana, Kentucky, and Illinois. In West Virginia, it is affecting elderly workers who are near retirement. What security they had is gone. What they had been promised, they have no time to get back. In such circumstances, it is incumbent upon the Congress to take action.

I urge the Finance Committee, as well as the Judiciary Committee, to consider these issues. I urge both committees to hold hearings and solicit testimony from those workers affected. The chairman of the Finance Committee has said that his committee ought to look at the issues raised by Senators SPECTER and ROCKEFELLER in the context of a comprehensive review and a comprehensive solution. That makes sense, and I am encouraged by his statement.

Abraham Lincoln reminds us that ''Inasmuch [as] most good things are produced by labor, it follows that [all] such things of right belong to those whose labor has produced them.''

The Horizon miners labored for their health benefits, and they ought by right have them. Let us organize our efforts. Let us build momentum, and let us, at long last, take a stand in defense of the men and women who epitomize America's time-honored work ethic.

LIONS AND LAMBS

Mr. BYRD. Mr. President, this Sunday is special for two reasons. It is the first day of spring and it is also Palm Sunday, the beginning of the Christian Holy Week. Both events mark triumphant arrivals, of Jesus into Jerusalem, and the start of the season of rebirth, of lengthening days, warm earth, and growing things.

At this time of year, many people quote an adage to the effect that ''March comes in like a lion, and goes out like a lamb.'' An unknown poet said it better:

The March wind roars
Like a lion in the sky,
And makes us shiver
As he passes by.

When winds are soft,
And the days are warm and clear,
Just like a gentle lamb,
Then spring is here.

The exact origins of the March saying are not clear. Observers of the weather may assert that the saying reflects common springtime weather patterns, when shifting pressure gradients create the strong gusty winds so closely associated with March. Indeed, March marks the beginning of the tornado season in North America. We have certainly seen some strong cold winds recently, shaking the few remaining dry brown leaves out of the trees and whirling them across lawns and roads. Daffodils and crocus have been lured into bloom only to be buried under snow or ice. This year, winter is still roaring in March, with howling winds, snowstorms, ice, and rain across the nation. The poet Henry Van Dyke (1852–1933) once observed that:

The first day of spring is one thing, and first spring day is another. The difference between them is sometimes as great as a month.

We can but hope that the gentle lamb-like weather arrives soon.

Some skywatchers believe the adage has a heavenly source. They point out

that the constellation Leo, the lion, is rising in the eastern horizon at the beginning of March, hence the ''coming in like a lion,'' while Aries, the ram, sets on the western horizon at the end of March, and so ''departs like a lamb.'' Some Christian observers point out that March is typically a Lenten month, in which Jesus, the Lamb of God, is sacrificed on the cross, only to return in the future as the Lion of Judah to rule over the world of men.

I do not know which theory is correct, but each is plausible and intriguing. They provide food for thought as gardeners rake out flower beds and till vegetable plots on the warm, sunny afternoons that crop out amid the rain and late snow flurries. They reassure us that, whichever is true, the world is behaving normally. If we are only patient a little while longer, the March winds will push winter along and leave the glorious spring in their wake.

Age is supposed to bring with it patience, but I find that each year I am just as eager for spring to arrive as I was when I was a boy. I may be even more eager than I was as a boy, since snowball fights and sledding down hills have been replaced with shoveling walks, scraping icy windshields, and higher heating bills. I am ready to shed my winter coat, ready to feel the sun on my face, ready to see the flowers bloom and the grass grow. I am ready to plant a few tomatos. I may not run through the fields and woods anymore, but I like to sit outside with my wife, Erma, and watch our little dog explore the backyard. I look forward to watching my grandchildren hunt for Easter eggs in the soft, new grass.

The vernal equinox marks the first day of spring, the perfect balance of light and dark, day and night. On Sunday, for the first time each year, day and night are equal. But then the sun triumphs over the dark days of winter. Each day through the spring, the period of sunlight grows a little longer, like the grass in the yard. Each day, the birds start singing a little earlier, and continue their song just a little later in the evening.

For winter's rains and ruins are over,
And all the season of snows and sins;
The days dividing lover and lover,
The light that loses, the night that wins;
And time remembered is grief forgotten
And frosts are slain and flowers begotten,
And in green underwood and cover Blossom
by blossom the spring begins.

So wrote the poet Algernon Charles Swinburne—1837–1909—in his 1965 poem, ''Atalanta in Calydon.'' In March, the daffodils, crocus, and forsythia bloom, adding their springtime yellow and Lenten purple to winter's faded palette of gray and brown. But look closely, and you can see buds swelling into life on twigs and branches. Vibrant reddish buds reassure gardeners that the roses came through the winter, and will soon grace us with their beauty and sweet fragrance. The glorious parade of bloom and blossom will soon begin.

It seems more than happy coincidence that Easter is a springtime event. Like spring itself, the story of Easter is one of rebirth, of light triumphing over darkness. Palm Sunday, the arrival of Jesus into Jerusalem those many years ago, is shadowed with the knowledge of the dark days to come—Jesus' betrayal, capture, and tortured procession with the cross on his back and crown of thorns on his brow. But after his death comes his resurrection and ascension, his rise from the darkness of the tomb to the light of Heaven.

Each spring, as we relive his great sacrifice for us, we can rejoice in his great promise of rebirth, even as we are surrounded by the earth's rebirth.

The celebration of birth and growth persists even in the most commercialized aspects of today's Easter celebration. Like the March winds adage, the origins of the Easter egg have been lost to time, but for untold centuries, eggs have symbolized fertility, resurrection and new life. The ancient Greeks, Persians, and Chinese exchanged eggs during their spring festivals. Some pagan traditions held that Heaven and Earth were formed from two halves of an egg.

Christian traditions have adapted this ancient symbol to the Easter ritual, wedding the ideas of earthly rebirth to spiritual resurrection. Once forbidden during Lent in the Middle Ages, eggs reappeared on Easter Sunday on the dinner table as well as being given as gifts. In Greece, eggs are dyed red to represent the blood of Christ. In Germany and Austria, green eggs are exchanged on Maundy, or Holy, Thursday. Many cultures have developed elaborate decorations for blown or hardboiled eggs, from the graphic Russian 'pysanki' eggs to those with religious symbols and scenes carefully painted on them.

Whatever the tradition, Easter eggs remain a springtime delight. The fun of making them is overcome only by the fun of hiding them and watching small hands tightly clutching decorated baskets loaded with their brightly colored bounty. Of course, today's Easter baskets are also filled with chocolate eggs, jelly beans, and marshmallow treats—some 90 million chocolate Easter bunnies, 700 million marshmallow Peeps, and 16 billion jellybeans each year, according to some reports. Older Easter food traditions, such as the hot cross buns once given to the poor by monks, and pretzels, with crossed arms resembling a person at prayer, have fallen from favor before this onslaught of sugar.

As Erma and I watch our children, our children's children, and now, our great-grandchildren, continue this happy custom, we are thankful once again for these, our blessings. Their new lives, like those of children everywhere, are treasured gifts. On this coming Easter, in this first week of spring, I know I am not alone in giving thanks.

I close with a short poem by Louise Seymour Jones, called ''Who Loves a Garden.'' In just a few lines, she marries the spheres of heaven and earth, the greening of the land, the rebirth of the flowers as well as the spirit, and work that is a labor of love.

WHO LOVES A GARDEN

Who loves a garden
Finds within his soul
Life's whole;
He hears the anthem of the soil
While ingrates toil;
And sees beyond his little sphere
He waving fronds of heaven, clear.

Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BYRD. Can the Chair inform the Senate as to how many days speeches will be received for printing in the RECORD before the recess formally begins?

The PRESIDING OFFICER. The Chair is not in a position at this point to share with the Senator what that may be, but it is our hope that it will be available soon.

Mr. BYRD. Very well. I am informed, Mr. President, that the Senate will be in this coming Monday for a brief period for acceptance of speeches only. Yes. All right. I thank the Chair. That answers my question sufficiently.

Mr. President, I thank all Senators, I thank the staff, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

TERRI SCHIAVO

Mr. SANTORUM. Thank you, Mr. President.

Today we had an opportunity to discuss and pass a very important piece of legislation. Most people would think I am referring to the budget, which we spent the better part of the day on, but we spent 15 precious minutes talking about an issue that many Americans are thinking about tonight; that is, the case of Terri Schiavo in the State of Florida. I wanted to congratulate my colleague from Florida, Senator MARTINEZ, for his effort in drafting the piece of legislation that could get, frankly, the impossible done—to get in the midst of an at times rancorous budget debate—a very unique consensus in this place, unique in this respect: 100 Senators had to agree to pass this bill. It is difficult enough to get 100 people, much less 100 Senators, to agree to do anything, particularly during an often difficult process that we have been going through, but not only did we get 100 Senators to agree to allow this bill to be passed, but we did

so when some Members on the other side of the aisle were not supporting the bill. That is somewhat remarkable.

I give a lot of credit to the Senator from Florida, Senator MARTINEZ, the two leaders, the ranking member of the Budget Committee, Senator CONRAD, Senator HARKIN, and others who worked to bring this issue to the Senate floor and to deal with it in a way that accomplished something vitally important; that is, giving the family of Terri Schiavo hope that the end will not begin tomorrow.

I will talk more specifically about it. I will yield to my colleague, Senator MARTINEZ, and Senator BROWNBACK. Both have been obviously incredibly active and helpful.

We are still working this process. The House has passed one bill, and we have passed a different one. I have been, as well as many here in this Chamber, back and forth between the House. I missed the next to the last vote because of meetings I was having over in the House. I never like to miss a vote, but I guess if we miss a vote, this is probably as good a reason to miss one.

We are still working very hard to see if we can find some common ground so we can address this issue that is so vitally important—not allowing a death sentence to be handed down to a young woman without a Federal court review.

We are working here on the Senate side very diligently. Not only do we work together to pass the bill Senator MARTINEZ authored, but we are working on the House bill. There will be meetings tomorrow with several Members of the Senate who have concerns about that bill to determine whether there is a possibility that we can, in fact, accept the House bill on this side of the aisle. Those meetings will take place tomorrow, and we will have a session on Monday in which we can potentially, if we get an agreement, pass that bill. But that is something we are going to work on.

I can tell you, having spoken to both Senator REID and Senator DURBIN, and others on the other side of the aisle—they have helped us arrange meetings with Members who have concerns about that issue, the House bill on the Democratic side of the aisle. We are putting those meetings together. We are going to have those discussions, we are going to see if this is something that can be acceptable and passed, and again we have to pass with unanimous consent. That process is underway.

Many in this Chamber believe the House bill is a superior way to go. I know the House strongly feels that way. Relief provided in the House bill does something that is essential; that is, take the case out of the hands of the judge who seems determined to end the life of Terri Schiavo. Removing that case from that judge into the Federal court is the most effective way to get a fair hearing. I think that has a lot of merit.

We are hopeful we can have this good discussion. But I will tell you we have had an air of cooperation here in the Senate that, candidly, was heartwarming. We sort of got past not just the particulars, because I don't think there is any politics in this, but even some of the philosophical and policy concerns that people have and understood the genuine concern that many Members here have for the evolving situation in Florida.

I commend my colleagues. This was a very fine moment for the Senate. It is continuing to be that as we continue to search for an answer—an answer that can get the House and the Senate together. I am hopeful that the House will do likewise, will reflect on the Senate bill. I know it is a very difficult row to hoe for the House.

We will be back in session on Monday. The House will be back in session on Monday. Again, I don't know whether we will be able to get anything solved by then. But I will tell you at least on the Senate side we will continue to work on that. We will continue to see if we can find some common ground. I am hopeful we will be able to reach—in fact, we must reach a conclusion.

It would be unconscionable to leave with both parties having expressed a will to do something. Both bodies with identical intent and cannot find the words to come together to accomplish that joint intent that has passed overwhelmingly in both Chambers. That would be a crime on top of a crime that is being committed in the State of Florida.

I am happy to yield to the Senator from Florida.

Mr. MARTINEZ. Mr. President, I thank my colleague from Pennsylvania for the incredible work he has been doing on behalf of this woman in Florida. His guidance and leadership have been a great sign to me of how effective a Senate can be and how compassionate a heart can be as well. I echo his comments in terms of the cooperation in the Senate.

I believe today Members of both parties came together to pass a bill that is designed to ensure this woman has an opportunity to have a review of her case by a Federal judge in the hopes that maybe her parents may prevail, but whatever the outcome may be, so she may have and we may be assured that every last measure of justice has been given to her.

I also am very pleased the House of Representatives acted swiftly outside normal procedure in order to make this happen. I am very grateful for their work. I am grateful for what they did. It is unfortunate we came at it because of the rush of business over the last several days, the very shortened period of time we had available to end up with two versions of this bill that differ. Their approach, which is a removal of approach, is not specific to any one individual. I know the House, for very good reasons, for historical reasons of good faith and for very good reasons, has had a reticence to do a private or individual bill. I understand that concern. I also know how difficult it was for some Members on the other side of the aisle particularly to go along with that measure because it was interpreted by some to maybe be too broad.

We are acting in good faith, and their concerns were, again, reasonable, while maybe I would disagree with them. Unfortunately, the only vehicle we could find in this very short timeframe was to utilize the bill we had in the Senate which found favor enough for there to be unanimous consent to proceed.

A number of inquiries have been made whether this is over. It is not. We continue to work diligently. We continue to work toward a solution, toward bringing the two bodies together so we can get a bill to the President. I am encouraged the President today has made it clear he will sign a bill if we get it to him. We must continue to work in this spirit of cooperation, not only among both sides of the aisle, majority and minority in the Senate, but also across this building, one end to the other, House and Senate, all intent on a result that will give this final review by a Federal court the opportunity for this woman to have that final measure of compassion, and at the end I am hopeful we will reach a solution.

As my colleague from Pennsylvania stated, we will be in session on Monday, and we will continue to work and negotiate on this over the weekend, tomorrow, and I am very hopeful we will find a solution. I am an optimist, and I am of the belief that we will be able to prevail in this matter. I am very grateful for the help and cooperation from our leader, who has been working very diligently, who did the research medically, who became convinced about this case. I have had Members from both sides of the aisle say all day there is something about this case, that it seems like it ought to have one more review. That is the spirit in which we say this.

I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I join my colleagues from Pennsylvania and Florida to talk about Terri Schiavo's case, and to the names of the people around the world who are praying for Terri Schiavo, a lady they have never known. They have seen pictures of her on television, but something is just striking at them, saying, this woman deserves to live. She deserves to have another review. The covenant with death needs to be broken, and will be.

This body has spoken tonight in a bipartisan, unanimous fashion to work

on this. There are a lot of opinions on the factual and legal issues surrounding it, but we came together unanimously to give her that right to have one more review by a Federal court.

I thank Senator REID from Nevada, who was very helpful in working this, Senator WYDEN, who worked on things for his State, and Senator LEVIN. A number of people helped to make this move forward, and Senator MARTINEZ carried the freight with Senator SANTORUM.

This is a fine moment for this body, but it should not end here. I plead with those people involved directly, the courts directly involved in this, let this process move forward. Don't pull the tubes out tomorrow. We passed one bill in the House and one bill in the Senate. That should be extraordinary enough that they say this deserves one more look. Why wouldn't we give one more look? This is a purely innocent life we are talking about. The lengths we will go to for people who are convicted of a crime—we give much further review by a court of law. Here is a purely innocent life. Tomorrow, this could all end. But it shouldn't. It must not end that way.

We have some differences between the House and Senate version. Frankly, for myself, I think the House version is good. We could not move that through. We will keep meeting here. I met with the House leadership and chairman in the House with concerns, feeling theirs is a better approach. That is accurate. That is the way to go.

We are at a point in time where we should no longer have debate. We have to try to come together and plead with the court to hold this off so we can get moving. And more than that, a moral code in America right now is being discussed and is being acted upon through one person's life. It is so critical this be done right and be done thoughtfully and every chance for final review be given for an innocent life. A purely innocent life is at stake.

I am confident we can come forward with that. We must come forward with that for the sake of Terri Schiavo and for the sake of this country and for its message around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

STATUS OF U.S. AND EUROPEAN UNION AIRCRAFT FINANCING NEGOTIATIONS

Ms. CANTWELL. Mr. President, today the President of the United States nominated former Representative Rob Portman to serve as our next U.S. representative and trade ambassador. I am hopeful that my colleagues on the Senate Finance Committee will move expeditiously to hold a hearing and approve his nomination as soon as possible.

In January of this year, the current U.S. trade representative and a team of European Union negotiators agreed to sit down to try to negotiate a new agreement for how aerospace markets will work in the future. We are 60 days into the 90-day period that they set for their own discussions. Even though our current trade representative, Ambassador Zoellick, has been confirmed as Deputy Secretary of State, he is going to continue negotiating on behalf of the U.S. Government. I know these negotiations are in very capable hands, and I applaud the aggressive stance being taken by the Administration on these trade talks.

These trade talks were entered into by both sides knowing full well that World Trade Organization sanctions were a real possibility if the playing field in aerospace does not become fairer. Both sides demonstrated a willingness to get rid of unfair subsidies and a good faith stance on both sides to negotiate. That is why I come to the Senate floor now to make sure the European Union knows we in the United States Senate remain very committed to these discussions. We are also very concerned that they are not at the table in good faith, if in fact the clock is ticking away and we are not making progress towards the goal of eliminating unfair subsidized financing of airplanes.

That 90-day clock is indeed ticking, and if a settlement is going to be reached on this matter without WTO intervention, it needs to happen immediately. There are fewer than 30 days left in the agreed time frame.

From the news reports, these discussions seem to be at a standstill. Obviously, these discussions need to be reenergized and, hopefully, achieve a successful end result. Otherwise, as I have mentioned, the parties will be forced into a WTO battle, and I am sure Congress will consider other tools that are at our disposal, as the administration continues to seek swift and firm action in this case.

To date, the Bush administration and the trade negotiators have shown solid leadership and strong resolve, first in bringing this case to the WTO last fall. Second, it approached subsequent negotiations with the EU in a serious commitment to reach an end resolution.

I have to say, in the beginning it seemed that the Europeans were equally interested in a settlement because Commissioner Mandelson, the European Union's chief negotiator, signaled in a public comment, ''We need to make progress, and I intend to do so.'' This was reported by the Bloomberg News Service. He also said: ''The objectives of the negotiations are primarily to establish fair market-based competition between Boeing and Airbus.''

Despite these public comments, EU negotiator actions and subsequent rhetoric suggest something different than ending unfair subsidized financing. Instead of a genuine commitment to end subsidies, the Europeans have walked away from their commitment to this goal.

Now, it seems that the discussions may be dragged out over a much longer period of time, maybe avoiding resolution or delaying a path to actually eliminating these subsidies. It is very important that the EU meet its commitment to end these negotiations on time.

When these parties reached an initial accord in 1992, a number of important issues were unresolved. We do not want to make the same mistake this time by leaving too much on the table, only to see the WTO come in, in a process that we know will be more of a winner-take-all process.

In particular, EU negotiators must remain intent in staying at the table to discuss the issue of launch aid, the single most troublesome issue that I think we need to discuss. The United States cannot stand by while the EU stalls these discussions about launch aid.

Today, we all know the aerospace industry remains very important to the United States. The aerospace sector generates about 15 percent of our Nation's gross domestic product. However, I think the real issue for us is that the United States builds and finances planes through Wall Street and the private marketplace. Our domestic companies should not have to compete against the backing of European governments, against the deep pockets of governments that distort the global marketplace.

If, in fact, the EU drags its feet, how will these issues be resolved? Will they continue to argue that these launch aid subsidies are not the issue? Launch aid has provided Airbus with over $15 billion in subsidization, really unfairly propping up Airbus at the expense of the U.S. aerospace market and its workers. In the last 15 years, the U.S. aerospace industry has lost about 700,000 jobs.

Essentially, launch aid becomes a risk-free, low-cost government bank for the development of new lines of aircraft. The company only needs to repay the loans if the new product succeeds. Nowhere in our private sector does anybody, any company, get such a deal that they only have to pay the banker back if, in fact, the product succeeds. So this is a very important issue.

Obviously, launch aid puts our domestic manufacturers at an unfair competitive disadvantage. Airbus remains unfettered by the realities of the marketplace when launching new jetliners, while American companies must assume substantial market risk every time they unveil a new product. If Airbus bets on the wrong plane, no problem, no harm, no foul, the loans are forgiven. This means Airbus can proceed with the design and production of

a new plane without ever turning a profit on an existing product line. It also means that Airbus can undercut the price and pursue more aggressive financing practices than the U.S. can. Obviously, you can see the end result is that Airbus can offer a cheaper plane in the marketplace by unfairly subsidizing the financing of their planes.

Well, nevertheless, Airbus has continued, even though it has grown into a mature company, to receive 33 percent of the funding for its product development from European governments since 1992, translating into billions in launch aid loans at below market rates. At the same time, it has avoided an additional $35 billion in current debt due to this subsidy. This launch aid distorts the global marketplace.

What we want to see in aerospace is competition that drives opportunities for the consumers. I believe that is why the United States has taken its aggressive position in saying that it will go to the WTO if necessary. I think it is time now to make sure that these negotiations between the United States and the European Union, which originally were announced in January, are completed as soon as possible. But maybe it is not surprising that they are lagging at this moment.

I say that because Airbus has moved ahead with a plan to submit $1.7 billion in an application for new launch aid for a new airplane, the A–350, which is designed to compete head-to-head with the Boeing 787. While negotiations to end launch aid are ongoing, there is simultaneously a new application to the European Union to support launch aid for a new plane. I believe that is probably why the Airbus CEO stated, about the new plane, the A–350: '' . . . is easily financeable [sic] by Airbus without launch aid, but as long as there is refundable launch aid available, we will apply for it.'' This means, as long as they can get refunds later on launch aid, they will apply for it.

So while the European Union is supposedly at the table negotiating with the United States about getting rid of launch aid subsidies, it is continuing to discuss deals about launch aid for new planes.

It is clear that this does not paint a pretty picture. The European Union cannot have it both ways. It cannot pretend to be serious about negotiations with the United States to end launch aid subsidies and all the while sending a wink to Airbus about launch aid for the A–350.

The EU must level with the American public and the global community on whether it is serious about ending unfair subsidized financing of their aircraft.

Specifically, I think Commissioner Mandelson and the EU should consider the following actions: first, EU negotiators should declare their opposition to the launch aid for the A–350 and summarily reject the pending application that Airbus has prepared. Second, the EU should also reject all launch aid for future aircraft models.

We need to address these unfair subsidized financing issues and put an end to launch aid so that aircraft financing is on a level playing field. Failure to follow these processes will lead to swift action by our administration and the U.S. Government. Today, the U.S. stands ready to reach a resolution on this issue, but we must have a willing partner. The White House has expressed a strong commitment to finding an agreement, and the President has the backing of this Senator, and I believe many in Congress, to seek a resolution to this issue. I am sure my colleagues will join me in considering all options at our disposal to help find a resolution to this issue.

Last week, I was invited to the Smithsonian for a commemorative celebration of Space Ship One, a successful marvel, sponsored by Paul Allen and many others. The celebration marked the successful launch of the first commercial, manned spaceflight-something from which individual consumers will benefit in the future. The Smithsonian National Air and Space Museum gave that award, and the flight signaled a new chapter in aviation history. There's something about the spirit of competition, about a group of people who came together to compete towards an exciting new chapter of aviation, and a level playing field of competition that delivered a great result.

Which is exactly what we have to get from the Europeans—a level playing field, to deliver a better result for the entire global community, for consumers, and for purchasers of aerospace and commercial aviation equipment by guaranteeing that we are going to have a level playing field.

I hope that these negotiations will continue in earnest and I am confident that Ambassador Zoellick and the new nominee, Mr. PORTMAN, will continue to be aggressive in resolving this issue. I believe we in the United States have fostered an environment for true competition for the private sector, to drive this industry to the next level. However, we need fair and balanced trade to make that successful.

I hope the Europeans will not stall these discussions, but that they will embrace the idea of fair competition as the end result.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H. CON. RES. 95

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate receives H. Con. Res. 95 from the House, the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Further, that all after the resolving clause be stricken and the text of S. Con. Res. 18 as agreed to be inserted in lieu thereof; further, that the resolution then be agreed to as amended and the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TARGETED ENERGY INCENTIVES TO ACHIEVE A NATIONAL ENERGY STRATEGY

Mr. BYRD. Mr. President, on March 9, 2005, President Bush went to Columbus, OH for one of his many town hall meetings. Besides attempting to sell his Social Security plan, he also spoke about the need for a national energy policy. Not surprisingly, he raised the specter of high gas prices, increasing natural gas rates, and electricity blackouts as a justification to pass his energy plan. However, this issue needs more than just rhetoric. It needs real solutions.

The American people need look no further than the President's budget request to question that commitment to a serious energy policy. The President has cut funding for a number of important energy programs in his budget. For example, he has said that he supports clean coal technologies. He started professing his support on the campaign trail in October 2000, and he promised to commit $2 billion over 10 years for the Clean Coal Technology demonstration program. This is the very program that I started back in 1985. Yet, each of his five budgets has failed to meet that goal. This year, he only requested $50 million, instead of the promised $200 million. In effect, he has promised those in the coal fields one dollar but has only anted up two bits. Furthermore, he touts the need for the FutureGen project but cannot say where the funding for this facility is going to come from down the road. His only option right now is to raid other clean coal programs, and I will not stand by and let him rob Peter to pay Paul.

The White House has proposed and the Majority has adopted just $4.56 billion in energy tax incentives over five years in this Fiscal Year 2006 budget. How much did the President include for clean coal tax incentives in this year's budget request, or in previous years' budget requests? Nothing! We cannot demonstrate and deploy the next generation of clean coal technologies based on what this administration is actually willing to put on the table. The administration's co-called support for the clean coal technology programs is indicative of its support for so many important energy programs. This administration's much narrower package of energy tax incentives is inadequate to achieve our national energy policy goals.

I have long believed that the U.S. needs a comprehensive and balanced national energy policy. The looming concerns of electricity blackouts, energy prices, and increased dependence on foreign energy sources represent ominous clouds on the horizon. Sadly, our energy problems, like so many other challenges, are being addressed with ever shrinking funds and band-aid solutions. The pattern has been repeated over and over again. The Bush administration generates new initiatives, fails to fully fund them, and then simultaneously cuts other important programs. At the same time, we have witnessed attempts to put a moratorium on federal gas taxes, to tap the Strategic Petroleum Reserve, and to make secretive deals with Saudi Arabia to produce more oil. We have endeavored to treat the symptoms, rather than the core problem, for far too long. This President may talk a good game, but how are we going to fix our energy ills with this President's prescription?

The United States needs affordable, reliable, and clean energy resources and technologies to support a growing economy and a healthy environment. We need a comprehensive, balanced, and diversified national energy policy that will promote a strong energy efficiency program and bolster our Nation's coal, natural gas, oil, renewable, nuclear, and other clean domestic energy technologies. A strong energy policy must help to maintain and upgrade these our critical energy infrastructure and support, retain, and create energy-related manufacturing and other service jobs that are an underpinning of our economy. A bipartisan energy strategy should encourage increased use of the most advanced energy supply and energy efficiency technologies and must support increased investments in an array of energy research and development programs.

Our Nation needs to begin defining alternative pathways and new approaches that go beyond the extremist debates and simplistic solutions that define our very demanding energy security and environmental challenges. It is time to move along that path. I urge my colleagues in the Senate to support an appropriate, equitable, and diversified mixture of at least $15.5 billion in targeted energy tax incentives over the next ten years, and I urge the Finance Committee to find offsets so that this can be done in a fiscally sound way.

In the 108th Congress, the Senate supported a similar level for energy incentives. The Senate's Fiscal Year 2004 Budget Resolution, the last budget that Congress passed, provided for $15.5 billion in energy tax incentives over ten years. In 2003, the Senate Finance Committee adopted and the Senate passed a balanced and bipartisan package of energy tax incentives in the amount of $19.8 billion over ten years as a part of the Senate Energy Policy Act of2003, part of which was offset. I supported that energy tax package as it provided an array of targeted energy incentives, including approximately $2 billion to deploy advanced clean coal technologies.

Such an energy tax incentives package would help strengthen the economy, enhance our Nation's energy resources, promote an array of advanced energy technologies, increase jobs, and provide for a healthy environment. Is there a Member in this Chamber who is opposed to that? If there are going to be tax cuts in this budget, then we must increase funding for a range of energy tax incentives. Supporting at least $15.5 billion in energy tax incentives will send a strong message that these incentives are necessary to develop a national energy policy, and I urge my colleagues to stand with me in this request. Unless we can increase the pie for all of these energy technology approaches, there will not be enough to achieve our energy goals in any serious way.

HONORING OUR ARMED FORCES

STAFF SERGEANT MELVIN L. BLAZER

Mr. INHOFE. Mr. President, I wish to honor a brave Oklahoma soldier who gave the last full measure to protect our freedom. Staff Sergeant Melvin Blazer of the United States Marine Corps embodied the spirit of service and the values that make this country what it is.

Sergeant Blazer was a great Marine. He joined soon after graduating from Moore High School in 1984. As he rose through the ranks, he developed a reputation of dependability. He was serving as a platoon leader with the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force when his unit was deployed to Iraq.

Sergeant Blazer was no stranger to the hazards of duty. He survived an improvised explosive device attack that struck his convoy last November and was awarded a Purple Heart.

Sergeant Blazer was also a family man. He married his wife, Dana, in 1989 and they had two children, Alyssa and Erik. As his wife recalls, ''To know my husband was to love my husband. Everybody loved him and admired him and respected him and held him in such high regard. He was a hero In his everyday life.''

Sergeant Blazer was also a Christian. He told relatives he was excited to see Iraq because the Bible talks about it and was proud to help and serve an oppressed people.

On December 12, 2004, Sergeant Blazer was killed by enemy small arms fire in the city of Fallujah. He was 38 years old. He loved God, devoted himself to his family and gave the highest sacrifice to his country. He leaves behind many who know what a true hero he is. As a son of Oklahoma and a fine example of what this country stands for, Staff Sergeant Blazer deserves our honor and remembrance.

LANCE CORPORAL JORDAN D. WINKLER

Mr. President, I wish to honor one of Oklahoma's fallen sons, Marine LCpl Jordan Winkler. From an early age he felt called to defend our country and the freedom it stands for. For his life of service and his final sacrifice, we are eternally indebted to him.

Corporal Winkler admired the military even before he was old enough to join. His parents still have a letter from the Marine Corps that he received when he was fifteen. While in Union High School in Tulsa, he was active in sports and respected by his peers. Through family friends and recruiters, he gained an accurate picture of what would be required of him if he joined. During his senior year he was able to pursue his dream and joined the Marines through a delayed entry program. Those who knew him say he wore the uniform with pride.

Corporal Winkler is remembered for his determination, honesty and integrity. As his teacher Paul Todd said, ''You knew where he stood. He lived by his principles and he was a good role model for everyone that knew him.''

After training, he was assigned to the Combat Service Support Battalion 1, Combat Service Support Group 11, 1st Force Service Support Group, 1st Marine Expeditionary Force, normally stationed at Camp Pendleton, California. This unit was deployed to Iraq to contribute to the ongoing US effort to rid the country of tyranny and the influence of terrorism. On November 26, 2004, in Camp Fallujah, Corporal Winkler died in a non-combat incident. He was buried at Tulsa's Memorial Park Cemetery with military honors.

Corporal Winkler made a deep impact on those who knew him, but those who most deeply loved him look forward with hope. As his family said in a statement, ''Jordan was a dedicated Marine who was proud to be in Iraq serving his country and doing his job as a Marine. We will miss him more than words can say. However, we know

we will see him again. Jordan Winkler was a Christian and knew that no matter what happened in his life, God was always in control.''

Lance Corporal Jordan Winkler was worthy of deep respect and embodies all the qualities that make our Armed Forces and our country great. He was a soldier and a man of integrity, and he will be deeply missed.

SERGEANT CARL W. LEE

Mr. President, today I stand in proud memory of an American hero. Army Sgt Carl W. Lee was a native of Oklahoma City, OK. He graduated from Crooked Oak High School in 2000 and enlisted in the Army. Although Sergeant Lee initially expected to stay only for the 3-year commitment, he soon chose to make a career of military service. He was assigned to the United States Army's 1st Battalion, 503rd Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division.

Sergeant Lee is remembered as an example of service and motivation. As Rusty McMurtrey, Lee's 21-year-old brother, emotionally recalled, ''He was the reason I graduated school and got as far as I did. Since I can remember, Carl was the only one who'd been there for me.'' Rusty credited his older brother with saving him from a life of gangs and violence. The two planned on starting an automotive business together.

When he had any free time, Sergeant Lee would volunteer with a local Special Olympics. It was his heart that his friends and family remember most.

Sergeant Lee's unit, usually stationed at Camp Howze, South Korea, was deployed to Iraq. He served there as part of the effort to free the Iraqi people from the chains of tyranny and terrorism. On November 28, 2004, his unit was conducting a foot patrol in Ar Ramadi when it came under enemy small arms fire. Sergeant Lee was hit twice and died from those wounds.

Mr. President, it is difficult to express the pain of those he left behind; Sgt Carl Lee meant so much to so many and he will forever be remembered as a hero. By putting himself in harm's way he showed bravery and self-sacrifice that few of us will ever know. He gave the ultimate measure, and we are in his eternal debt. I honor Oklahoma's son and America's warrior, Sgt Carl W. Lee.

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Lance Corporal Jordan Winkler was worthy of deep respect and embodies all the qualities that make our Armed Forces and our country great. He was a soldier and a man of integrity, and he will be deeply missed.

CORPORAL STEPHEN M. MC GOWAN

Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of Stephen McGowan. Steve epitomized the best of our country's brave men and women who fought to free Iraq and to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his country, and above all else, honor. In the way he lived his life—and how we remember him—Steve reminds each of us how good we can be.

A 1996 graduate of St. Mark's High School, Steve was the son of Ms. Bobbie McGowan, a personal friend of my family. Steve then attended the University of Delaware and Wilmington College, studying criminal justice. He joined the Army 3 years ago, wanting to serve in the Army partly because he could not find a job with enough challenge and adrenaline in other careers he had considered. According to his family, Steve enjoyed the challenge, especially physical challenge and the mental challenge that went with a military career—the challenge to try harder, get stronger, and push the limits. That was true in all aspects of his life. He played soccer until he graduated from high school, but when that grew too tame for him, he switched to rugby.

Steve enlisted on September 17, 2002, and was selected for combat medic training, which he pursued with distinction at the U.S. Army Medical School at Sam Houston, Texas.

Before being deployed to Iraq, Stephen earned a parachutist badge at the U.S. Army Airborne School and served for approximately 15 months with the 2nd Infantry Division near the DMZ in Korea. Steve volunteered to join his unit's 2nd Brigade Combat Team to spare medics with spouses and children and arrived with the unit in Kuwait in early August 2004. Within a few weeks, he deployed to Ramadi, about 45 miles west of Baghdad, where his unit supported the 1st Marine Expeditionary Force and was responsible for VIP escort, area security and other ''highly

operated missions.'' He died when an improvised explosive device detonated near his military vehicle in Ramadi, Iraq. Before returning home, Steve was awarded the Global War on Terrorism Service Medal, the National Defense Service Medal, the Korean Defense Service Medal, Good Conduct Medal, Purple Heart, Army Commendation Medal, Army Achievement Medal, Armed Service Ribbon, and Global War on Terror Expedition Medal. A Bronze Star will be awarded posthumously.

Steve was a highly regarded young soldier. He joined the military in support of Operation Iraqi Freedom because he felt that as a single person with no children, he could go and take someone else's spot. His family remembers him as the embodiment of pride, honor and dignity. He was admired by every man and woman he worked with and every commanding officer with whom he served. According to his sister, Michaela, ''Steve was raised with the values that you find in the military and he lived them. Steve touched so many lives and I'm so proud of the man he became.''

Despite the close calls and the fact U.S. forces in Iraq are fighting insurgents who wear civilian clothes and hide among the general population, Steve and his squad carried toys and athletic equipment with them when they went on patrol. Last year, he asked family and friends to send him small items that he could hand out as gifts for Iraqi children rather than Christmas presents.

In one e-mail, he said that Iraqi girls had become entranced by the sight of some Beanie Baby dolls the soldiers handed out. The story so touched his mother, Bobbie McGowan, that she organized a Beanie Baby drive at the Charter School of Wilmington, where she is dean of humanities. Students reacted so positively to her request for the dolls that she was swamped with them. Students donated so many dolls that she had to send them to her son in small lots because he did not have room to store them all. His mother, Bobbie, takes comfort in the fact that her son had not only saved lives in Iraq as a medic but that he had also touched many more lives by passing out toys to children. This was a true testament to the kind of soldier—the kind of man—Steve was.

He was a soccer, biking, and outdoor enthusiast and will be remembered especially for his rugby adventures with the University of Delaware, the Wilmington's Men League and the 2nd Infantry Division Rugby Club. In 2001, Steve took a trip to New Zealand while accompanying his rugby mate who was exploring professional rugby opportunities. Steve's favorite team was the All Blacks. Traveling in New Zealand gave him the opportunity to do what he loved—experience new cultures and have a new adventure.

This tragedy strikes particularly close to home. Stephen's mother, Bobbie, is a highly regarded member of the faculty at the Charter School of Wilmington, where our sons attend high school. Steve's death is a terrible blow to his family and a source of deep sorrow for those of us privileged to know his family. I rise today to commemorate Steve, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss.

CHANGES TO RULES OF PROCEDURE—SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, pursuant to rule XXVI, paragraph 2 of the Standing Rules of the Senate, I am submitting for publication in the CONGRESSIONAL RECORD changes to the Rules of Procedure for the Select Committee on Intelligence. I ask unanimous consent that the rules of the committee be printed, in the RECORD to reflect the amendments adopted by the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE SELECT COMMITTEE ON INTELLIGENCE, UNITED STATES SENATE

Adopted June 23, 1976, Amended June 26, 1987, Amended October 24, 1990, Amended February 25, 1993, Amended February 22, 1995, Amended January 26, 2005, Amended March 15, 2005

RULE 1. CONVENING OF MEETINGS

1.1 The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2 The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3 A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4 In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5 If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1 Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2 It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3 The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4 Except as otherwise provided in these Rules, decisions of the Committee shall be by majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one-third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5 A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization: (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6 Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1 No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2 In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3 A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4 Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1 Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2 Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3 Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4 No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5 The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2nd Session and a copy of these Rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 Notice.—Witnesses required to appear before the Committee shall be given reasonable notice, and all witnesses shall be furnished a copy of these Rules.

8.2 Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3 Interrogation.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, the Vice Chairman, or the presiding member.

8.4 Counsel for the Witness.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5 Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6 Objections and Rulings.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the Chair.

8.7 Inspection and Correction.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8 Requests to Testify.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the Committee, to forward such recommendation to the Senate.

8.10 Release of Name of Witness.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee. Upon authorization by the Chairman to release the name of a witness under this paragraph, the Vice Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.6.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1 Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4 Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any Member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to Section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6 No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committee may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need-to-know such information for an official governmental purpose

related to the work of the Committee. Information discussed in executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the Committee may be disclosed only to persons outside the Committee who have a need-to-know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf.

9.7 Failure to abide by Rule 9.6 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.8 Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.9 Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, Committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1 For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2 The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3 The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and materials, shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4 The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5 The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the non-disclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res 400 of the 94th Congress, 2d Session, and to abide by the Committee's code of conduct.

10.7 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee, or in the event of the Committee's termination the Senate, of any request for his or her testimony, either during his or her tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8 The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9 Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10 The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11 In accordance with Title III of the Civil Rights Act of 1991 (P.L. 102–166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1 Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2 The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3 The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1 The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2 Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1 No member of the Committee or Committee staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2 When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3 No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A

S. RES. 400

May 19, 1976—Considered, amended, and agreed to

RESOLUTION

To establish a Standing Committee of the Senate on Intelligence, and for other purposes.

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the Executive and Legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the ''select committee''). The select committee shall be composed of not to exceed fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) not to exceed seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3)(A) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(b) At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other Committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and the Vice Chairman of the select Committee, respectively.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not the session.

(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic, but not less than quarterly, reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters, requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of

the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform service for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the [Select Committee on Ethics]) and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the Executive branch, and which the Executive branch requests be kept secret, such committee shall—

(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the Majority Leader and the Minority Leader the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reason therefore, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the mater shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed.

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate or move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the [Select Committee on Ethics] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the [Select Committee on Ethics] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the [Select Committee on Ethics] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Government Operations with Respect to Intelligence Activities, established

by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided,* That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the Executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding or sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term ''intelligence activities'' includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term ''department or agency'' includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

(d) Of the funds made available to the select Committee for personnel—

(1) not more than 60 percent shall be under the control of the Chairman; and

(2) not more than 40 percent shall be under the control of the Vice Chairman.

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

SEC. 17. (a) The select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

(b) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.

APPENDIX B

94th Congress, 1st Session

S. RES. 9

RESOLUTION

Amending the rules of the Senate relating to open committee meetings

Resolved, That paragraph 7(b) of rule XXV of the Standing rules of the Senate is amended to read as follows:

''(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters be discussed or the testimony to be taken at such portion or portions—

''(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

''(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

''(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

''(4) will disclose the identity of any informer or law enforcement agency or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

''(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

''(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

''(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such persons.

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.''

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102(d) and (e) of the Congressional Budget Act of 1974 are repealed.

APPENDIX C

108th Congress 2d Session

S. RES. 445

October 9, 2004—Considered, amended, and agreed to

RESOLUTION

To eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

Resolved,

SEC. 100. PURPOSE.

It is the purpose of titles I through V of this resolution to improve the effectiveness of the Senate Select Committee on Intelligence, especially with regard to its oversight of the Intelligence Community of the United States Government, and to improve the Senate's oversight of homeland security.

TITLE I—HOMELAND SECURITY OVERSIGHT REFORM

SEC. 101. HOMELAND SECURITY.

(a) COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS.—The Committee on Governmental Affairs is renamed as the Committee on Homeland Security and Governmental Affairs.

(b) JURISDICTION.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(1) Department of Homeland Security, except matters relating to—

(A) the Coast Guard, the Transportation Security Administration, the Federal Law Enforcement Training Center or the Secret Service; and

(B)(i) the United States Citizenship and Immigration Service; or

(ii) the immigration functions of the United States Customs and Border Protection or the United States Immigration and Custom Enforcement or the Directorate of Border and Transportation Security; and

(C) the following functions performed by any employee of the Department of Homeland Security—

(i) any customs revenue function including any function provided for in section 415 of the Homeland Security Act of 2002 (Public Law 107–296);

(ii) any commercial function or commercial operation of the Bureau of Customs and Border Protection or Bureau of Immigration and Customs Enforcement, including matters relating to trade facilitation and trade regulation; or

(iii) any other function related to clause (i) or (ii) that was exercised by the United States Customs Service on the day before the effective date of the Homeland Security Act of 2002 (Public Law 107–296).

The jurisdiction of the Committee on Homeland Security and Governmental Affairs in this paragraph shall supersede the jurisdiction of any other committee of the Senate provided in the rules of the Senate: *Provided,* That the jurisdiction provided under section 101(b)(1) shall not include the National Flood Insurance Act of 1968, or functions of the Federal Emergency Management Agency related thereto.

(2) Archives of the United States.

(3) Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.

(4) Census and collection of statistics, including economic and social statistics.

(5) Congressional organization, except for any part of the matter that amends the rules or orders of the Senate.

(6) Federal Civil Service.

(7) Government information.

(8) Intergovernmental relations.

(9) Municipal affairs of the District of Columbia, except appropriations therefor.

(10) Organization and management of United States nuclear export policy.

(11) Organization and reorganization of the executive branch of the Government.

(12) Postal Service.

(13) Status of officers and employees of the United States, including their classification, compensation, and benefits.

(c) ADDITIONAL DUTIES.—The committee shall have the duty of—

(1) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(2) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

(3) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(4) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

(d) JURISDICTION OF BUDGET COMMITTEE.—Notwithstanding paragraph (b)(3) of this section, and except as otherwise provided in the Congressional Budget Act of 1974, the Committee on the Budget shall have exclusive jurisdiction over measures affecting the congressional budget process, which are—

(1) the functions, duties, and powers of the Budget Committee;

(2) the functions, duties, and powers of the Congressional Budget Office;

(3) the process by which Congress annually establishes the appropriate levels of budget authority, outlays, revenues, deficits or surpluses, and public debt—including subdivisions thereof—and including the establishment of mandatory ceilings on spending and appropriations, a floor on revenues, timetables for congressional action on concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills, and enforcement mechanisms for budgetary limits and timetables;

(4) the limiting of backdoor spending devices;

(5) the timetables for Presidential submission of appropriations and authorization requests;

(6) the definitions of what constitutes impoundment—such as ''rescissions'' and ''deferrals'';

(7) the process and determination by which impoundments must be reported to and considered by Congress;

(8) the mechanisms to ensure Executive compliance with the provisions of the Impoundment Control Act, title X—such as GAO review and lawsuits; and

(9) the provisions which affect the content or determination of amounts included in or excluded from the congressional budget or the calculation of such amounts, including the definition of terms provided by the Budget Act.

(e) OMB NOMINEES.—The committee on the Budget and the Committee on Homeland Security and Governmental Affairs shall have joint jurisdiction over the nominations of persons nominated by the President to fill the positions of Director and Deputy Director for Budget within the Office of Management and Budget, and if one committee votes to order reported such a nomination, the other must report within 30 calendar days session, or be automatically discharged.

TITLE II—INTELLIGENCE OVERSIGHT REFORM

SEC. 201. INTELLIGENCE OVERSIGHT.

(a) COMMITTEE ON ARMED SERVICES MEMBERSHIP.—Section 2(a)(3) of Senate Resolution 400, agreed to May 19, 1976 (94th Congress) (referred to in this section as ''S. Res. 400'') is amended by—

(1) inserting ''(A)'' after ''(3)''; and

(2) inserting at the end the following:

''(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.''.

(b) NUMBER OF MEMBERS.—Section 2(a) of S. Res. 400 is amended—

(1) in paragraph (1), by inserting ''not to exceed'' before ''fifteen members'';

(2) in paragraph (1)(E), by inserting ''not to exceed'' before ''seven''; and

(3) in paragraph (2), by striking the second sentence and inserting ''Of any members appointed under paragraph (1)(E), the majority

leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin''.

(c) ELIMINATION OF TERM LIMITS.—Section 2 of Senate Resolution 400, 94th Congress, agreed to May 19, 1976, is amended by striking subsection (b) and by redesignating subsection (c) as subsection (b).

(d) APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN.—Section 2(b) of S. Res 400, as redesignated by subsection (c) of this section, is amended by striking the first sentence and inserting the following: ''At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee.''.

(e) SUBCOMMITTEES.—Section 2 of S. Res. 400, as amended by subsections (a) through (d), is amended by adding at the end the following:

''(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.''.

(f) REPORTS.—Section 4(a) of S. Res 400 is amended by inserting '', but not less than quarterly,'' after ''periodic''.

(g) STAFF.—Section 15 of S. Res. 400 is amended to read as follows:

''SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

''(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

''(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

''(d) Of the funds made available to the select Committee for personnel—

''(1) not more than 60 percent shall be under the control of the Chairman; and

''(2) not less than 40 percent shall be under the control of the Vice Chairman.''.

(h) NOMINEES.—S. Res. 400 is amended by adding at the end the following:

''SEC. 17. (a) The select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

''(b) Other committees with jurisdiction over the nominees'' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.''.

(i) JURISDICTION.—Section 3(b) of S. Res. 400 is amended to read as follows:

''(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

''(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

''(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not in session.

''(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.''.

(j) PUBLIC DISCLOSURE.—Section 8 of S. Res 400 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''shall notify the President of such vote'' and inserting ''shall—

''(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

''(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.'';

(B) in paragraph (2), by striking ''transmitted to the President'' and inserting ''transmitted to the Majority Leader and the Minority Leader and the President''; and

(C) by amending paragraph (3) to read as follows:

''(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.''.

TITLE III—COMMITTEE STATUS

SEC. 301. COMMITTEE STATUS.

(a) HOMELAND SECURITY.—The Committee on Homeland Security and Governmental Affairs shall be treated as the Committee on Governmental Affairs listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

(b) INTELLIGENCE.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

TITLE IV—INTELLIGENCE-RELATED SUBCOMMITTEES

SEC. 401. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence. The Committee on Appropriations shall reorganize into 13 subcommittees as soon as possible after the convening of the 109th Congress.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

This resolution shall take effect on the convening of the 109th Congress.

ANTI-SECESSION LAW OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. ROCKEFELLER. Mr. President, on March 14 the National Congress of the People's Republic of China passed a bill termed the ''Anti-Secession'' law that preemptively positions China to take military action should it judge Taiwan to be moving toward formal independence. While the threat of force from Beijing is not new, legislation that refers to ''non-peaceful means,'' even described as a ''last resort'' can only be seen as counterproductive. At a minimum, it is not conducive to building confidence between Taiwan and China nor facilitating dialogue, which are key to future stability in the straits and to peace and prosperity for both sides. This is not an issue that can be successfully resolved through military means. All would lose.

The timing of this law is equally unfortunate. Since the beginning of this year, Chinese and Taiwanese officials have taken concrete, pragmatic steps to build better relations—such as direct flights, shipping links, and increased trade. There have also been

gestures of personal respect and there has been a lowering of the rhetorical temperature, on both sides. These are heartening developments. I encourage both parties to seek to expand upon them. I am convinced that this is the right road for China and Taiwan, to focus on mutually beneficial programs and to continue to create opportunities for more personal contacts.

In contrast, the Anti-Secession law is awkward and unhelpful. While I recognize that it also does stress the chance for peaceful settlement of the Taiwan issue, its thrust, coupled with an ongoing Chinese military build-up, will be viewed by Taiwan as inimical. I urge the Chinese government to move beyond this legislation, and this moment, and to demonstrate its good faith intent to work toward renewed discussions and better relations. If Beijing does so, certainly I hope that Taipei will respond in kind.

IN HONOR OF WOMEN'S HISTORY MONTH

Mrs. FEINSTEIN. Mr. President, I rise today in honor of Women's History Month to recognize the advancements that women have made this year and to reflect on the challenges and opportunities for the years ahead.

We have set aside this month to formally pay tribute to the contributions of women in the United States and around the world.

I would like to start by paying tribute to the women in Iraq and Afghanistan who are working to build their countries and to make a better life for themselves and their families. These women have been freed from oppressive regimes and as their nations rebuild now must secure their rights for all time.

Women throughout the Arab World are making their way into public life. In some countries, they are being elected to office, named to cabinet-level posts and appointed to leading positions in powerful civil society organizations—these are the thought-leaders and the pioneers. But there is another, parallel movement that has also begun: the quiet leadership of ordinary women who are doing extraordinary things.

On January 30, scores of Iraqi women poured into polling stations in cities and rural communities. Braving bullets, bombs, and substantial personal threat, they joined their fellow countrymen to vote in the nation's first free election, an act that warrants our deepest respect.

When I reflect on their courage, I realize that in the United States we have no point of reference to understand what they must have felt on that Monday in January. Though the women in our Nation have fought and continue to fight for justice and equal opportunity, the trip from our homes to the voting booth has never involved a life or death decision. The fact that 8 million people, 60 percent of whom were women according to some estimates, chose to risk their lives to vote is, quite frankly, astounding to me.

These women have grasped at democracy and they now clench it with tightened fists. I think we can learn something from this. I would like to call attention to their sacrifices and to highlight the lessons that their courage can teach women in the United States and around the world.

It is easy to take for granted today, but women in America also had to fight for the right to vote. After a decades' long struggle, women finally secured the right to vote in 1920 and since that time women have made incredible advancements.

Women have risen to the top of Fortune 500 companies and fill the domes of capitols and the halls of universities—today approximately 56 percent of college students are female, compared to 44 percent in 1973. The wage gap, however, is still alarming. Women who work full-time earned about 79.5 cents on the dollar compared to their male counterparts in 2003.

Women are a true political force and continue to contribute every day all across this country. In the years that I have been in politics, women have changed the face of American politics.

Issues that were once relegated to the back burner—education, health care, children, and seniors—are now at the top of America's political agenda.

Since I was first elected to the Senate in 1992, we have made remarkable progress for women by:

Increasing breast cancer research funding by 800 percent;

Tripling funding for domestic abuse shelters;

Raising lending to women through the Small Business Administration;

Passing the Family and Medical Leave Act and the Violence against Women Act;

Covering mammogram screening for Medicare and Medicaid beneficiaries;

Extending maternity hospitalization to 48 hours; and

Requiring health care companies to fund breast reconstruction after mastectomies.

We have come a long way, but we still have a long way to go.

That is why I am cosponsoring the Equal Rights Amendment to the Constitution. This amendment is essential to guarantee that the rights and freedoms granted by our Founding Fathers apply equally to men and women.

In addition, women's reproductive rights are under attack in Congress like never before, and I remain deeply committed to protecting a woman's right to choose guaranteed by Roe v. Wade. I also believe that it is extremely important that we reduce the number of unintended pregnancies and abortions.

I have spoken on this issue before and it is something that I feel very strongly about. Recently, we have seen considerable setbacks in the battle for reproductive rights and I fear that the advances we have fought so hard for are now threatened.

I am part of a generation of women who remember a time when a woman did not have the right to decide when and if she would give birth. I will not stand by and let us return to that time.

The decline of our rights under this administration has been slow but steady. Subtle encroachments occur either through the high-profile path of judicial appointments or through the silent passageways of regulations, obscure amendments tacked on to large bills, or grant limitations.

The current administration has systematically chipped away at the rights of women, and they have done so shielded from public scrutiny by employing these quiet forms of repression and intimidation. I am here to say: we have noticed, we are paying attention and we will fight.

These are issues that affect every woman in the United States. Let us not become complacent. Let us take inspiration from the women in Iraq who risked their lives to exercise their rights as we continue the struggle to defend our own. The time for basking in the glory of past achievements has passed; this is a battle that must be fought by the everyday women warriors. It is time to roll up our sleeves and get back to work.

Because of the women who have come before us, we are fortunate to participate in our democratic system of justice. We cannot take that opportunity and responsibility for granted.

THE PRENATALLY DIAGNOSED CONDITIONS AWARENESS ACT

Mr. BROWNBACK. Mr. President, I recently introduced S. 609, the Prenatally-diagnosed Conditions Awareness Act, with my colleague, the senior Senator from Massachusetts. This bill will accomplish the following:

One, ensure that pregnant women facing a positive prenatal test result will be more likely to receive up-to-date, scientific information about the life expectancy, clinical course, intellectual and functional development, and prenatal and postnatal treatment options for their child;

Two, provide pregnant women referrals to support services such as hotlines, Web sites, information clearinghouses, registries of families willing to adopt babies with disabilities, and parent-to-parent programs where people with children with disabilities meet with the newly diagnosed family to provide support and real-world information;

Three, improve epidemiologic understanding of prenatally-diagnosed conditions, within a strict set of confidentiality protections;

Four, support health care providers who perform prenatal tests and deliver results; and

Five, authorize a study of the effectiveness of existing health care and family support services for children with disabilities and their families.

The need for this legislation and the public dialogue I hope it encourages could not be more urgent. Medical science has provided the opportunity to obtain a massive amount of information about our own bodies and health and that of our children. But I am concerned that our ethical dialogue has not kept pace with new ethical challenges. We have been able to screen for certain conditions in the womb for quite some time now, but I am concerned that we don't have a great track record for handling that information very well. For some conditions that can be detected in the womb, such as Down Syndrome, we are aborting 80 percent or more of the babies who test positive. The effect of this sort of ''weeding out'' represents a sort of new eugenics, a form of systematic, disability-based discrimination.

Worse, trends suggest that this atrocity doesn't just end in the womb. The Netherlands has recently enacted policies that make it acceptable for doctors to end the lives of terminally ill children up to age 12, resulting in about 100 cases of pediatrician-induced homicides of children with severe handicaps each year. Belgium is considering similar policies. Unfortunately, these policies are starting to trickle into our own country. In Texas, a court recently upheld a hospital's decision to remove life support from a 6-month-old handicapped baby, against his mother's wishes.

It sounds too crazy to be true, but it is not just fringe thinking—leading so-called ethics experts have supported the killing of children with disabilities, such as Princeton Professor Peter Singer, who wrote in 1993 in his book Practical Ethics, ''killing a defective infant is not morally equivalent to killing a person . . . sometimes it is not wrong at all.'' These ideas echo back to Nazi Germany, and, unfortunately, there is a tragic history, even in our own country, of abuse of institutionalized people with disabilities, only a few decades ago. Once one goes down the path of valuing some lives more than others, of saying that people with disabilities don't have the same dignity and right to live as others, there are very few means that don't justify the so-called ''worthy end'' of a disability-free society.

When I see beautiful children with Down Syndrome, spina bifida and other differences, I can't imagine why our society would ever condone this sort of unnatural selection. We don't want a world where parents feel driven to justify their children's existence. In addition to the many abilities that people with disabilities have which are equivalent to others, these individuals so often have a perspective the rest of us don't have. We learn compassion, heroism, humility, courage and self-sacrifice from these special individuals, and their gift to us is to inspire us, by their example, to achieve these virtues ourselves.

Published surveys suggest that our legislation is desperately needed. A survey of 499 primary care physicians delivering a prenatal diagnosis of Down Syndrome to expectant parents found that 10 percent actively ''urged'' parents to terminate the pregnancies, and 13 percent indicated that they ''emphasized the negative aspects of Down Syndrome so that parents would favor a termination.''

This bill offers support to ensure that prenatal testing need not be a negative experience for those whose children are diagnosed with a condition like Down Syndrome. For instance, some pregnant women might choose to carry their child to term if they knew there were waiting lists of families willing to adopt children with Down Syndrome. Some parents might be reassured about keeping their children if they were able to spend some time talking with a family that has a special needs child about their real-life experience. Some parents would be helped by hearing a positive message about the potential and joy of living with children with disabilities, while also being presented with a realistic assessment of the challenges.

There are many people to thank for helping prepare this bill for introduction, and I hope they will continue to help us as we move this bill towards the President's desk. In particular, I am honored to have my friend the senior Senator from Massachusetts as a lead Democrat on this bill. Senator KENNEDY is an incredible champion for people with disabilities. As we have worked together, he has educated me about some of the challenges faced by families with children with disabilities. In particular, I want to thank Connie Garner on Senator KENNEDY's staff, whose tireless advocacy for the dignity and rights of people with disabilities has been an inspiration to me and my staff.

Many thanks to our partners in the House of Representatives, who I hope will speedily pass the companion version of this bill, especially lead sponsor Chairman SENSENBRENNER. Key House support has also come from my friend Congressman PETE SESSIONS and Congressman JOHN HOSTETTLER.

I urge my colleagues to co-sponsor this legislation and I look forward to working with my colleague from Wyoming, the Chairman of the Committee on Health, Education, Labor and Pensions, and the majority leader, to speed Senate passage of this important legislation.

FRATERNAL BENEFIT SOCIETIES

Mr. SANTORUM. Mr. President, on January 27, the staff of the Joint Committee on Taxation released a report requested by Senate Finance Chairman GRASSLEY and the ranking member, Senator MAX BAUCUS, entitled ''Options To Improve Tax Compliance and Reform Tax Expenditures.'' While I fully expect that many of the recommendations will be the subject of extended debate in the Senate over the coming year, I want to highlight one recommendation that should be rejected immediately: the joint committee staff's proposal to revoke the tax-exempt status of fraternal benefit societies.

Beginning with the Tariff Act of 1894, every Federal tax law has contained a specific exemption for fraternal benefit societies, and with good reason. These organizations, some of which have existed since the Civil War, are a major force for good in America today. Last year, for example, these organizations incurred almost $360 million in direct fraternal and charitable expenditures, while their individual members devoted more than 80 million volunteer hours—valued at $1.4 billion—in community and social services. Fraternal benefit societies support their communities in every possible way, including helping families with critically ill children, supporting homeless shelters and homes for the aged, raising funds and supporting local food banks, repairing playgrounds and other community facilities, and helping underprivileged youth stay away from drugs. Fraternal benefit societies are among our Nation's most important first responders; they acted quickly to provide almost $17 million in financial relief to families affected by 9/11, and have raised upwards of $8 million in tsunami relief and counting.

What makes this extraordinary effort possible is the requirement under the Internal Revenue Code that fraternal societies also make available to their members insurance against death, disease, and disability, a tradition of mutual aid that goes back to the earliest days of fraternalism. I am troubled, Mr. President, by the fact that the Joint Committee staff has dredged up an old idea that has been rejected once before. In 1984, the Treasury Department made a similar recommendation that resulted in Congress mandating an extensive study of fraternal benefit societies that was issued in 1993. In that study, Treasury concluded that fraternal societies do not use their tax exemption to compete unfairly against commercial insurers, but instead, use the revenues from insurance to support their fraternal and charitable activities. Treasury left the decision up to Congress, but noted that if the exemption was taken away, these fraternal and charitable activities would be extinguished.

If anything, the rationale for encouraging fraternal benefit societies is greater today than it has been at any other time in our history. Fraternal societies have shown us that the private sector can and will step in to make a difference. As our need for fraternal societies has grown, so too has their devotion to our communities. Fraternal and charitable expenditures were approximately $242 million in 1985, and the number of volunteer hours on behalf of society members was just over 26 million. Last year fraternal and charitable expenditures were almost $365 million and the number of volunteer hours had grown to 83 million. At the same time, the share of the insurance market represented by fraternals during this time period has remained steady at around 1.5 percent. In other words, the good that these organizations do has gone way up; they are no more a threat to commercial businesses today than they were 20 years ago. Moreover, I can tell you from personal experience that the 10 million Americans who join fraternal societies are more devoted today to the cause that brought them together—whether religious, patriotic, or a shared heritage—than ever before. Pennsylvania is fortunate to be home to many of these organizations and dedicated citizens.

The Joint Committee staff has concluded that revoking the tax-exemption of fraternal benefit societies would raise $500 million over 10 years. This pales by comparison to the $4 billion that fraternal societies are likely to put back into their communities over the same time frame in direct fraternal and charitable expenditures, and the annual $1.4 billion that their members devote in volunteer time throughout the country.

Recognizing the importance of fostering this type of private sector support for our communities, it is interesting to note that the platform of the Republican National Committee in 2004, 2000, and 1996 contained the following statement: ''Because of the vital role of religious and fraternal benevolent societies in fostering charity and patriotism, they should not be subject to taxation.''

Mr. President, it often has been said that the power to tax is the power to destroy. This is the time to encourage, not destroy, organizations that devote themselves to social good, organizations from which this Nation has benefited immeasurably for more than 150 years. As Congress concluded in 1985, let us again make sure that this joint committee recommendation is taken off the table.

TAXATION OF FEMA DISASTER MITIGATION GRANTS

Mr. BOND. Mr. President, last week I introduced a bill, S. 586, as an alternative to my previous bill, S. 290, regarding the taxation of FEMA disaster mitigation grants. Both bills are designed to prevent the IRS from taxing these grants.

With the help of Senators VITTER, TALENT, VOINOVICH, NELSON, FEINSTEIN, and LANDRIEU, I introduced this new legislation as a companion to Congressman MARK FOLEY's bill, H.R. 1134, in House of Representatives. I commend Mr. FOLEY for his hard work and dedication to this proposal. Also, I commend the Department of Treasury for recognizing the serious nature of this issue and committing to work with Congress to resolve it.

This new legislation adds additional language to ensure that FEMA disaster mitigation grant recipients do not abuse the tax-free nature of the grant by capitalizing on the increased value of his/her property. In addition, the new language provides for a prospective effective date.

It is important to note, however, that the President's budget proposal gives the Treasury Department the administrative authority to apply the policies of S. 586 and H.R. 1134 to cases involving mitigation payments where the statue of limitations has not expired. It is my understanding that the Department of Treasury has agreed to issue a notice to the IRS clearly indicating that, in accordance with the policies of S. 586 and H.R. 1134, those taxpayers who are in receipt of these mitigation grants prior to the enactment of this legislation will not be subject to extra tax liabilities.

This legislation came about as a result of a direct threat by the IRS to tax these disaster mitigation grants. As I have said before, I am absolutely stunned at this latest antic by the IRS. The last thing Americans who are working to prevent potential destruction from floods, tornadoes, and hurricanes need is for Government-grant funding to be subject to tax. My bill ensures that the IRS's disaster tax does not see the light of day.

I ask unanimous consent that two letters from the Department of Treasury be printed in the RECORD. These letters are written to the chairmen of both the Senate Finance Committee and the House Ways and Means Committee expressing support for S. 586 and H.R. 1134 and committing to prevent retroactive taxation at the request of Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC., March 14, 2005.

Hon. CHARLES GRASSLEY,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: I am writing to express the Administration's support for legislation to provide tax relief to property owners who participate in Federal Emergency Management Agency (FEMA) hazard mitigation projects, specifically H.R. 1134 and S. 586 sponsored by Representative Mark Foley and Senator Bond respectively.

FEMA provides grants through State and local governments to mitigate potential damage from future natural hazards. Examples of mitigation projects include demolition, retro-fitting, and elevation of buildings. As a result, these grant projects are distinguishable from other grant programs in that their goal is to avoid the larger costs of damage that otherwise would be compensated in the future out of the taxpayer funded Disaster Relief Fund, National Flood Insurance Program, other Federal assistance programs, and State, local and private sources. Through hazard mitigation programs, FEMA has funded community mitigation projects affecting individual properties for over fifteen years. In particular, FEMA makes grants under the Flood Mitigation Assistance program, the Hazard Mitigation Grant Program, and the Pre-Disaster Mitigation program.

Under current law, gross income generally includes all income from whatever source derived. Generally, the mitigation grants from FEMA (or construction services paid by grants) represent income to the recipients. Under specific statutory and administrative exceptions, gross income does not include certain government payments made to individuals in response to need resulting from particular disasters. However, grants under the three FEMA mitigation programs described above often are made in anticipation of future disasters and other natural hazards and are not need based. Consequently, the mitigation grants generally do not qualify for these specific exceptions.

Similarly, if a property owner participates in a FEMA-assisted acquisition of his or her property, the property owner generally is required to include in income any gain from the sale of the property (subject to the $250,000/$500,000 exclusion from income of gain from the sale of a principal residence).

By explicitly excluding FEMA mitigation grants from income, the Foley/Bond legislation provides tax relief to home and property owners that receive the grants. Because participation by property owners in FEMA projects is voluntary, there is concern that owners of at-risk properties might decline to participate because of the potential tax obligation under current law, thus adding to long term taxpayer funded recovery costs. This presents a potential impediment to the policy Congress initially sought to implement through these grant programs.

Finally, it is also my understanding that the effective dates of the Foley/Bond legislation are prospective and that the tax exemption for these FEMA mitigation grants will be recognized upon date of enactment of the bill. Because the issue of retroactivity is also one of fairness, it is our hope that Congress, consistent with the Administration's budget proposal, will encourage the Treasury Department to provide retroactive relief to those individuals who have utilized FEMA mitigation grants in the past.

I commend the House for acting quickly to address this issue and urge the Congress to send this legislation to the President for his signature.

Sincerely,

JOHN W. SNOW.

DEPARTMENT OF THE TREASURY,
Washington, DC, March 14, 2005.

Hon. WILLIAM THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

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owners who participate in Federal Emergency Management Agency (FEMA) hazard mitigation projects, specifically H.R. 1134 and S. 586 sponsored by Representative MARK FOLEY and Senator BOND respectively.

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JOHN W. SNOW.

CONDEMNING VIOLENCE AND CRIMINALITY IN NORTHERN IRELAND

Mr. DODD. Mr. President, I rise today to join my colleagues, Senators KENNEDY, MCCAIN and others in condemning ongoing violence and criminality by the Irish Republican Army.

Our actions are prompted in part by our meeting yesterday with the sisters and fiance of Robert McCartney, a Catholic resident of Belfast who was brutally murdered on January 30, by individuals who are members of the IRA. These six young women, Catherine McCartney, Paula Arnold, Gemma McMacken, Claire McCartney, Donna Mary McCartney, and Bridgeen Karen Hagans, have publicly challenged the code of silence that generally surrounds IRA activities, including the brutal murder of their brother, an innocent bystander.

These brave women came to Washington seeking our help to ensure that this heinous act is not forgotten as time passes and that justice is done, not only on behalf of their brother, but for all the people of Northern Ireland—Protestant and Catholic alike. They have called upon the IRA and Sinn Fein to stop covering up Robert's murder, and to begin immediately to cooperate directly with the Northern Ireland Policing Service in order to bring to justice those responsible for this heinous crime.

In response to their appeal we believe that it is important that the United States Senate express itself on their behalf. That is why we have asked the Senate to act on the pending resolution. That is why President Bush met personally with these brave women at the White House earlier today—to highlight the importance of justice being done.

Our actions on this resolution and the President's meeting earlier today put the world on notice that we condemn such acts. In addition, with this resolution we call on the leadership of Sinn Fein to insist that everyone responsible for this murder be brought to justice and that anyone with knowledge about the crime cooperate fully and directly with the Police Service of Northern Ireland in making that possible.

As an Irish American, I look forward to the annual celebration of Saint Patrick's Day. Earlier today we participated in the Annual Speaker's luncheon with visiting Prime Minister of Ireland, Bertie Ahern to commemorate this day.

I must tell you that we did so with less exuberance than in past years when there was frankly more to be joyful about.

Ten years ago on this day, there was excitement and promise at our Saint Patrick's Day celebration—the 1994 IRA ceasefire had been in place for more than 6 months and there existed a positive climate conducive to finding a political resolution to a quarter century of sectarian violence.

Seven years ago, in 1998, there was even more concrete evidence that sectarian violence was over as we were literally days away from the parties signing the Good Friday Accords which they did on April 9 of that year. That document was crafted by the political parties under the able leadership of former Majority Leader George Mitchell with the active involvement of President Bill Clinton, and Prime Ministers Tony Blair and Bertie Ahern. It spelled out in black and white an agenda and institutions for delivering justice and equality to both traditions within a framework of inclusive self-government.

Our annual Saint Patrick's Day celebrations since 1998 have been an opportunity to take stock of the progress toward full implementation of the Good Friday Accords. I for one have approached this day each year with the hope that we might finally declare that the Accords were fully functioning, and that violence and terror were no longer a part of the fabric of Northern Ireland's society.

Sadly, this Saint Patrick's day we struggle to call the glass half full with respect to progress on the Accords. The Northern Ireland Assembly is in suspension, the assembly's Executive is vacant. The parties are deadlocked over what must be done to restart the process. Collectively, Northern Ireland's political leaders must accept responsibility for the political impasse that now exists. But Sinn Fein and the IRA carry a heavier burden than others for restarting the process. Sinn Fein, as an organization, must commit itself fully and unequivocally to solely political means to advance its agenda of equality and inclusion. There is no place in a democracy for a political organization to have its own private paramilitary organization. Sinn Fein cannot call itself a democratic organization if it does not severe all ties with the IRA, an organization which espouses, condones, and covers up unlawful acts such as murder and robbery. And, if the IRA is in fact committed to the full implementation of the Peace Accords as it has publicly stated, then it must fully and verifiably decommission its weapons and go out business entirely.

In my opinion, nothing short of these actions is going to repair the damage done to the peace process by the recent acts of criminality by the IRA. Public demonstrations by the Catholic community in Belfast in support of the McCartney sisters' quest for justice made it patently obvious that whatever support might have existed for the IRA in that community exists no longer. It is very clear that the people of Northern Ireland want to live in peace—they want an end to vigilantism

and intimidation—they want transparency and the rule of law. They want a future for themselves and their children.

Today, Northern Ireland is a struggling democracy—at a crossroad. Elections have occurred. Elected representatives have been chosen. The mechanisms of self-government are clearly spelled out in the Good Friday Accords. Everyone knows what needs to be done to move the process forward. I hope and pray that those with the power to make a difference will have the courage to do the right thing. The people of Northern Ireland deserve and expect nothing less.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last week, a 15-year-old high school student was charged with assault after attacking a fellow student. According to police, the attacker yelled disparaging remarks about the victim's sexual orientation before the fight broke out. The victim was taken to the doctor with bruised ribs after he was repeatedly kicked.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

OPPOSING THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

Mr. KYL. Mr. President, it has come to my attention that persons outside of the Senate have told Senators that I do not oppose S. 147, the latest incarnation of a bill that would create a tribal government for Native Hawaiians. This is untrue; it is probably being said because I agreed that the issue could be brought to the Senate floor for a vote. I continue to believe that this bill is profoundly unconstitutional and poses serious moral and political problems. I oppose this bill, and urge my colleagues to do so.

I ask unanimous consent that the following three news columns by Bruce Fein, constitutional scholar and former Reagan administration Justice Department official, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 11, 2005]

THE PINEAPPLE TIME BOMB

(By Bruce Fein)

It is not because Native Hawaiians should be cherished less but that equality under the law should be loved more that the Akaka Bill to create a race-based government should be opposed. The Senate Committee on Indian Affairs blithely approved the legislation Wednesday without seriously examining its constitutionality. The bill previously passed the House in 2000 as a ''noncontroversial,'' like treating South Carolina's firing on Fort Sumter as a July Fourth celebration.

The proposed legislation would ordain a Native Hawaiian Governing Entity cobbled together by Native Hawaiians meeting a threshold of Native Hawaiian blood. The Entity would negotiate with the United States and the State of Hawaii for lands, natural resources, civil and criminal jurisdiction, and other matters within the customary purview of a sovereign. It would be a race-based state within a state: a government of Native Hawaiians, by Native Hawaiians, for Native Hawaiians. It does not deserve birth.

The grandeur of the United States has been a history of escape from ugly racial, ethnic or class distinctions. The nation celebrates equality of opportunity and merit rather than birth as the touchstone of destiny. American citizenship is defined by common ideals and aspirations unstained by hierarchy: no divisions between patricians or clergy, nobles and commoners. Indeed, the Constitution forbids titles of nobility.

Accordingly, Supreme Court Justice Antonin Scalia instructed in Adarand Constructors v. Pena (1995): ''To pursue the concept of racial entitlement—even for the most admirable and benign of purposes—is to reinforce and preserve for future mischief the way of thinking that produced race slavery, race privilege and race hatred. In the eyes of government, we are but one race here. It is American.''

The United States has flourished by overcoming stains on its creed of equality. Black slavery was ended by the 13th Amendment, and Jim Crow died with the Civil Rights Act of 1964 and Voting Rights Act of 1965. Individual Japanese-Americans got an apology and compensation for race-based maltreatment in World War II in the Civil Liberties Act of 1988.

Racism is defeated by its renunciation, not its practice. The latter pits citizen against citizen and invites strife and jealousies that weaken rather than strengthen.

An exclusive Native Hawaiian government is no exception. Justice Anthony Kennedy persuasively discredited the argument that the Akaka Bill will bring reconciliation between Native Hawaiians and their co-citizens in Rice v. Caytano (2000). In voiding a race-based restriction on the franchise for trustees of the Office of Hawaiian Affairs, Justice Kennedy sermonized: ''One of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities. . . . [T]he use of racial classifications is corruptive of the whole legal order democratic elections seek to preserve. The law itself may not become an instrument for generating the prejudice and hostility all too often directed against persons whose particular ancestry is disclosed by their ethnic characteristics and cultural traditions.''

The Akaka Bill would create an unprecedented race-based government in Hawaii. Prior to the 1893 dethronement of Queen Lili'uokalani, the monarchy treated Native Hawaiians and immigrants alike. Each enjoyed equal rights under the law. Ditto under the successor government and territorial authority after Hawaii's annexation by the United States in 1898. In other words, the race-based legislation would not restore the 1893 legal landscape, but enshrine an odious political distinction amongst Hawaii's inhabitants that never before existed.

A Native Hawaiian enjoys the same freedoms as other Americans. Native Hawaiians may celebrate a distinctive culture under the protection of the Constitution, like the Amish. Racial discrimination against a Native Hawaiian is illegal. And the civil and political rights of Native Hawaiians dwarf what was indulged by the sovereign under the former monarchy.

Stripped of rhetorical adornments, the Akaka Bill is racial discrimination for the sake of racial discrimination; a dishonoring of the idea of what it means to be an American and a formula for domestic convulsions.

[From the Washington Times, Oct. 5, 2004]

A RACE-BASED DRIFT?

(By Bruce Fein)

The nation's mindless celebration of multiculturalism and denigration of the American creed has reached a new plateau of destructiveness. A bill recently reported by the Senate Appropriations Committee (S. 344) would establish a race-based government for Native Hawaiians unconstrained by the restrictions of the U.S. Constitution. The bill's enactment would mark the beginning of the end of the United States, akin to the sack of Rome by Alaric the Great in 410 A.D. A country that wavers in its fundamental political and cultural values—like a nation half slave and half free—will not long endure.

S. 344 would erect an independent government for the lineal descendants of Native Hawaiians to honor their asserted ''rights as native people to self-determination and self-governance.'' Best estimates place their number at more than 400,000. Like Adolf Hitler's blood tests for Jews, a minuscule percentage of Native Hawaiian ancestry would establish an entitlement to participate in the new racially exclusive domain.

The right to self-determination means the right of a people to choose their sovereign destiny, whether independence, federation, accession to another nation or otherwise. Thus, the bill would overturn the past and prevailing understanding of the Civil War. As Chief Justice Salmon Portland Chase lectured, Ulysses S. Grant's defeat of Robert E. Lee established an indivisible national unity among indestructible states.

The Native Hawaiian government would be unbothered by the ''irritants'' of the U.S. Constitution. Thus, it might choose theocracy over secularism; summary justice over due process; indoctrination over freedom of speech; property confiscations over property rights; subjugation over equality; or, group quotas over individual merit. The Native Hawaiian citizens of the Native Hawaiian government would also be exempt from swearing or affirming allegiance to the United States of America or the U.S. Constitution.

The race-based sovereignty created by S. 344 is first cousin to a revolution against the

United States. As the Declaration of Independence elaborates, revolutions may be justified by repression or deafness to pronounced grievances. Thomas Jefferson's indictment of King George III is compelling on that score. But S. 344 does not and could not find Native Hawaiians are oppressed or maltreated in any way. They are first-class American citizens crowned with a host of special privileges. Indeed, the proposed legislation acknowledges that, ''Native Hawaiians . . . give expression to their rights as native peoples to self-determination and self-governance through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school.''

The annexation of Hawaii by the United States in 1898 has proven a bright chapter in the history of democracy and human rights. Native Hawaiians had failed for centuries to build a democratic dispensation and the rule of law. When Queen Lili'uokulani was ousted from power in 1893, the potentate was no more eager to yield monarchical powers than was the shah of Iran. Annexation and statehood in 1959 brought all Hawaiian residents irrespective of race or ethnicity the blessings of the U.S. Constitution—government of the people, by the people, for the people. Native Hawaiians prospered far beyond the destiny available under Queen Lili'uokulani and her royal successors. Suppose Japan had attacked Pearl Harbor when under the queen's sovereignty. The Hawaiian Islands would have been colonized and brutalized as was Korea from 1910–1945.

American civilization has been a boon, not an incubus, for the Native Hawaiians living today. Generally speaking, they thrive from the benefits of science, medicine, literature, higher education, free enterprise, private property and freedom of inquiry, amenities and enjoyments not found in lands untouched by Western values and practices. As elaborated in the report of Senate Committee of Indian Affairs accompanying S. 344, Native Hawaiians' nagging resistance to complete assimilation seems to explain their suboptimal demographics. Hawaiian law, for example, has invariably guaranteed subsistence gathering rights to the people to retain native customs and traditions.

Not a crumb of legitimate grievance justifies the odious race-based government championed by S. 344. To borrow from Associate Supreme Court Justice Antonin Scalia in Adarand Construction vs. Pena (1995), in the eyes of the law and the creed of the United States, there is only one race in the nation. It is American. And to be an American is to embrace the values of freedom, individual liberty and equality acclaimed in the Declaration of Independence, Constitution and Gettysburg Address. S. 344 would create a distinct race of Native Hawaiians subject to a race-based Native Hawaiian government with the purpose of creating and preserving non-American values: namely, ''Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions.''

Native Hawaiians hold no more right to a race-based government than countless other racial or ethnic groups in the United States. They are no more entitled to secede from the jurisdiction of the U.S. Constitution than were the Confederate States of America. Enacting S. 344 would surrender the intellectual and moral underpinnings of the United States.

E PLURIBUS UNUM—DEBATING THE LEGALITY OF THE AKAKA BILL

(By Bruce Fein)

Hawaii Attorney General Mark Bennett is dead wrong in his support of the Akaka Bill.

The proposed legislation celebrates race-based divisiveness over America's highest aspirations for unity and equality. The bill is blatantly unconstitutional.

E Pluribus Unum is the nation's birth certificate.

Ben Franklin sermonized that if we do not all hang together; we assuredly shall all hang separately. Abraham Lincoln preached that ''A house divided against itself cannot stand.'' Supreme Court Justice Benjamin Cardozo in Baldwin v. Seelig (1935) observed: ''The Constitution was framed . . . upon the theory that the peoples of the several states must sink or swim together, and that in the long run prosperity and salvation are in union and not division.'' Justice Antonin Scalia lectured in Adarand Constructors v. Pena (1995) that the Constitution acknowledges only one race in the United States. It is American.

Attorney General Mark J. Bennett's spirited defense of the Akaka Bill (Hawaii Reporter, December 20, 2004) ignores this wisdom. It is nonsense on stilts. He talks about Congress' power to recognize tribes, but the Akaka Bill is not about recognizing a real tribe that truly exists. Instead, it proposes to crown a racial group with sovereignty by calling it a tribe. But to paraphrase Shakespeare, a racial group by any other name is still a racial group. Congress cannot circumvent the Constitution with semantics. The United States Supreme Court in United States v. Sandoval (1913) expressly repudiated congressional power arbitrarily to designate a body of people as an Indian tribe, whether Native Hawaiians, Jews, Hispanics, Polish Americans, Italian Americans, Japanese Americans, or otherwise. Associate Justice Willis Van Devanter explained with regard to congressional guardianship over Indians: ''[I]t is not meant by this that Congress may bring a community or body of people within the range of this power by arbitrarily calling them an Indian tribe, but only that in respect of distinctly Indian communities the questions whether, to what extent, and for what time they shall be recognized and dealt with as dependent tribes requiring guardianship and protection of the United States are to be determined by Congress, and not by the courts.''

Attorney General Bennett incorrectly argues that the Supreme Court has interpreted the Indian Commerce Clause to endow Congress with plenary ''power to deal with those it finds to be Indian Tribes. . . .'' No such interpretation has ever been forthcoming, and thus Mr. Bennett is unable to cite a single case to support his falsehood. Indeed, it is discredited by the Sandoval precedent.

Congress enjoys limited powers under the Constitution. They are generally enumerated in Article I, section 8, and include the power to regulate commerce ''with the Indian tribes.'' Clause 18 also empowers Congress to make all laws ''necessary and proper'' for executing its enumerated authorities. Contrary to the Hawaii Attorney General, the Indian Commerce Clause has been understood by the Supreme Court as conferring a power to regulate the nation's intercourse with Indian Tribes, but not to summon a tribe into being with a statutory bugle. The Attorney General is also unable to articulate a connection between any enumerated power of Congress and the Akaka Bill's proposal to endow Native Hawaiians with the quasi-sovereignty and immunities of Indian Tribes.

He absurdly insists that the Founding Fathers intended an open-ended definition of Indian Tribe because contemporary dictionaries defined tribe as ''[a] distinct body of people as divided by family or fortune or any other characteristic.'' But the Constitution's makers employed ''Indian'' to modify tribe. That modifier was understood to include only peoples with an Indian ancestry coupled with a primitive culture that necessitated federal protection from predation by States or private citizens. In Sandoval, for example, Congress properly treated Pueblos as an Indian tribe because ''considering their Indian lineage, isolated and communal life, primitive customs and limited civilization, this assertion of guardianship over them cannot be said to be arbitrary. . . .'' Chief Justice John Marshall in The Cherokee Nation v. Georgia (1831) likened an Indian Tribe's dependency on the United States to the relation of a ward to his guardian. The Akaka Bill, however, does not and could not find that Native Hawaiians need the tutelage of the United States because of their backwardness or child-like vulnerability to exploitation or oppression. Indeed, their political muscle has made them spoiled children of the law, as Attorney General Bennett himself underscores. Finally, the Constitution aimed to overcome, not to foster, parochial conflicts or jealousies. That goal would be shipwrecked by a congressional power to multiply semi-sovereign Indian tribes at will.

He stumbles again in attributing to a court the statement, ''Indian tribes do not exist in Alaska in the same sense as in [the] continental United States.'' The statement was made by the Secretary of the Interior in a letter noting that Alaskan tribes occupied land which had not been designated as ''reservations,'' in contrast to Indian tribes.

Section 2 of the Fourteenth Amendment further undermines the Attorney General's accordion conception of Indian Tribe. It apportions Representatives among the States according to population, but ''excluding Indians not taxed.'' Mr. Bennett's argument would invite the majority in Congress to manipulate apportionment by designating entire States that generally voted for the opposition as Indian Tribes.

Finally, the Attorney General wrongly insinuates that Congress would be powerless to rectify historical wrongs to Native Hawaiians absent the Akaka Bill. Congress enjoys discretion to compensate victims or their families when the United States has caused harm by unconstitutional or immoral conduct, as was done for interned Japanese Americans in the Civil Liberties Act of 1988. Congress might alternatively establish a tribunal akin to the Indian Claims Commission to entertain allegations of dishonest or unethical treatment of Native Hawaiians. As the Supreme Court amplified in United States v. Realty Co. (1896): ''The nation, speaking broadly, owes a 'debt' to an individual when his claim grows out of general principles of right and justice; when, in other words, it is based on considerations of a moral or merely honorary nature, such as are binding on the conscience or the honor of the individual, although the debt could obtain no recognition in a court of law. The power of Congress extends at least as far as the recognition of claims against the government which are thus founded.''

TRIBUTE TO DECLAN CASHMAN

Mr. DAYTON. Mr. President, I rise to pay tribute to Ms. Declan Cashman who tomorrow marks her 20th year of service in the Senate.

Declan began her career in the Senate back in 1985 as a legislative secretary for my distinguished friend, Senator Dave Durenberger of Minnesota. She was promoted to positions on the Subcommittee on Intergovernmental Relations, the Permanent Subcommittee on Investigations, and the Committee on Health, Education, Labor, and Pensions. Today, she serves as my executive assistant, where she is invaluable to me and so many others on my staff. I do not sign a letter without first asking, ''Has Declan looked at this?''

Despite her busy work schedule, Declan has many creative pursuits. She is both a lover of the theater and a talented actress herself. Recently, she has performed at Washington's Studio Theater, the Chevy Chase Players, and the Silver Spring stage.

Declan is an inspiration to the young men and women who come to work in Washington every year. Every morning, she is the first to arrive in my office, where she proceeds to scour her hometown Boston Globe, the New York Times, the Washington Post's Style section, and Page Six, over a cup of black coffee. As her coworkers arrive, she enthusiastically shares the best stories with them.

On behalf of her Senate coworkers over the past 20 years and the thousands of constituents she has assisted, I thank Declan for her dedication and excellent public service. I hope that she will grace my office with her presence for the next 2 years. Then someone else will be my fortunate successor.

RECOGNITION OF THE 80TH ANNUAL PRINCE OF PEACE EASTER PAGEANT

Mr. INHOFE. Mr. President, I rise today in recognition of the 80th Annual ''The Prince of Peace'' Easter Pageant that has been performed annually in the historic Holy City of the Wichitas since 1926. I am very proud of this truly outstanding Oklahoma tradition and would like to congratulate the dedicated performers and organizers both past and present who have kept it alive all these years.

The pageant was the brainchild of a young pastor, Reverend Anthony Mark Wallock, of the First Congregational Church in Lawton, OK. Eighty years ago, he gathered a few hardy souls from his church and Sunday school class on a mountain peak at Medicine Park, OK, where he conducted a short Easter morning service. That worship ceremony, which was carried out in word, song, and pantomime, eventually became the world-renowned Easter pageant, ''The Prince of Peace.''

Word about the pageant spread quickly, and began attracting a larger audience. As a result, the pageant was moved to the foot of Mount Roosevelt in the heart of the Wichita Mountains Wildlife Refuge. The twenty-two buildings at the new site were completed and dedicated on March 31, 1935, and the first pageant there, performed on April 21, drew a crowd of 82,000 people.

In the 1940's, the pageant even drew the attention of Hollywood and in 1948 the film, ''The Lawton Story—The Prince of Peace'' was produced with the participation of many local citizens in Lawton and the surrounding area. Although Reverend Wallock passed away on December 26 of that year, the story of the pageant he founded lived on in the community that he loved.

Since then, hundreds upon thousands of volunteers have carried on the annual tradition of presenting this historic production. It has become the longest continuously running outdoor Easter pageant in America. Every Easter season, on Palm Sunday Eve and Easter Eve, starting at 9:00 in the evening, 300 costumed volunteer performers bring the pageant to life.

The voices of the characters come from the reading cast. Their timed speaking gives life to the pantomiming actors. Those in charge of music, sound effects, and the all-important lighting give realism to the story. The brilliant costumes, live animals, and surprise special effects all contribute to a rich and beautiful depiction of the life of Christ.

Mr. President, as the Easter season approaches and this storied pageant enters its 80th year, I extend my gratitude for all those who have committed to keep its flame burning. The message of hope and human redemption that is at the heart of this pageant is one that we sorely need today, and I hope that Reverend Wallock's inspiring legacy will live on for 80 more years and beyond.

IN MEMORY OF JAY CUTLER

Mr. SPECTER. Mr. President, I have sought recognition to inform the Senate of the passing of Jay Cutler on March 4, 2005. Jay was a dear friend to many in Washington, a loving husband, father, and grandfather to his family, and a true asset to Capitol Hill and the field of mental health policy. Both on the Hill and in his role as the lobbyist for the American Psychiatric Association, Jay worked diligently to educate people about mental health and to alleviate the stigma attached to mental illness. I had the pleasure of working closely with Jay on a number of issues affecting millions of Americans afflicted with these maladies.

Most importantly, Jay had an overwhelming love for his family, especially his wife, children, and grandchild. They, along with me, the United States Senate and Washington, DC will miss Jay dearly because he was a true inspiration to us all. In memory of Jay Cutler, I ask unanimous consent that Rabbi Joseph B. Meszler's eulogy of Jay be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JAY CUTLER (YOSEF BEN MOISHE)

RABBI JOSEPH B. MESZLER, WASHINGTON HEBREW CONGREGATION, MARCH 7, 2005

Sometimes, when people reach retirement, they experience what people call a second childhood. They are able to be a kid again and enjoy themselves. Jay Cutler, however, never stopped knowing how to be a kid, how to enjoy life to the utmost, and how to marvel at people and places and situations. He was always a big, wonderful, loving man whose warmth you felt almost instantly. Perhaps the pain at the injustice of his sudden death is tempered by the fact that he did not wait until his retirement to go out and enjoy life. Jay Cutler was a good man who was a wonderful husband and father, and the best grandfather. He was an extremely generous man in every sense of the word. A Hebrew proverb says, Neir Adonai nishmat adam; the light of God is a person's soul. Jay's soul gave a great deal of light and warmth.

We are here in this unbelievable situation, to grieve for the death of Jay, to try to accept the reality of this loss, and to feel the pain of grief. His family and friends are gathered because it feels like a huge light has gone out, and we are groping in the dark. At the same time, Jay would always find something light and even funny even in the darkest situations. And in telling stories about Jay, we are liable to laugh just as much as cry.

Jay was born the only child to Murray and Shirley Cutler in Brooklyn. He was not only the only child but also the first grandchild, and so his grandparents closed down the street and had a block party for him upon his arrival into this world. It would foreshadow a great deal of Jay's spirit in times to come.

Jay loved his parents, and they loved him dearly. He attended Tilden High School and then went to New York University as a business major. In his neighborhood, attending his same high school, was a young woman named Randy. Randy was on the cheering squad, and her friend wanted to set her up with this guy named Jay. ''You'll have a great time,'' her friend assured her. ''He makes great seal noises.'' They went to Jahn's Ice Cream Parlor. Jay was 19, and Randy was 16. Later, Jay would make the time to drive his car over to Randy's house so the two of them could wash it together. His car must have been very dirty because he did this almost every day. On weekends, they would go out on dates. They were married on April 5, 1952 at a synagogue in Brooklyn, and while they did not have a honeymoon, Jay and Randy said that they honeymooned for many years on many trips after that. Their marriage took place before Jay had to go overseas during the Korean War, and Randy remembers well their time in Georgia when they shared a house with other couples before Jay was shipped out.

Jay and Randy's love for each other was something to behold. They simply loved being together, and it is hard if not impossible to think of them apart. They have been

married for almost 53 years, and they shared everything.

When Jay came back from the service, he went to Brooklyn Law School. In order to get by, they needed family support, and Jay clerked for his Uncle Julie and also worked at night in order to bring in some money. Soon Hollie was born, and Jay studied for the bar while Randy tried to keep her quiet.

In 1958, the family moved to Washington, DC, where Perri was born. Jay went to work for Granik & Marshall, a lobbying law firm that dealt often with public television, and Jay became especially interested in the production end of things. He worked there for ten years, but then Jay went to work for Senator Jacob Javitz of New York on Capital Hill.

Jay loved working on the Hill. He loved writing legislation and being a part of the process. He was also unusual. He was not only competent but helpful and friendly when many other people were not. A plaque in his office read, ''Mirthful Jay Cutler.'' Hollie was especially proud when people at work would meet her and say, ''You're Jay Cutler's daughter?'' And even though he was extremely modest, Jay accomplished a great deal. He would never put on airs or boast, but he was extremely good at getting people together and getting things done. A book that was written at the time called The Dance of Legislation which followed the development of the National Health Service Corps, and it featured Jay as one of its subjects. It became clear with regards to this major legislation that a great deal would not have happened if it weren't for Jay.

After working on Capitol Hill for ten years, Jay went to work as a lobbyist for the American Psychiatric Association. He worked for them for some 25 years, and he made a name for himself as not only a professional but as a mentor to others. He was well-respected and well-liked, and it might not be an exaggeration to say that he mentored half of the health lobbyists working on Capitol Hill today. Jay and Randy also did a tremendous amount of traveling, going all over the world on numerous trips. It was part of their life together to go to new places. He retired just last year and was looking forward to doing more consulting.

Upon his retirement, the Congressional Record, entered on April 30, 2003 by Senator Kennedy, praises Jay for his work. It explains that Jay was part and parcel of legislation having to do with mental illness reform and substance abuse treatment, and he believed passionately in improving the government's policies, alleviating suffering, and removing the stigma that mental illness can often bring. It also makes sure to mention Randy, his ever-present companion and support. Jay was, after all, first and foremost a family man. And all know him for the giving soul that he was. He was very generous, and gave of himself and his time freely.

As a father, Jay was always incredibly loving and playful with Hollie and Perri. He could make any child smile, laugh, and play. And he was not above stealing the chocolate frosting off of someone's plate if you left the table or pouring sugar into ashtrays at restaurants and setting them on fire. His children remember how much he loved the beach and could be found there from ten in the morning until sunset, and he would have been there earlier if he didn't like sleeping in while on vacation. He always seemed to have a permanent tan.

Jay was always there for his children, present but not intrusive, and was always positive and upbeat. Hollie knows what a special father she had, and she, too, went to law school. And Perri especially remembers her trip to King's Dominion with him and how he went on the rides with her even though he was somewhat horrified at the thought. And for the whole family, for Randy's siblings and their partners, Zelda and Arthur, Louis and Barbara, for his nieces and nephews: Sherry, Bonnie, Scott, Darrell, and Craig, and to his son-in-law Eric, bringing Rachael into his life, Jay was a source of happiness and strength.

But the center of his life was his love for his granddaughter, Mikayla. Jay's sun rose and set on this beautiful little girl who would lovingly call him ''Ga.'' He would do anything for her, and to her, he was one big, lovable toy. Only she was allowed to mess up his hair, and only she could bring him to entirely new levels of joy. His love and his life will have an impact on her far into the future.

Someone once wrote that life and death are not in our hands. Just as we do not choose to be born, so we do not choose to die. Jay's death is profoundly unfair. But he leaves a legacy of love and life that is hard to beat. He would have us smiling. His soul is certainly one of God's lights. Zichrono livracha. Jay's memory will always be a blessing.

LOSS OF FEDERAL AGENT DAVID WILHELM

Mrs. DOLE. Mr. President, tragedy struck Atlanta, GA this past Friday, March 11, 2005. A quiet day in a county courthouse turned into a horrific shooting spree that took the lives of four innocent people throughout the Georgia capital. Among those who fell victim that day was U.S. Immigration and Customs Enforcement Assistant Special Agent-in-Charge David Wilhelm, who was shot and killed while working to finish his Atlanta home. Friday's heartbreak touches everyone in this country, and is sincerely felt in my hometown of Salisbury, NC, which Special Agent David Wilhelm also called home.

David Wilhelm is remembered as a true patriot, whose commitment to hard work, justice, and the enforcement of the law were admired by all who knew him. After graduating from West Rowan High School in 1982, Special Agent Wilhelm earned a criminal justice degree at the University of North Carolina at Charlotte. He began his Federal service as a U.S. Customs Agent in June 1987, in Beaufort, SC, and also served in Charlotte, NC and Norfolk, VA before relocating to Atlanta, GA last November. In Atlanta, he was second in command, managing the U.S. Immigration and Customs Enforcement investigations involving financial crimes, narcotics smuggling, human smuggling, and customs violations. His law enforcement colleagues knew him to be tenacious professionally and a superb team-builder with ace investigative skills and a generous spirit.

David Wilhelm's 18-year commitment to Federal service is most commendable. He spent 16 years with the U.S. Customs Service and 2 years with U.S. Immigration and Customs Enforcement. In 2001, he was recognized for his dedication and was awarded the prestigious U.S. Customs Service Blue Eagle Award for work on an important narcotics smuggling case resulting in the seizure of approximately two tons of marijuana and $2.4 million in cash. The Blue Eagle Award is bestowed annually for significant work that goes beyond the expected daily duties.

I have immense respect for the many Federal law enforcement agents who risk their lives daily to protect Americans. I am truly saddened by the loss of David Wilhelm, and my thoughts and prayers are certainly with his wife Candee, his brother Patrick, who serves as an Immigration and Customs Enforcement Agent in Atlanta, GA, and all his family and friends. May Special Agent David Wilhelm's dedication, sense of duty and honor never be forgotten. In addition, I would like to send my sincere condolences to the families, friends, and co-workers of the other three victims of Friday's violence, Judge Rowland Barnes, court reporter Julie Ann Brandau, and Sergeant Hoyt Teasley of the Fulton County Sheriff's Department.

RETIREMENT OF CAROLE GEAGLEY

Mr. SPECTER. Mr. President, at the end of March, 2005, Carole Geagley is retiring from the U.S. Senate, and I rise today to pay her tribute.

Carole began her Capitol Hill career in 1977 when she began working for the Joint Economic Committee, where she rose to the position of personal assistant to the executive director. Before that Carole was the office manager at the law firm of Seltzer and Suskird, from 1971 to 1977.

In 1990 she joined the Senate Appropriations Committee staff. At first Carole worked for the Subcommittee on Agriculture, Rural Development, and Related Agencies. She then made the move to Labor, Health and Human Services, Education, and Related Agencies. As the Senate majority changed over the years she worked for both Senator HARKIN and myself, helping manage the seamless transition between chairmanships for more than 15 years. As office administrator Carole has toiled behind the scenes to efficiently prepare many hearings this subcommittee has conducted. She has done everything from letters of invitation to witnesses, preparing background information for hearing books, creating data tables, and maintaining Member requests from Members of the Senate. For the professionalism of her work, she will be missed.

Yet it is for Carole's many other attributes that we will miss her the most. The youngest of four siblings,

Carole's cheerful disposition, effervescent personality, and her famous cakes have made her the Perle Mesta of the Appropriations Committee. Her cakes and pies are so well known that TOM HARKIN, who is quite the chef himself, has asked for her recipes—especially her Coca-Cola cake. It should also be noted that her award-winning cheesecake is featured at a well-known restaurant in her home State of Maryland.

Carole has many other talents as well. She and her husband, Ron, are championship bridge players and have played in many national tournaments. In fact, that is how she met Ron, at a bridge tournament in 1975. They were married in 1977 and raised a beautiful daughter, Lori. They are now blessed with three grandchildren who we can all hope will inherit their grandmother's knack at cooking. My best wishes to Carole and her family on this occasion of her retirement.

Mr. HARKIN. I join my colleague in thanking Carole Geagley for her service to the U.S. Senate and wishing her well as she embarks in a new phase of her life.

Carole is an institution on the Appropriations Committee and not one that will soon be forgotten. She spent the longest period of her Appropriations life assisting the group of offices that staff call ''the Bullpen,'' a crowded space in the Hart Building that holds anywhere from five to seven subcommittee staffs. With different bills moving at different paces through the Senate, that area is often the locus for much activity, and Carole managed those interactions with a calm demeanor.

In that capacity, Carole came into contact with many Senators and many Senate offices. She is a storehouse of institutional knowledge, which she imparted to younger staffers when perspective and history needed to be their guides. And just as importantly, she fed them. Every staff birthday was celebrated with a Carole Geagley creation. One thing is certain: Appropriations Committee staff will never eat as well as they did when they worked with Carole.

I know that Carole will treat retirement with the same gusto with which she performed her various duties in the Senate. So today we congratulate Carole. We thank her for her longtime service to this institution and we wish the whole Geagley family the best.

ADDITIONAL STATEMENTS

TRIBUTE TO A GREAT NEW MEXICAN: J. PAUL TAYLOR

• Mr. BINGAMAN. Mr. President, I am pleased to come to the floor today to express my gratitude to J. Paul Taylor—a man of great passion for his wife and children, art and culture, education, border health, progressive politics, and last but definitely not least, improving the economic, social, and spiritual well-being of the people in the Mesilla Valley in southern New Mexico.

J. Paul Taylor has touched the lives of so many of the people throughout our great State of New Mexico, but what is most remarkable is that he has done so in so many different facets of life. News articles about him have never really captured but one small piece of his life, as they focus on: J. Paul Taylor: The Artist; J. Paul Taylor: The Historian; J. Paul Taylor: The Educator; J. Paul Taylor: The Politician; J. Paul Taylor: The Father of Border Health; J. Paul Taylor: The Advocate for the Poor; J. Paul Taylor: Children's Advocate.

Only J. Paul Taylor could be honored in the wide array of ways he has, including having New Mexico State University establish the J. Paul Taylor Endowment in the College of Education, the New Mexico Human Needs Coordinating Council establishing the J. Paul Taylor Legislative Champion Award to honor other legislators, the New Mexico Library Association naming him a ''New Mexico Library Treasure,'' getting the Lifetime Achievement Award with his wife from the New Mexico Historic Preservation Division, receiving the Voice for Children Award from the New Mexico Voices for Children, and the awards go on and on.

Representative Taylor was recently honored by his legislative colleagues in the New Mexico Roundhouse, both Democrats and Republicans. As the Las Cruces Sun-News reported, ''Taylor was described as 'the great gentleman of New Mexico politics,' and 'a populist advocate for the poor and disenfranchised.' He was also lauded for his effort to create the Office of Childhood Development and for the donation of his home in Mesilla, to be converted into a museum following the death of Taylor and his wife, Mary.''

Earlier this month, J. Paul Taylor was unanimously confirmed as a member of the New Mexico National Hispanic Cultural Center and the awards and recognitions just keep on coming.

I am so pleased to have worked closely with J. Paul Taylor for the good of New Mexico and the people of the Mesilla Valley throughout my career and think words are impossible to express my gratitude to him for all that he has done for the people of New Mexico. He embodies the very best of our State—its culture and its heart and soul.•

CONGRATULATING THE UNIVERSITY OF ARKANSAS TRACK AND FIELD PROGRAM

• Mr. PRYOR. Mr. President, today I pay tribute to the University of Arkansas Track and Field Team on earning their 40th NCAA Title last weekend. This win also marks the team's 18th indoor track title, the most of any Division 1 athletic program in the Nation.

Saturday's win continues a long tradition of excellence for a program that boasts some the best attendance at track events nationwide. A crowd of 5,461 faithful fans cheered them on to victory in Fayetteville, AR last Saturday. The success of our talented athletes and coaches is a source of pride for all Arkansans.

Under the leadership of Head Coach John McDonnell, the Razorbacks have been a consistent powerhouse in collegiate athletics, earning him the honors as the Nation's winningest track and field coach. In his 33rd year as head coach, McDonnell has won 74 conference championships, 31-straight cross-country conference titles, and 5 NCAA triple crowns.

In fact, Coach McDonnell's team has won at least one national title in cross country, indoor or outdoor track in 20 of the past 21 years. It is no wonder that he has been named National Coach of the Year a total 27 times for his work with Arkansas athletics. Indeed, his record of success reads like a page out of the Guinness Book of World Records. His ability to recruit and hone the talents of the most outstanding athletes in collegiate track and field rightly identifies him with the greatest names in the history of college sports.

The young men that join the University of Arkansas track squad are models of athletic excellence. Their hard work and dedication to the sport are a source of pride and inspiration for Arkansans and sports fans everywhere. Among them are 156 All-American athletes who have won a total of 585 All-American honors for individual events, and the members of the Arkansas track and field team have earned a remarkable 102 national championships for individual events. In fact, the official web site of Razorback Athletics, www.hogwired.com, boasts that ''[track and field] athletes who letter four years are likely to leave with more rings than fingers.'' Additionally, twenty-five U of A track athletes have gone on to compete in the Olympic Games, the highest honor for an amateur athlete.

I would be remiss if I neglected to mention the essential contribution that the University of Arkansas's Athletic Director, Frank Broyles, makes to the success of the track program. Frank is a steadfast supporter of track and field, and by appointing Coach McDonnell to head the program in 1977 and funding the track program at an optimal level for the many years thereafter, this 40th National Title is a tribute to him and his work to make Arkansas athletics what it is today. A

legend in the world of collegiate athletics and a model Arkansan, it is fitting the Arkansas Democrat-Gazette named Frank Broyles the most influential figure in athletics in the state during the 20th Century.

The Senate has a tradition of recognizing particularly extraordinary accomplishments of Americans, whether in military service, scholarly research, the arts, athletics or other fields. I believe that the University of Arkansas Track and Field Program deserve this recognition. Out of profound respect for the achievements of all the outstanding athletes that have played a role in the success of the Arkansas track and field program, the coaching staff under the direction of John McDonnell, and all the athletic staff at the University of Arkansas, I am pleased to express my congratulations to the Arkansas Razorbacks on their 40th National Track and Field Title.●

PAUL KLEBNIKOV

● Mrs. CLINTON. Mr. President, I will take some time today to tell the Senate about a New Yorker named Paul Klebnikov. Paul Klebnikov was an American journalist who was shot and killed in Moscow on July 9, 2004, as he left his office after work. The most plausible reason for his killing appears to be his investigative journalism, which has explored the connections between business, politics, and crime in Russia. The stilling of Paul Klebnikov's voice represents a direct challenge to independent journalism, democracy, and the rule of law in Russia. According to the Committee to Protect Journalists, CPJ, in the last 5 years, 11 journalists in Russia, including Paul Klebnikov, have died in ''contract-style'' killings.

Mr. Klebnikov's murder illustrates in tragic terms one of several threats faced by the press in today's Russia. Observers have described these threats as including the lack of accountability for the killing of journalists and government restrictions on the media.

It is in the broader context of the challenges to press freedom in Russia that the importance of Paul Klebnikov's murder has been brought home to me in a very personal way by his family, which has long ties to New York. Paul, with family roots in Russia, grew up in New York, and his wife and their children still reside in New York. At the time of his death at age 41, Paul Klebnikov was working in Moscow as the editor-in-chief of Forbes Russia, after having served as a senior editor at Forbes.

Paul Klebnikov's contributions to press freedom have received special recognition since his death. He was a recipient of the CPJ 2004 International Press Freedom Award. He was also a recipient of the 2004 Knight International Press Fellowship Award for achievements in the face of threats.

At the CPJ 2004 International Press Freedom Awards ceremony, Paul's widow Musa underlined Paul's deep sympathy for the plight of the Russian people and the way in which he chose to translate his ideals into action: ''Being surrounded by criminality, greed and misuse of power has made people suffer from apathy and hopelessness. Paul wanted to help ordinary Russians find courage. He was thrilled to edit a magazine for Russians, and use it to expose economic and moral corruption, and offer positive models instead.''

As Paul's widow Musa makes clear, a free press is an essential component of the effort to enhance transparency. A free and vital press helps to keep citizens informed and knowledgeable regarding the most important issues in their lives. Without accurate information on the most pressing public issues of the day, people are hindered in the exercise of their other rights, as well as in the conduct of the many other civic activities that are essential to the healthy functioning of a democracy.

That is why I have been seeking ways to bring attention to the contract-style killing of Paul Klebnikov at the highest levels of government. I have joined with a bipartisan group of my colleagues on the US Helsinki Commission, on which I serve, in writing to President Putin urging him to ensure the case is aggressively investigated and all those responsible are brought to justice.

And I wrote to President Bush to ask him to raise the issue of Paul's murder with President Putin during their meeting in Bratislava, Slovakia on February 24th. That meeting with President Putin presented an opportunity to make clear that all those involved in instigating, ordering, planning and carrying out the murder should be prosecuted to the full extent of the law.

I expressed to President Bush that his personal involvement would contribute enormously to the effort to bring all those responsible for Paul's murder to justice. And that such a result, in turn, would help to move Russia along the path to freedom and democracy, and strengthen Russian civil society.

Recent comments by Secretary Rice encourage me in my hope that the administration will emphasize, both in public to the world, as well as in private to Russian officials, the vital role a free press has to play in Russia. During Secretary Rice's February fifth visit to Warsaw, she underlined that it ''is important that Russia make clear to the world that it is intent on strengthening the rule of law, strengthening the role of an independent judiciary, permitting a free and independent press to flourish. These are all the basics of democracy.''

And around the same time as the Bratislava meeting between President Bush and President Putin, we learned of encouraging news reports. According to these reports, two suspects in the murder of Paul Klebnikov, who had been arrested in Belarus, were extradited to Russia; and one of them was charged in connection with Paul's murder.

Nonetheless, under the current state of affairs in Russia, I am convinced that if all those responsible for this crime are to be brought to justice, it is absolutely essential for President Bush and senior members of his Administration personally to raise Paul's case with senior officials of the Russian Government, including President Putin. It is my hope that if consistent pressure is applied in a determined manner by the U.S. Government, the Russian government will have the strongest incentive to follow through on the investigative efforts already begun, and pursue the leads in this case wherever, and however high, they reach.

It is vital that all those responsible for the murder of Paul Klebnikov be held accountable. Bringing those involved in his murder to justice will help to end any perception that those perpetrating violence against journalists in Russia are immune from the reach of the law. A free press, not threatened by violence or coercion, will aid the Russian people immeasurably in their quest for freedom and democracy. It is our obligation to continue to impress on the Russian Government the importance of bringing to justice those responsible for Paul Klebnikov's murder, both for Paul's sake and to strengthen the rule of law and a free press in Russia.●

IN PRAISE OF DAVID VIGLIAROLO BAUER

● Mrs. CLINTON. Mr. President, I am proud to submit this statement in praise of David Vigliarolo Bauer, a New York City public school student who won the top $100,000 prize in this year's Intel Science Talent Search, STS. David attends Manhattan's Hunter College High School, known for its excellence and high educational standards. His project, which was inspired by the events of September 11, began in the bio-organic chemistry lab of Professor Valeria Balogh-Nair at the City College of New York, CCNY. A coworker at the CCNY lab had been exposed to asbestos at Ground Zero the day of the attack. David has designed a new type of universal sensor for neurotoxins in the body which he believes has the potential to save thousands of lives by rapidly detecting and evaluating individual exposure to biochemical agents.

The Intel STS is often considered the ''junior Nobel Prize'' and is America's oldest and most highly regarded precollege science competition. Alumni of the program hold more than 100 of

the world's most coveted science and math honors, including six Nobel Prizes.

David and his family can be proud of this outstanding achievement, and I am heartened by his interest in using science to the potential benefit of our first responders in the war on terrorism. I ask that the following New York Times article of March 16, 2005 be printed in the RECORD. I congratulate David Bauer for his creativity and leadership.

The article follows:

[March 16, 2005]

NEW YORKER TAKES TOP PRIZE IN INTEL SCIENCE CONTEST

(By Lia Miller)

New York City public school student whose project was inspired by the events of Sept. 11 has won the top prize of a $100,000 scholarship in this year's Intel Science Talent Search.

The winner, David L.V. Bauer, is a 17-year-old senior at Hunter College High School in Manhattan. He worked on a new method to detect toxic agents in the nervous system. Mr. Bauer said that his study could result in a patch, worn somewhat like a radiation patch is on a jacket, that would quickly detect how much neurotoxin a person had been exposed to.

''I was thinking more in terms of paramedics and individual exposure, so in the event of a terrorist attack, we would know the nature of the attack,'' he said.

Forty finalists have been competing for the last five days in Washington for $530,000 in scholarship money. Each finalist will receive at least $5,000.

Mr. Bauer began his study last year while working in the bio-organic chemistry lab of Prof. Valeria Balogh-Nair at the City College of New York. He said that a co-worker at the lab had been at ground zero the day of the attack. Mr. Bauer was amazed to hear that testing showed that the co-worker had a different level of exposure to asbestos in the bloodstream than others in the same area. It was this finding, Mr. Bauer said, that led him to begin thinking of a way to quickly determine a person's neurotoxin exposure levels through the use of fluorescent nanocrystals.

Mr. Bauer, who is from the Bronx, plans to attend the CUNY Honors College in the fall to study chemistry and hopes to teach at the university level one day.

Now that the competition is over, he said he was looking forward to taking up some of his other interests, which include fencing and overseeing an organization he founded called United Liberia, which runs a Web site that provides news about Liberia. Since seventh grade, Mr. Bauer has attended Hunter College High, a public high school administered by the college.

Professor Balogh-Nair, who was Mr. Bauer's mentor, said: ''He is an unusual student, both by the depth of his understanding of science—but he is multitalented—you seldom find a combination of talents in one person. He has great people skills, too.''

The last time a student from the New York metropolitan area won the top prize was in 2000, when Viviana Risca from Paul D. Schreiber Senior High School in Port

Washington, N.Y., won for encrypting a message on a DNA strand. This year there were 13 finalists from New York State, but only Mr. Bauer made the top 10.

The second-place winner was Tim Credo, 17, a senior from the Illinois Mathematics and Science Academy. He won a $75,000 scholarship for a study involving particle accelerators and a more precise way to measure brief intervals of time known as picoseconds. Third place went to Kelly Harris, 17, from C.K. McClatchy High School in Sacramento. She won a $50,000 scholarship for her study on Z–DNA and viral proteins.

The technology company Intel has sponsored the contest since 1999. Before then, the Westinghouse Electric Corporation sponsored it.●

RUTH CHICKERING CLUSEN

● Mr. FEINGOLD. Mr. President, I was deeply saddened at the passing of Ruth Chickering Clusen, a true champion for the environment and women's causes, and a dear friend whose memory I will always cherish.

Ruth's deep dedication to women's rights led to her outstanding leadership as president of both the Wisconsin and National League of Women Voters. As president, Ruth was at the forefront of the League's historic effort to pass an Equal Rights Amendment. Her national leadership put her at the center of the 1976 Presidential campaign when she hosted a debate between Gerald Ford and Jimmy Carter.

Ruth's commitment to women's rights was mirrored in her advocacy for the environment. Her tireless activism eventually led to her work as an Assistant Secretary on the environment in President Carter's Department of Energy, and to make a run for Congress in Wisconsin in 1982.

Whether she was teaching English to students or moderating Presidential candidates, Ruth was a true inspiration to those around her, and I am grateful to have been able to call her a friend.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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

ENROLLED BILLS SIGNED

At 9:43 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bills:

S. 384. An act to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for two years.

H.R. 1160. An act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 10:06 a.m., a message from the House of Representatives, delivered by Mr. Chiappardi, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1270. An act to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate.

H.R. 1332. An act to amend title 28, United States Code, to provide for the removal to Federal court of certain State court cases involving the rights of incapacitated persons, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 98. Concurrent resolution expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People's Congress of the People's Republic of China.

At 5:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 18. Concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic.

H. Con. Res. 32. Concurrent resolution expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic.

H. Con. Res. 103. Concurrent resolution providing for an conditional adjournment or recess of the two Houses.

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 18. Concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic; to the Committee on Foreign Relations.

H. Con. Res. 32. Concurrent resolution expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic; to the Committee on Foreign Relations.

H. Con. Res. 98. Concurrent resolution expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People's Congress

of the People's Republic of China; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 841. To require States to hold special elections to fill vacancies in the House of Representatives not later than 49 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances.

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–1311. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Scope Waiver for Intangibles Accounting Method Changes'' (Rev. Proc. 2005-17) received on March 16, 2005; to the Committee on Finance.

EC–1312. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—January 2005'' (Rev. Rul. 2005–22) received on March 16, 2005; to the Committee on Finance.

EC–1313. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''State and Local General Sales Tax Deduction'' (Notice 2005–31) received on March 16, 2005; to the Committee on Finance.

EC–1314. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Amended Returns'' (TD 9186) received on March 16, 2005; to the Committee on Finance.

EC–1315. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Losses Reported from Inflated Basis Assets from Lease Stripping Transactions'' (Uniform Issue List Number: 9226.01–00) received on March 16, 2005; to the Committee on Finance.

EC–1316. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transaction Relief for Certain Partnerships and Other Pass-Thru Entities under Section 470'' (Notice 2005–29) received on March 16, 2005; to the Committee on Finance.

EC–1317. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice-Dollar Approximate Separate Transactions Method'' (Notice 2005–27) received on March 16, 2005; to the Committee on Finance.

EC–1318. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Sections 142(a)(14); 142(l)—Project Nominations under the Brownfields Demonstration Program for Qualified Green Building and Sustainable Design Projects'' (Notice 2005–28) received on March 16, 2005; to the Committee on Finance.

EC–1319. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Deposits Made to Suspend the Running of Interest on Potential Underpayments'' (Rev. Proc. 2005–18) received on March 16, 2005; to the Committee on Finance.

EC–1320. A communication from the Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Return Information to the Bureau of the Census'' ((RIN1545–BE01) (TD 9188)) received on March 16, 2005; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–34. A resolution adopted by the General Assembly of the State of Ohio relative to the protection of the Defense Supply Center Columbus (DSCC) from the Base Realignment and Closure process; to the Committee on Armed Services.

SENATE RESOLUTION NO. 36

Whereas, the DSCC is the twelfth largest employer in central Ohio, employing more than six thousand Ohioans; and

Whereas, the DSCC is known throughout the world by more than twenty-four thousand military and civilian customers as one of the largest suppliers of weapons systems parts; and

Whereas, the proud men and women of our armed forces rely on the proven competence, efficiency, and effectiveness of the DSCC; and

Whereas, the DSCC is economically vital to central Ohio, managing almost two million items and accounting for more than two billion dollars in annual sales; and

Whereas, the employees of the DSCC, along with the employees' family members, are active members of central Ohio's communities, schools, and neighborhoods' and

Whereas, State and local leaders and leaders from businesses, organizations, and various associations around central Ohio have formed a team, known as ''Team DSCC,'' to promote and preserve the DSCC. ''Team DSCC'' has made strong efforts to save DSCC from closure, which include increasing local- and federal-level advocacy, increasing awareness about DSCC, and striving to relocate military personnel to the base: Now, therefore be it

Resolved, The members of the Senate offer support of the Defense Supply Center Columbus, its mission, and its employees, recognizing that they are an integral part of central Ohio's economy and community, as well as the nation's defense. The members of the Senate join ''Team DSCC'' in recognizing and promoting the current capabilities and future growth opportunities of the DSCC. The members of the Senate stand ready to assist as necessary to protect the DSCC from the Base Realignment and Closure process; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the Secretary of Defense, to the members of the Ohio Congressional delegation, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the news media of Ohio.

POM–35. A resolution adopted by the City Council of the City of Seattle, Washington relative to the Community Development Block Grant (CDBG) Program; to the Committee on Banking, Housing, and Urban Affairs.

POM–36. A resolution adopted by the City Council of the City of Seattle, Washington relative to the federal government's proposal to charge market rates for electricity sold by the Bonneville Power Administration to its preference customers; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 48. A bill to reauthorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes (Rept. No. 109-41).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 182. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes (Rept. No. 109-42).

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 188. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.

S. 589. A bill to establish the Commission on Freedom of Information Act Processing Delays.

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 667. An original bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Anthony Joseph Principi, of California, to be a Member of the Defense Base Closure and Realignment Commission.

*John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army.

*George M. Dennison, of Montana, to be a Member of the National Security Education Board for a term of four years.

*James William Carr, of Arkansas, to be a Member of the National Security Education Board for a term of four years.

*Kiron Kanina Skinner, of Pennsylvania, to be a Member of the National Security Education Board for a term of four years.

Air Force nomination of Maj. Gen. Claude R. Kehler to be Lieutenant General.

Air Force nominations beginning with Colonel Robert R. Allardice and ending with Colonel Robert Yates, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Col. James J. Dougherty III and ending with Col. Patricia C. Lewis, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 2005.

Army nomination of Maj. Gen. Stanley E. Green to be Lieutenant General.

Army nomination of Col. Charles K. Ebner to be Brigadier General.

Army nominations beginning with Col. James O. Barclay III and ending with Col. Dennis E. Rogers, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Army nominations beginning with Brigadier General Byron S. Bagby and ending with Brigadier General Richard P. Zahner, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Army nominations beginning with Brig. Gen. Donald L. Jacka, Jr. and ending with Col. Jerry D. La Cruz, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 2, 2005.

Navy nomination of Rear Adm. Evan M. Chanik, Jr. to be Vice Admiral.

Navy nomination of Rear Adm. Barry M. Costello to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Arlene D. Adams and ending with Robert G. Young, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Erik L. Abrames and ending with Duojia Xu, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Air Force nomination of Steven F. Reck to be Colonel.

Air Force nomination of Mark D. Miller to be Colonel.

Air Force nomination of Nancy B. Grane to be Colonel.

Air Force nomination of Jack M. Davis to be Colonel.

Air Force nominations beginning with Ramon Morales and ending with Frank M. Wood, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Richard E. Ando, Jr. and ending with Kenneth S. Papier, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Stephen H. Gregg and ending with Robert L. Shaw, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with John P. Albright and ending with Louis B. Miller, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Lester H. Bakos and ending with Gregory G. Movsesian, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Charles M. Bolin and ending with James A. Withers, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Bruce Steuart Ambrose and ending with Patricia L. Wildermuth, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Karen A. Baldi and ending with Paul E. Wright, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Vickie Z. Beckwith and ending with Gayle Seifullin, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Paul N. Austin and ending with Florence A. Valley, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Edmund O. Anderson and ending with Scott A. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nomination of Kenneth M. Francis to be Lieutenant Colonel.

Air Force nomination of Vito Manente to be Lieutenant Colonel.

Air Force nomination of Jeffrey H. Wilson to be Lieutenant Colonel.

Air Force nominations beginning with David C. Abruzzi and ending with Michael J. Zuber, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Air Force nominations beginning with Steven G. Allred and ending with John R. Wrockloff, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Air Force nominations beginning with Travis R. Adams and ending with Wendy J. Wyse, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Air Force nominations beginning with Christopher N. Aasen and ending with Ronald J. Zwickel, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Army nominations beginning with Peter W. Aubrey and ending with Jeffrey K. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Michael J. Arinello and ending with James E. Whaley III, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Donna A. Alberto and ending with Douglas A. Wild, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Ronald P. Alberto and ending with X2800, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nomination of Gerald L. Dunlap to be Colonel.

Army nomination of Robert D. Saxon to be Colonel.

Army nominations beginning with Richard R. Guzzetta and ending with Robert J. Johnson, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nominations beginning with James R. Hajduk and ending with Fritz W. Kirklighter, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nominations beginning with Brian E. Baca and ending with Anthony E. Baker, Sr., which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nomination of William T. Monacci to be Colonel.

Army nominations beginning with Brian J. Tenney and ending with Karen T. Welden, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Army nominations beginning with David J. Bricker and ending with Wayne A. Steltz, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Army nominations beginning with Larry N. Barber and ending with David D. Worcester, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Army nominations beginning with Hays L. Arnold and ending with William C. Otto, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Army nomination of John P. Guerreiro to be Major.

Army nomination of Evelyn I. Rodriguez to be Major.

Army nomination of Demetres William to be Major.

Army nominations beginning with Kenneth A. Beard and ending with Karen E. Semeraro, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Army nominations beginning with Stanley P. Allen and ending with Henry J. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Marine Corps nominations beginning with Robert S. Abbott and ending with Ronald M. Zich, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Marine Corps nominations beginning with Carlton W. Adams and ending with Wayne R. Zuber, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2005.

Marine Corps nominations beginning with Keith R. Anderson and ending with Gary K. Wortham, which nominations were received by the Senate and appeared in the Congressional Record on January 31 , 2005.

Marine Corps nominations beginning with Michael S. Driggers and ending with Robert R. Sommers, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Navy nominations beginning with Donald R. Bennett and ending with George B. Younger, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Navy nomination of Matthew S. Gilchrist to be Lieutenant.

By Mr. GRASSLEY for the Committee on Finance.

Daniel R. Levinson, of Maryland, to be Inspector General, Department of Health and Human Services.

By Mr. SPECTER for the Committee on the Judiciary.

William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Paul A. Crotty, of New York, to be United States District Judge for the Southern District of New York.

J. Michael Seabright, of Hawaii, to be United States District Judge for the District of Hawaii.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BUNNING (for himself, Mrs. LINCOLN, Mr. LOTT, Mr. BOND, and Mr. CHAMBLISS):

S. 646. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. SPECTER, Mr. ENSIGN, Ms. LANDRIEU, and Mr. DAYTON):

S. 647. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Finance.

By Mr. SMITH:

S. 648. A bill to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 649. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make volunteer members of the Civil Air Patrol eligible for Public Safety Officer death benefits; to the Committee on the Judiciary.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. HAGEL, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. CONRAD, Mr. FRIST, Mr. JOHNSON, Mr. TALENT, Mr. DORGAN, Mr. COLEMAN, Mr. DURBIN, Mr. THUNE, Mr. BAYH, Mr. DEWINE, Ms. STABENOW, Mr. BUNNING, Mr. DAYTON, Mr. OBAMA, Mr. SALAZAR, and Mr. BOND):

S. 650. A bill to amend the Clean Air Act to increase production and use of renewable fuel and to increase the energy independence of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID:

S. 651. A bill to amend title 5, United States Code, to make creditable for civil service retirement purposes certain periods of service performed with Air America, Incorporated, Air Asia Company Limited, or the Pacific Division of Southern Air Transport, Incorporated, while those entities were owned or controlled by the Government of the United States and operated or managed by the Central Intelligence Agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 652. A bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin; to the Committee on Energy and Natural Resources.

By Mr. MARTINEZ (for himself, Mr. FRIST, Mr. ALEXANDER, Mr. BUNNING, Mr. COLEMAN, Mr. ENSIGN, Mr. BROWNBACK, Mr. COBURN, Mr. CORNYN, Mr. INHOFE, Mr. SESSIONS, Mr. SANTORUM, Mr. VITTER, Mr. HAGEL, Mr. DEMINT, Mr. STEVENS, Mr. CONRAD, Mr. ISAKSON, and Mr. DEWINE):

S. 653. A bill for the relief of the family of Theresa Marie Schiavo; considered and passed.

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. KENNEDY, and Mr. DODD):

S. 654. A bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes; to the Committee on Foreign Relations.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 655. A bill to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED:

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself and Ms. LANDRIEU):

S. 657. A bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. ALLARD, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DEWINE, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, and Mr. TALENT):

S. 658. A bill to amend the Public Health Service Act to prohibit human cloning; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 659. A bill to amend title 18, United States Code, to prohibit human chimeras; to the Committee on the Judiciary.

By Mrs. DOLE (for herself and Mr. BURR):

S. 660. A bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Indian Affairs.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GRASSLEY, and Mrs. LINCOLN):

S. 661. A bill to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. CARPER, and Mr. VOINOVICH):

S. 662. A bill to reform the postal laws of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself, Mr. THOMAS, Mr. ISAKSON, and Mr. BURNS):

S. 663. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

By Mr. LEAHY:

S. 664. A bill to adjust the boundaries of Green Mountain National Forest; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DORGAN (for himself, Mr. GRAHAM, and Mr. AKAKA):

S. 665. A bill to reauthorize and improve the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 to establish a program to commercialize hydrogen and fuel cell technology, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEWINE (for himself, Mr. KENNEDY, Mr. LUGAR, Mr. HARKIN, Ms. COLLINS, Mr. DURBIN, Mr. SMITH, Mr. DODD, Mr. CORNYN, Mr. LAUTENBERG, Mr. MCCAIN, Mr. REED, Ms. SNOWE, Ms. MURKOWSKI, Mr. CHAFEE, and Mr. SPECTER):

S. 666. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 667. An original bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. SPECTER:

S. 668. A bill to provide enhanced criminal penalties for willful violations of occupational standards for asbestos; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mrs. LINCOLN, Mr. THOMAS, and Mr. DORGAN):

S. 669. A bill to amend the Internal Revenue Code of 1986 to treat natural gas distribution lines as 15-year property for purposes of depreciation; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. SALAZAR):

S. 670. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. SNOWE, Mr. SMITH, and Mr. AKAKA):

S. 671. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain fuel cell property; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. BAUCUS, Mr. MCCAIN, Mr. BINGAMAN, Mr. JOHNSON, Ms. CANTWELL, Mr. COCHRAN, and Mr. DOMENICI):

S. 672. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. BINGAMAN, and Mr. CONRAD):

S. 673. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to clarify that federally recognized Indian tribal governments are to be regulated under the same government employer rules and procedures that apply to Federal, State, and other local government employers with regard to the establishment and maintenance of employee benefit plans; to the Committee on Finance.

By Mr. CORZINE:

S. 674. A bill to provide assistance to combat HIV/AIDS in India, and for other purposes; to the Committee on Foreign Relations.

By Mr. DORGAN (for himself, Mr. HAGEL, Mr. BROWNBACK, Mr. JOHNSON, Mr. DURBIN, Mr. BURNS, Mr. CONRAD, Mr. DAYTON, and Mr. HARKIN):

S. 675. A bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. FRIST, Mr. SPECTER, Mr. ALEXANDER, Mr. DEWINE, Mrs. CLINTON, and Mrs. HUTCHISON):

S. 676. A bill to provide for Project GRAD programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself, Mr. KERRY, Mr. ENSIGN, Mr. LIEBERMAN, Mr. BROWNBACK, Mrs. CLINTON, Mr. SMITH, Mr. SCHUMER, Mr. TALENT, Mr. CORZINE, Mr. COBURN, and Mr. HATCH):

S. 677. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 678. A bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication; to the Committee on Rules and Administration.

By Mr. COLEMAN (for himself and Mr. LEVIN):

S. 679. A bill to amend title 10, United States Code, to require the registration of contractors' taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. DURBIN):

S. 680. A bill to provide for various energy efficiency programs and tax incentives, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. DODD, Mr. BROWNBACK, Mr. HARKIN, and Mr. SPECTER):

S. 681. A bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 682. A bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 683. A bill to ban the manufacture, sale, delivery, and transfer of handguns that cannot be personalized, and to provide for a report to Congress on the commercial feasibility of personalizing firearms; to the Committee on the Judiciary.

By Mr. REED:

S. 684. A bill to amend the Natural Gas Act to provide additional requirements for the siting, construction, or operation of liquefied natural gas import facilities; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 685. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. DODD, Mrs. CLINTON, Mr. BIDEN, Mr. LEAHY, Mr. LAUTENBERG, Mr. SMITH, and Mr. GREGG):

S. Res. 84. A resolution condemning violence and criminality by the Irish Republican Army in Northern Ireland; considered and agreed to.

By Mr. THOMAS (for himself, Mr. BURNS, Mr. INHOFE, Mr. DORGAN, Mr. CRAPO, Mr. SALAZAR, and Mr. ENZI):

S. Res. 85. A resolution designating July 23, 2005, and July 22, 2006, as ''National Day of the American Cowboy''; to the Committee on the Judiciary.

By Mr. HAGEL (for himself, Mr. BINGAMAN, Ms. CANTWELL, Mr. BURNS, Mr. INOUYE, Mr. JOHNSON, Mrs. DOLE, Mrs. BOXER, Ms. LANDRIEU, Mr. ALEXANDER, Ms. SNOWE, Mrs. CLINTON, Mr. REID, Mr. COCHRAN, Mr. GREGG, Mr. BURR, Mr. ISAKSON, Mr. HATCH, and Mr. REED):

S. Res. 86. A resolution designating August 16, 2005, as ''National Airborne Day''; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Mr. CRAIG, Mr. INHOFE, Mr. BOND, Mr. DOMENICI, Mr. TALENT, Mr. CRAPO, Mr. BUNNING, Mr. JOHNSON, and Mr. ROBERTS):

S. Res. 87. A resolution expressing the sense of the Senate regarding the resumption of beef exports to Japan; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. SARBANES, Mr. CORZINE, Mr. BAUCUS, Mr. COCHRAN, Mr. CRAPO, Mr. DODD, Mr. DURBIN, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Mrs. MURRAY, Mr. PRYOR, Mr. SANTORUM, Mr. SCHUMER, Ms. STABENOW, and Mr. THOMAS):

S. Res. 88. A resolution designating April 2005 as ''Financial Literacy Month''; considered and agreed to.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. Res. 89. A resolution congratulating the Montana FFA on its 75th Anniversary and celebrating the achievements of Montana FFA members; considered and agreed to.

By Mr. LUGAR (for himself, Mr. BAYH, Mr. CORZINE, and Mrs. DOLE):

S. Res. 90. A resolution designating the week of May 1, 2005, as ''Holocaust Commemoration Week''; considered and agreed to.

By Mr. SMITH (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. KYL, Mr. CHAMBLISS, Mr. ENSIGN, Mrs. DOLE, Mr. DEWINE, Mr. LIEBERMAN, and Mr. ALLEN):

S. Res. 91. A resolution urging the European Union to maintain its arms export embargo on the People's Republic of China; considered and agreed to.

By Mr. COCHRAN (for himself and Mr. LAUTENBERG):

S. Con. Res. 20. A concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:

S. Con. Res. 21. A concurrent resolution expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People's Congress of the People's Republic of China; to the Committee on Foreign Relations.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. Con. Res. 22. A concurrent resolution congratulating Bode Miller for winning the 2004–2005 World Cup overall title in Alpine skiing; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. TALENT, his name was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 151

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 268

At the request of Mr. HARKIN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 268, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers

under the Telecommunications Act of 1996, and for other purposes.

S. 328

At the request of Mr. CRAIG, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 328, a bill to facilitate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 337

At the request of Mr. GRAHAM, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Utah (Mr. HATCH) was withdrawn as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

At the request of Mr. CRAIG, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 359, supra.

S. 360

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 360, a bill to amend the Coastal Zone Management Act.

S. 397

At the request of Mr. CRAIG, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 453

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 453, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2008 for refugees, asylees, and certain other humanitarian immigrants.

S. 484

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 493

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 493, a bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

S. 539

At the request of Mr. MARTINEZ, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 539, a bill to amend title 28, United States Code, to provide the protections of habeas corpus for certain incapacitated individuals whose life is in jeopardy, and for other purposes.

S. 580

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 580, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 589

At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 589, a bill to establish the Commission on Freedom of Information Act Processing Delays.

S. 602

At the request of Ms. MIKULSKI, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 602, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. RES. 64

At the request of Mr. JEFFORDS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 64, a resolution expressing the sense of the Senate that the United States should prepare a comprehensive strategy for advancing and entering into international negotiations on a binding agreement that would swiftly reduce global mercury use and pollution to levels sufficient to protect public health and the environment.

S. RES. 83

At the request of Mr. SANTORUM, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Res. 83, a resolution commemorating the 65th Anniversary of the Black Press of America.

AMENDMENT NO. 151

At the request of Mr. BIDEN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from Colorado (Mr. SALAZAR), the Senator from Florida (Mr. NELSON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Delaware (Mr. CARPER), the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Mr. SARBANES), the Senator from Rhode Island (Mr. REED), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arkansas (Mr. PRYOR), the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 151 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 151 intended to be proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 153

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 153 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 154

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 154 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 156

At the request of Mr. SARBANES, the names of the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mrs. LINCOLN), the Senator

from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 156 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 156 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 159

At the request of Mr. OBAMA, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 159 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 169

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 169 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 169 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 172

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 172 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 177

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 177 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 177 proposed to S. Con. Res. 18, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 177 proposed to S. Con. Res. 18, supra.

At the request of Ms. CANTWELL, her name was added as a cosponsor of amendment No. 177 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 180

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 180 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 187

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 187 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 188

At the request of Mrs. FEINSTEIN, the names of the Senator from Texas (Mr. CORNYN), the Senator from New York (Mr. SCHUMER), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New York (Mrs. CLINTON) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 188 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 189

At the request of Mr. DODD, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Michigan (Mr. LEVIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mrs. CLINTON), the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 189 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 192

At the request of Mrs. LINCOLN, the names of the Senator from Indiana (Mr. BAYH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Washington (Ms. CANTWELL), the Senator from Missouri (Mr. TALENT) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 192 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 195

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 195 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 197

At the request of Mr. ALLEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 197 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 199

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 199 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 202

At the request of Mr. DAYTON, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 202 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 204

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr.

SCHUMER), the Senator from Washington (Ms. CANTWELL), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. OBAMA), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Ms. STABENOW), the Senator from Florida (Mr. NELSON), the Senator from Wisconsin (Mr. KOHL), the Senator from Rhode Island (Mr. REED), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 204 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 214

At the request of Mr. WYDEN, the names of the Senator from Florida (Mr. NELSON), the Senator from Vermont (Mr. LEAHY), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 214 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 214 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 216

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 216 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 217

At the request of Mr. CONRAD, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Ohio (Mr. DEWINE), the Senator from Vermont (Mr. LEAHY) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 217 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 218

At the request of Mrs. HUTCHISON, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 218 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. HATCH, his name was added as a cosponsor of amendment No. 218 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 219

At the request of Ms. LANDRIEU, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Mrs. MURRAY), the Senator from North Dakota (Mr. DORGAN), the Senator from Virginia (Mr. ALLEN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 219 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. CONRAD, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 219 proposed to S. Con. Res. 18, supra.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 219 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 220

At the request of Mr. AKAKA, his name was added as a cosponsor of amendment No. 220 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. LIEBERMAN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. CORZINE) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 220 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 222

At the request of Mr. LEVIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 222 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 223

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 223 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. VITTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 223 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 224

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 224 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. VITTER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 224 proposed to S. Con. Res. 18, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING (for himself, Mrs. LINCOLN, Mr. LOTT, Mr. BOND, and Mr. CHAMBLISS):

S. 646. A bill to amend the Internal Revenue code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce legislation that will resolve a longstanding inequity in the tax treatment of U.S. distilled spirits that penalizes the wholesalers, and some suppliers, of these products.

Under current law, wholesalers of distilled spirits are not required to pay the Federal excise tax on imported spirits until after the product is removed from a bonded warehouse for sale to a retailer.

In contrast, the tax on domestically produced spirits is included as part of the purchase price and passed on from the supplier to wholesaler. After factoring in the Federal excise tax (FET)—which is $13.50 per proof gallon—domestically produced spirits can cost wholesalers 40 percent more to purchase than comparable imported spirits.

In some instances, wholesalers and even suppliers can carry this tax-paid inventory for an average of 60 days before selling it to a retailer. Interest charges—more commonly referred to as float—resulting from financing the Federal excise tax can be quite considerable.

For example, at a 5 percent interest rate on the sale of 100,000 cases of domestic spirits, a wholesaler will incur finance charges of $21,106.85 for loans related to underwriting the cost of paying the Federal excise tax. It is important to note that it is not uncommon for wholesalers to sell a million or more cases per year of domestic spirits.

The costs associated with financing Federal excise taxes amount to a tax

on a tax, making the effective rate of the Federal excise tax for domestic spirits much higher than $13.50 per proof gallon.

The Domestic Spirits Tax Equity Act would give wholesalers and suppliers in bailment States a tax credit toward the cost of financing the FET for domestically produced products.

I believe this legislation is fundamentally fair and will help protect and create jobs for the wholesale tier in Kentucky and many other States. This legislation, which has broad support in both chambers and on both sides or the aisle, has passed the Senate Finance Committee and the House Ways and Means Committee several times, and has reached the President's desk under a previous Administration. It's time to finally get this legislation over the goal line.

I wish to emphasize, however, that I will reject any connection between a repeal of Section 5010 of the Internal Revenue Code or an increase in Federal taxes for distilled spirits. Tax equity for one tier should not be achieved by placing additional burden on other tiers within the same industry.

My colleagues, Senators LINCOLN, LOTT and BOND join me in introducing this legislation, I which the Joint Tax Committee estimates would reduce Federal revenues by approximately $249 million over ten years. I understand that similar legislation will be introduced in the House of Representatives. I urge my colleagues to support this legislation when it comes before the Senate.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. HAGEL, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. CONRAD, Mr. FRIST, Mr. JOHNSON, Mr. TALENT, Mr. DORGAN, Mr. COLEMAN, Mr. DURBIN, Mr. THUNE, Mr. BAYH, Mr. DEWINE, Ms. STABENOW, Mr. BUNNING, Mr. DAYTON, Mr. OBAMA, Mr. SALAZAR, and Mr. BOND):

S. 650. A bill to amend the Clean Air Act to increase production and use of renewable fuel and to increase the energy independence of the United States, and for other purposes; to the Committee on Environment and Public Works.

LUGAR. Mr. President, I am pleased to rise today to introduce bi-partisan legislation to increase the security of our Nation, improve our environment, and add job opportunities in all 50 States in the union. This legislation has the strong support of 20 of my fellow colleagues and is the product of a great deal of bipartisan work.

This legislation seeks to curb the negative consequences that stem from our Nation's insatiable appetite for oil. Oil has served America well and indeed has fueled a dramatic portion of this Nation's rise to prosperity. However, our dependence on oil carries a multitude of risks and costs in addition to the ever higher prices paid by Americans at the fuel pump.

Oil is a magnet for conflict. The problem is simple—everyone needs energy, but the sources of the world's transportation fuel are concentrated in relatively few countries. Well over two-thirds of the world's remaining oil reserves lie in the Middle East.

Energy is vital to a country's security and material well-being. A state unable to provide its people with adequate energy supplies or desiring added leverage over other people often resorts to force. Consider Saddam Hussein's 1990 invasion of Kuwait, driven by his desire to control more of the world's oil reserves, and the international response to that threat. The underlying goal of the U.N. force, which included 500,000 American troops, was to ensure continued and unfettered access to petroleum.

This unwelcome dependence keeps U.S. military forces tied to the Persian Gulf, forces foreign policy compromises and sinks many developing nations into staggering debt as they struggle to pay for expensive dollar-denominated oil.

The growth of economies in China and India, representing a third of the world's population that grows by 200,000 people per day, will bring greater stress on the finite supply of natural resources, refining capacity and distribution capability, and the consequential skyrocketing prices would be a destabilizing economic blow.

In addition, oil causes environmental conflict. The possibility that greenhouse gases will lead to catastrophic climate change is substantially increased by the 40 million barrels of oil burned every day by vehicles. Subsequent environmental problems are often predicted as destabilizing factors in the form of drought, flooding or famine.

Such political, economic and environmental trauma is preventable if we are on a course of developing more homegrown energy and developing new technology.

That is why I have joined with my colleagues to introduce the Fuels Security Act of 2005. This act would more than double the current production of renewable fuels derived from sources available in every corner of the United States. More importantly, this increased production and use will spur investment in critical infrastructure that will allow for the economical use of renewable fuels by all Americans. Specifically, this bill would require the use of 4 billion gallons of renewable fuels per year in 2006 increasing to 8 billion gallons per year by 2012. Thereafter the requirements may be increased based on the nation's production and use of these fuels, as well as consideration of our economy and environment. While these figures may sound impressive, they still only represent a small portion of our nation's transportation fuel use of over 185 billion gallons last year.

Some critics have argued that the production of renewable fuels benefits only corn and soybean farmers in the Midwest. And while I agree that agriculture communities will benefit, farmers will be less reliant upon direct government subsidy payments while encouraging land conservation and providing energy security for our country. Additionally, many farmers view their ability to produce domestic fuels as a matter of patriotism in defense of this nation. However, the current ability of U.S. grains to free us from the shackles of oil dependence does have its limits. This is why I have long supported efforts to increase the production of fuels from all parts of a plant, which could be grown throughout the United States.

When I was chairman of the Agriculture, Nutrition and Forestry Committee, I initiated a biofuels research program to help decrease U.S. dependency on foreign oil. The Biomass Research and Development Act of 2000, which I authored and worked to pass, remains the nation's premier legislation guiding renewable fuels research. During a time of relatively low fuel prices I also co-authored ''The New Petroleum'' in Foreign Affairs with former CIA Director James Woolsey, extolling the need to accelerate the use of ethanol, especially that derived from cellulose, in order to stem future world conflict. It is clear from this research and the evolving instability in oil-rich regions of our world that it is time to act to enhance the use of renewable fuels.

This legislation is an important and rational step forward in our nation's overall security and economic well-being. I look forward to working with my colleagues in the Senate in passing this bill for the good of the American people.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 650

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 ''Fuels Security Act of 2005''.

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

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Renewable content of motor vehicle fuel.

Sec. 102. Federal agency ethanol-blended gasoline and biodiesel purchasing requirement.

Sec. 103. Data collection.

TITLE II—FEDERAL REFORMULATED FUELS

Sec. 201. Elimination of oxygen content requirement for reformulated gasoline.
Sec. 202. Public health and environmental impacts of fuels and fuel additives.
Sec. 203. Analyses of motor vehicle fuel changes.
Sec. 204. Additional opt-in areas under reformulated gasoline program.
Sec. 205. Federal enforcement of State fuels requirements.
Sec. 206. Fuel system requirements harmonization study.
Sec. 207. Review of Federal procurement initiatives relating to use of recycled products and fleet and transportation efficiency.

TITLE I—GENERAL PROVISIONS

SEC. 101. RENEWABLE CONTENT OF MOTOR VEHICLE FUEL.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (q); and

(2) by inserting after subsection (n) the following:

''(o) RENEWABLE FUEL PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) ETHANOL.—

''(i) CELLULOSIC BIOMASS ETHANOL.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

''(I) dedicated energy crops and trees;

''(II) wood and wood residues;

''(III) plants;

''(IV) grasses;

''(V) agricultural residues; and

''(VI) fibers.

''(ii) WASTE DERIVED ETHANOL.—The term 'waste derived ethanol' means ethanol derived from—

''(I) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

''(II) municipal solid waste.

''(B) RENEWABLE FUEL.—

''(i) IN GENERAL.—The term 'renewable fuel' means motor vehicle fuel that—

''(I)(aa) is produced from grain, starch, oilseeds, or other biomass; or

''(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

''(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

''(ii) INCLUSION.—The term 'renewable fuel' includes—

''(I) cellulosic biomass ethanol;

''(II) waste derived ethanol;

''(III) biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)); and

''(IV) any blending components derived from renewable fuel, except that only the renewable fuel portion of any such blending component shall be considered part of the applicable volume under the renewable fuel program established by this subsection.

''(C) SMALL REFINERY.—The term 'small refinery' means a refinery for which average aggregate daily crude oil throughput for the calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

''(2) RENEWABLE FUEL PROGRAM.—

''(A) IN GENERAL.—

''(i) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations ensuring that motor vehicle fuel sold or dispensed to consumers in the contiguous United States, on an annual average basis, contains the applicable volume of renewable fuel specified in subparagraph (B).

''(ii) COMPLIANCE.—Regardless of the date of promulgation, the regulations shall contain compliance provisions for refiners, blenders, and importers, as appropriate, to ensure that the requirements of this subsection are met, but shall not restrict where renewable fuel can be used, or impose any per-gallon obligation for the use of renewable fuel.

''(iii) NO REGULATIONS.—If the Administrator does not promulgate the regulations, the applicable percentage referred to in paragraph (3), on a volume percentage of gasoline basis, shall be 3.2 in 2006.

''(B) APPLICABLE VOLUME.—

''(i) CALENDAR YEARS 2006 THROUGH 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2006 through 2012 shall be determined in accordance with the following table:

"Applicable volume of renewable fuel

Calendar year:	(In billions of gallons)
2006	4.0
2007	4.7
2008	5.4
2009	6.1
2010	6.8
2011	7.4
2012	8.0

''(ii) CALENDAR YEARS 2013 AND THEREAFTER.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be determined by the Administrator, in coordination with the Secretary of Energy and the Secretary of Agriculture, based on a review of the implementation of the program during calendar years 2006 through 2012, including a review of—

''(I) the impact of the use of renewable fuels on the environment, air quality, energy security, job creation, and rural economic development; and

''(II) the expected annual rate of future production of renewable fuels, including cellulosic ethanol.

''(iii) LIMITATION.—An increase in the applicable volume for a calendar year under clause (ii) shall be not less than the product obtained by multiplying—

''(I) the number of gallons of gasoline that the Administrator estimates will be sold or introduced into commerce during the calendar year; and

''(I) the quotient obtained by dividing—

''(aa) 8,000,000,000; by

''(bb) the number of gallons of gasoline sold or introduced into commerce during calendar year 2012.

''(3) APPLICABLE PERCENTAGES.—

''(A) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2006 through 2011, the Administrator of the Energy Information Administration shall provide to the Administrator of the Environmental Protection Agency an estimate of the volumes of gasoline that will be sold or introduced into commerce in the United States during the following calendar year.

''(B) DETERMINATION OF APPLICABLE PERCENTAGES.—

''(i) IN GENERAL.—Not later than November 30 of each of calendar years 2006 through 2011, based on the estimate provided under subparagraph (A), the Administrator shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements under paragraph (2) are met.

''(ii) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under clause (i) shall—

''(I) be applicable to refiners, blenders, and importers, as appropriate;

''(II) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce; and

''(III) subject to subparagraph (C)(i), consist of a single applicable percentage that applies to all categories of persons specified in subclause (I).

''(C) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments—

''(i) to prevent the imposition of redundant obligations to any person specified in subparagraph (B)(ii)(I); and

''(ii) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under paragraph (11).

''(4) EQUIVALENCY.—For the purpose of paragraph (2), 1 gallon of either cellulosic biomass ethanol or waste derived ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

''(5) CREDIT PROGRAM.—

''(A) REGULATIONS.—The regulations promulgated to carry out this subsection shall provide for—

''(i) the generation of an appropriate amount of credits by any person that refines, blends, or imports gasoline that contains a quantity of renewable fuel that is greater than the quantity required under paragraph (2);

''(ii) the generation of an appropriate amount of credits for biodiesel fuel; and

''(iii) if a small refinery notifies the Administrator that the small refinery waives the exemption provided by this subsection, the generation of credits by the small refinery beginning in the year following the notification.

''(B) USE OF CREDITS.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

''(C) LIFE OF CREDITS.—A credit generated under this paragraph shall be valid to demonstrate compliance for the calendar year in which the credit was generated.

''(D) INABILITY TO PURCHASE SUFFICIENT CREDITS.—The regulations promulgated to carry out this subsection shall include provisions permitting any person that is unable to generate or purchase sufficient credits to meet the requirement under paragraph (2) to carry forward a renewables deficit if, for the calendar year following the year in which the renewables deficit is created—

''(i) the person achieves compliance with the renewables requirement under paragraph (2); and

''(ii) generates or purchases additional renewables credits to offset the renewables deficit of the preceding year.

''(6) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

''(A) STUDY.—For each of calendar years 2006 through 2012, the Administrator of the Energy Information Administration shall conduct a study of renewable fuels blending to determine whether there are excessive seasonal variations in the use of renewable fuels.

''(B) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under subparagraph (A), makes the determinations specified in subparagraph (C), the Administrator shall promulgate regulations to ensure that 35 percent or more of the quantity of renewable fuels necessary to meet the requirements under paragraph (2) is used during each of the periods specified in subparagraph (D) of each subsequent calendar year.

''(C) DETERMINATIONS.—The determinations referred to in subparagraph (B) are that—

''(i) less than 35 percent of the quantity of renewable fuels necessary to meet the requirements under paragraph (2) has been used during 1 of the periods specified in subparagraph (D) of the calendar year;

''(ii) a pattern of excessive seasonal variation described in clause (i) will continue in subsequent calendar years; and

''(iii) promulgating regulations or other requirements to impose a 35 percent or more seasonal use of renewable fuels will not prevent or interfere with the attainment of national ambient air quality standards or significantly increase the price of motor fuels to the consumer.

''(D) PERIODS.—The 2 periods referred to in this paragraph are—

''(i) April through September; and

''(ii) January through March and October through December.

''(E) EXCLUSIONS.—Renewable fuels blended or consumed in 2006 in a State that has received a waiver under section 209(b) shall not be included in the study under subparagraph (A).

''(7) WAIVERS.—

''(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements under paragraph (2), in whole or in part, on a petition by 1 or more States by reducing the national quantity of renewable fuel required under this subsection—

''(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

''(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply to meet the requirement.

''(B) PETITIONS FOR WAIVERS.—Not later than 90 days after the date on which a petition is received by the Administrator under subparagraph (A), the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove the petition.

''(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate on the date that is 1 year after the date on which the waiver was granted, but may be renewed by the Administrator, after consultation with the Secretary of Agriculture and the Secretary of Energy.

''(8) SMALL REFINERIES.—

''(A) IN GENERAL.—Paragraph (2) shall not apply to small refineries until the first calendar year beginning more than 5 years after the first year set forth in the table in paragraph (2)(B)(i).

''(B) STUDY.—Not later than December 31, 2008, the Secretary of Energy shall complete for the Administrator a study to determine whether the requirements under paragraph (2) would impose a disproportionate economic hardship on small refineries.

''(C) SMALL REFINERIES AND ECONOMIC HARDSHIP.—For any small refinery that the Secretary of Energy determines would experience a disproportionate economic hardship, the Administrator shall extend the small refinery exemption for the small refinery for not less than 2 additional years.

''(D) ECONOMIC HARDSHIP.—

''(i) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the Administrator for an extension of the exemption from the requirements under paragraph (2) for the reason of disproportionate economic hardship.

''(ii) EVALUATION.—In evaluating a hardship petition, the Administrator, in consultation with the Secretary of Energy, shall consider the findings of the study in addition to other economic factors.

''(iii) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the receipt of the petition.

''(E) CREDIT PROGRAM.—Paragraph (6)(A)(iii) shall apply to each small refinery that waives an exemption under this paragraph.

''(F) OPT-IN FOR SMALL REFINERS.—A small refinery shall be subject to paragraph (2) if the small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (C).''.

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''or (n)'' and inserting ''(n), or (o)'' each place it appears; and

(B) in the second sentence, by striking ''or (m)'' and inserting ''(m), or (o)''; and

(2) in the first sentence of paragraph (2), by striking ''and (n)'' and inserting ''(n), and (o)'' each place it appears.

SEC. 102. FEDERAL AGENCY ETHANOL-BLENDED GASOLINE AND BIODIESEL PURCHASING REQUIREMENT.

Title III of the Energy Policy Act of 1992 is amended by striking section 306 (42 U.S.C. 13215) and inserting the following:

''SEC. 306. FEDERAL AGENCY ETHANOL-BLENDED GASOLINE AND BIODIESEL PURCHASING REQUIREMENT.

''(a) ETHANOL-BLENDED GASOLINE.—The head of each Federal agency shall ensure that, in areas in which ethanol-blended gasoline is reasonably available at a generally competitive price, the Federal agency purchases ethanol-blended gasoline containing at least 10 percent ethanol rather than non-ethanol-blended gasoline, for use in vehicles used by the agency that use gasoline.

''(b) BIODIESEL.—

''(1) DEFINITION OF BIODIESEL.—In this subsection, the term 'biodiesel' has the meaning given the term in section 312(f).

''(2) REQUIREMENT.—The head of each Federal agency shall ensure that the Federal agency purchases, for use in fueling fleet vehicles that use diesel fuel used by the Federal agency at the location at which fleet vehicles of the Federal agency are centrally fueled, in areas in which the biodiesel-blended diesel fuel described in subparagraphs (A) and (B) is available at a generally competitive price—

''(A) as of the date that is 5 years after the date of enactment of this paragraph, biodiesel-blended diesel fuel that contains at least 2 percent biodiesel, rather than nonbiodiesel-blended diesel fuel; and

''(B) as of the date that is 10 years after the date of enactment of this paragraph, biodiesel-blended diesel fuel that contains at least 20 percent biodiesel, rather than nonbiodiesel-blended diesel fuel.

''(3) REQUIREMENT OF FEDERAL LAW.—The provisions of this subsection shall not be considered a requirement of Federal law for the purposes of section 312.

''(c) EXEMPTION.—This section does not apply to fuel used in vehicles excluded from the definition of 'fleet' by subparagraphs (A) through (H) of section 301(9).''.

SEC. 103. DATA COLLECTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

''(m)(1) In order to improve the ability to evaluate the effectiveness of the renewable fuels mandate of the United States, the Administrator shall conduct and publish the results of a survey of renewable fuels demand in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses.

''(2) In conducting the survey, the Administrator shall collect information both on a national and regional basis, including—

''(A) information on—

''(i) the quantity of renewable fuels produced;

''(ii) the quantity of renewable fuels blended;

''(iii) the quantity of renewable fuels imported; and

''(iv) the quantity of renewable fuels demanded; and

''(B) market price data.''.

TITLE II—FEDERAL REFORMULATED FUELS

SEC. 201. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) ELIMINATION.—

(1) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by striking ''(including the oxygen content requirement contained in subparagraph (B))'';

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(B) in paragraph (3)(A), by striking clause (v); and

(C) in paragraph (7)—

(i) in subparagraph (A)—

(I) by striking clause (i); and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(ii) in subparagraph (C)—

(I) by striking clause (ii); and

(II) by redesignating clause (iii) as clause (ii).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date that is 1 year after the date of enactment of this Act, except that the amendments shall take effect upon that date of enactment in any State that has received a waiver under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)).

(b) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSION REDUCTIONS.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking ''Within 1 year after the enactment of the Clean Air Act Amendments of 1990,'' and inserting the following:

''(A) IN GENERAL.—Not later than November 15, 1991,''; and

(2) by adding at the end the following:

''(B) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSIONS REDUCTIONS FROM REFORMULATED GASOLINE.—

''(i) DEFINITION OF PADD.—In this subparagraph, the term 'PADD' means a Petroleum Administration for Defense District.

''(ii) REGULATIONS REGARDING EMISSIONS OF TOXIC AIR POLLUTANTS.—Not later than 270 days after the date of enactment of this subparagraph, the Administrator shall establish, for each refinery or importer, standards for toxic air pollutants from use of the reformulated gasoline produced or distributed by the refinery or importer that maintain the reduction of the average annual aggregate emissions of toxic air pollutants for reformulated gasoline produced or distributed by the refinery or importer during calendar years 2001 and 2002, determined on the basis of data collected by the Administrator with respect to the refinery or importer.

''(iii) STANDARDS APPLICABLE TO SPECIFIC REFINERIES OR IMPORTERS.—

''(I) APPLICABILITY OF STANDARDS.—For any calendar year, the standards applicable to a refinery or importer under clause (ii) shall apply to the quantity of gasoline produced or distributed by the refinery or importer in the calendar year only to the extent that the quantity is less than or equal to the average annual quantity of reformulated gasoline produced or distributed by the refinery or importer during calendar years 2001 and 2002.

''(II) APPLICABILITY OF OTHER STANDARDS.—For any calendar year, the quantity of gasoline produced or distributed by a refinery or importer that is in excess of the quantity subject to subclause (I) shall be subject to standards for toxic air pollutants promulgated under subparagraph (A) and paragraph (3)(B).

''(iv) CREDIT PROGRAM.—The Administrator shall provide for the granting and use of credits for emissions of toxic air pollutants in the same manner as provided in paragraph (7).

''(v) REGIONAL PROTECTION OF TOXICS REDUCTION BASELINES.—

''(I) IN GENERAL.—Not later than 60 days after the date of enactment of this subparagraph, and not later than April 1 of each calendar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year—

''(aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 2001 and 2002; and

''(bb) the reduction of the average annual aggregate emissions of toxic air pollutants in each PADD, based on retail survey data or data from other appropriate sources.

''(II) EFFECT OF FAILURE TO MAINTAIN AGGREGATE TOXICS REDUCTIONS.—If, in any calendar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 2001 and 2002, the Administrator, not later than 90 days after the date of publication of the report for the calendar year under subclause (I), shall—

''(aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and

''(bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refinery or importer shall meet the standards applicable under clause (ii) not later than April 1 of the year following the report under this subclause and for subsequent years.

''(vi) REGULATIONS TO CONTROL HAZARDOUS AIR POLLUTANTS FROM MOTOR VEHICLES AND MOTOR VEHICLE FUELS.—Not later than July 1, 2006, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).''.

(c) CONSOLIDATION IN REFORMULATED GASOLINE REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the reformulated gasoline regulations under subpart D of part 80 of title 40, Code of Federal Regulations (or any successor regulations), to consolidate the regulations applicable to VOC-Control Regions 1 and 2 under section 80.41 of that title by eliminating the less stringent requirements applicable to gasoline designated for VOC-Control Region 2 and instead applying the more stringent requirements applicable to gasoline designated for VOC-Control Region 1.

(d) AUTHORITY OF ADMINISTRATOR.—Nothing in this section affects or prejudices any legal claim or action with respect to regulations promulgated by the Administrator of the Environmental Protection Agency before the date of enactment of this Act regarding—

(1) emissions of toxic air pollutants from motor vehicles; or

(2) the adjustment of standards applicable to a specific refinery or importer made under the prior regulations.

(e) DETERMINATION REGARDING A STATE PETITION.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended by inserting after paragraph (10) the following:

''(11) DETERMINATION REGARDING A STATE PETITION.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, not later than 30 days after the date of enactment of this paragraph, the Administrator shall determine the adequacy of any petition received from a Governor of a State to exempt gasoline sold in that State from the requirements under paragraph (2)(B).

''(B) APPROVAL.—If a determination under subparagraph (A) is not made by the date that is 30 days after the date of enactment of this paragraph, the petition shall be considered to be approved.''.

SEC. 202. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''may also'' and inserting ''shall, on a regular basis,''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and''; and

(2) by adding at the end the following:

''(4) STUDY ON CERTAIN FUEL ADDITIVES AND BLENDSTOCKS.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

''(i) conduct a study on the effects on public health, air quality, and water resources of increased use of, and the feasibility of using as substitutes for methyl tertiary butyl ether in gasoline—

''(I) ethyl tertiary butyl ether;

''(II) tertiary amyl methyl ether;

''(III) di-isopropyl ether;

''(IV) tertiary butyl alcohol;

''(V) other ethers and heavy alcohols, as determined by the Administrator;

''(VI) ethanol;

''(VII) iso-octane; and

''(VIII) alkylates;

''(ii) conduct a study on the effects on public health, air quality, and water resources of the adjustment for ethanol-blended reformulated gasoline to the VOC performance requirements otherwise applicable under sections 211(k)(1) and 211(k)(3); and

''(iii) submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of these studies.

''(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into one or more contracts with nongovernmental entities including but not limited to National Energy Laboratories and institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).''.

SEC. 203. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by inserting after subsection (o) (as added by section 101(a)(2)) the following:

''(p) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

''(1) ANTI-BACKSLIDING ANALYSIS.—

''(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Fuels Security Act of 2005.

''(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment, but not later than 5 years after the date of enactment of this paragraph, the Administrator shall publish the analysis in final form.

''(2) EMISSIONS MODEL.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of gasoline characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2005.''.

SEC. 204. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking ''(6) OPT-IN AREAS.—(A) Upon'' and inserting the following:

''(6) OPT-IN AREAS.—

''(A) CLASSIFIED AREAS.—

''(i) IN GENERAL.—Upon'';

(2) in subparagraph (B), by striking ''(B) If'' and inserting the following:

''(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If'';

(3) in subparagraph (A)(ii) (as redesignated by paragraph (2))—

(A) in the first sentence, by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(B) in the second sentence, by striking ''this paragraph'' and inserting ''this subparagraph''; and

(4) by adding at the end the following:

''(B) OZONE TRANSPORT REGION.—

''(i) APPLICATION OF PROHIBITION.—

''(I) IN GENERAL.—In addition to the provisions of subparagraph (A), upon the application of the Governor of a State in the ozone transport region established by section 184(a), the Administrator, not later than 180 days after the date of receipt of the application, shall apply the prohibition specified in paragraph (5) to any area in the State (other than an area classified as a marginal, moderate, serious, or severe ozone nonattainment area under subpart 2 of part D of title I) unless the Administrator determines under clause (iii) that there is insufficient capacity to supply reformulated gasoline.

''(II) PUBLICATION OF APPLICATION.—As soon as practicable after the date of receipt of an application under subclause (I), the Administrator shall publish the application in the Federal Register.

''(ii) PERIOD OF APPLICABILITY.—Under clause (i), the prohibition specified in paragraph (5) shall apply in a State—

''(I) commencing as soon as practicable but not later than 2 years after the date of approval by the Administrator of the application of the Governor of the State; and

''(II) ending not earlier than 4 years after the commencement date determined under subclause (I).

''(iii) EXTENSION OF COMMENCEMENT DATE BASED ON INSUFFICIENT CAPACITY.—

''(I) IN GENERAL.—If, after receipt of an application from a Governor of a State under clause (i), the Administrator determines, on the Administrator's own motion or on petition of any person, after consultation with the Secretary of Energy, that there is insufficient capacity to supply reformulated gasoline, the Administrator, by regulation—

''(aa) shall extend the commencement date with respect to the State under clause (ii)(I) for not more than 1 year; and

''(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

''(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.''.

SEC. 205. FEDERAL ENFORCEMENT OF STATE FUELS REQUIREMENTS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) by striking ''(C) A State'' and inserting the following:

''(C) AUTHORITY OF STATE TO CONTROL FUELS AND FUEL ADDITIVES FOR REASONS OF NECESSITY.—

''(i) IN GENERAL.—A State''; and

(2) by adding at the end the following:

''(ii) ENFORCEMENT BY THE ADMINISTRATOR.—In any case in which a State prescribes and enforces a control or prohibition under clause (i), the Administrator, at the request of the State, shall enforce the control or prohibition as if the control or prohibition had been adopted under the other provisions of this section.''.

SEC. 206. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of the requirements described in paragraph (1) on achievement of—

(i) national, regional, and local air quality standards and goals; and

(ii) related environmental and public health protection standards and goals;

(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refineries;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(D) the effect of the requirements described in paragraph (1) on emissions from vehicles, refineries, and fuel handling facilities;

(E) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that, while protecting and improving air quality at the national, regional, and local levels, could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply; and

(F) the feasibility of providing incentives, and the need for the development of national standards necessary, to promote cleaner burning motor vehicle fuel.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2006, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers;

(C) motor vehicle fuel producers and distributors; and

(D) the public.

SEC. 207. REVIEW OF FEDERAL PROCUREMENT INITIATIVES RELATING TO USE OF RECYCLED PRODUCTS AND FLEET AND TRANSPORTATION EFFICIENCY.

Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall submit to Congress a report that details efforts by each Federal agency to implement the procurement policies specified in Executive Order No. 13101 (63 Fed. Reg. 49643; relating to governmental use of recycled products) and Executive Order No. 13149 (65 Fed. Reg. 24607; relating to Federal fleet and transportation efficiency).

SEC. 208. REPORT ON RENEWABLE MOTOR FUEL.

Not later than January 1, 2007, the Secretary of Energy and the Secretary of Agriculture shall jointly prepare and submit to Congress a report containing recommendations for achieving, by January 1, 2025, at least 25 percent renewable fuel content (calculated on an average annual basis) for all gasoline sold or introduced into commerce in the United States.

FUELS SECURITY ACT OF 2005

Mr. HARKIN. Mr. President, today, along with my colleague, Senator LUGAR, and a bipartisan coalition of 19 other Senators, am introducing important legislation to set an ambitious Renewable Fuels Standard for this country. This legislation will more than double the amount of ethanol and biodiesel in the Nation's fuel supply to at least 8 billion gallons a year by 2012. It firmly commits our Nation to clean sources of domestic energy, and is a bold step toward energy security, a strong rural economy, and a healthier environment.

We have a growing problem of energy supplies and prices in this country. Today, 97 percent of our transportation fuel comes from oil, nearly two-thirds of which is from foreign sources.

This heavy dependence on petroleum undermines our energy security. It wreaks havoc on consumers, with record high prices now for gasoline. It costs jobs—27,000 lost U.S. jobs for every $1 billion in imported oil—and threatens our environment. A full one-third of greenhouse gases now come from vehicle emissions.

We have a choice. We can stand by and fuel our addiction to foreign oil, or we can make an aggressive shift toward clean, domestic renewable fuels like ethanol and biodiesel.

In the 108th Congress, we approved an RFS of 5 billion gallons a year by 2012. At the time, this represented a strong push for renewable fuels. But since that time, renewable fuels production in this country has grown dramatically. Domestic ethanol production grew 21 percent in 2004 to 3.4 billion gallons, helping to buffer rising crude oil prices.

The Environment and Public Works Committee, recognizing this success, reported yesterday a modestly increased RFS of 6 billion gallons a year by 2012. I applaud this step forward, but we can do more. The Energy Future Coalition has said that ''increased production of domestic renewable fuels is the single most important step the

United States could take to reduce its dependence on foreign oil,'' and I agree.

Our Nation already has the capacity to produce nearly 4 billion gallons of ethanol a year, almost a third of it in Iowa. The biofuels industry's output is on track to surpass even our ambitious target of 8 billion gallons a year by 2012. Several studies further indicate that renewable fuels could provide more than 25 percent of our transportation fuel by 2025. Our bill will ensure that market demand for these fuels grows accordingly.

Many of the biofuels plants that will be built will be farmer-owned, bringing tremendous added value to our rural economies. For example, according to a recent study, each typical ethanol plant built in the United States creates 700 jobs, expands the local economic base by over $140 million, and increases the local corn price by 5 to 10 cents a bushel. Iowa's ethanol plants are expected to contribute $4 billion annually to our state's economy once all are in production. This RFS is expected to create over 200,000 new jobs nationwide, add nearly $200 billion to our GDP, and do more to reduce foreign oil dependence than all of the oil in the Alaska National Wildlife Refuge could possibly do.

This legislation has built-in flexibility through a system of tradable credits for refiners who exceed their minimum requirement. It takes strong measures to protect air and water quality, and it rewards production of second-generation biofuels such as cellulosic ethanol that promise tremendous value to farmers, consumers and the environment.

For these reasons, our bill has generated strong support from a broad range of interests. I have here a letter endorsing our bill signed by more than a dozen groups, including the Iowa Renewable Fuels Association, the National Renewable Fuels Association, the Energy Future Coalition, the National Farmers Union, the National Corn Growers Association, the American Farm Bureau Federation, the American Soybean Association, the American Coalition for Ethanol, and many others.

Farmers and biofuel producers are ready to lead our Nation toward a future based on renewable energy. I sincerely hope that Congress and the administration will get behind commonsense energy policy and support this ambitious RFS. I ask unanimous consent that the text of the bill, along with the letter, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 17, 2005.

Re the Fuels Agreement and the Renewable Fuels Standard.

The Hon. BILL FRIST,
U.S. Senate Majority Leader,
Washington, DC.

The Hon. HARRY REID,
U.S. Senate Minority Leader,
Washington, DC.

DEAR MAJORITY LEADER FRIST AND MINORITY LEADER REID: The undersigned organizations are writing to express our strong support for S. 650, legislation establishing a Renewable Fuels Standard (RFS) growing to 8 billion gallons by 2012. This landmark legislation would increase the nation's energy independence, protect air and water quality, provide increased flexibility for refiners, and stimulate rural economies through the increased production of domestic, renewable fuels.

The ethanol and biodiesel industries have undergone unprecedented growth over the past several years. In fact, the U.S. currently has the capacity to produce more than 3.7 billion gallons of ethanol and biodiesel, and plants under construction will add an additional 700 million gallons of capacity by the end of the year. Most of this growth has been in farmer-owned plants, which taken as a whole, now represent the single largest producer in the country. Clearly, the renewable fuels industry is poised to make a significant contribution to this nation's energy supply.

With rising crude oil and gasoline prices hurting consumers, and record petroleum imports exacerbating our trade imbalance and slowing economic growth, we need to be maximizing the production and use of domestic renewable fuels such as ethanol and biodiesel. Enacting an RFS that would provide a market of 8 billion gallons by 2012 demonstrates a firm commitment to reducing this nation's foreign oil dependence while providing a significant impact to the American economy. Specifically (in 2005 dollars):

The production and use of 8 billion gallons of ethanol, biodiesel and other renewable fuels by 2012 will displace over 2 billion barrels of crude oil and reduce the outflow of dollars largely to foreign oil producers by $64.1 billion between 2005 and 2012. As a result of the RFS, America's dependence on imported oil will be reduced from an estimated 68 percent to 62 percent.

The renewable fuels sector will spend an estimated $6 billion to build 4.3 billion gallons of new ethanol and biodiesel capacity between 2005 and 2012.

The renewable fuels sector will spend nearly $70 billion on goods and services required to produce 8 billion gallons of ethanol and biodiesel by 2012. Purchases of corn, grain sorghum, soybeans, corn stover and wheat straw, alone will total $43 billion between 2005 and 2012.

The combination of this direct spending and the indirect impacts of those dollars '' circulating throughout the economy will:

Add nearly $200 billion to GDP between 2005 and 2012.

Generate an additional $43 billion of household income for all Americans between 2005 and 2012, and

Create as many as 234,840 new jobs in all sectors of the economy by 2012.

We urge your support of this important bill as the Congress considers comprehensive energy policy legislation. The RFS is a vital and necessary component of any energy policy designed to reduce our nation's dependence on foreign sources of petroleum.

Sincerely,

Renewable Fuels Association, American Farm Bureau Federation, National Corn Growers Association, American Soybean Association, National Grain Sorghum Producers, American Coalition for Ethanol, National Biodiesel Board, Energy Future Coalition, Biotechnology Industry Organization, New Uses Council, National Sunflower Association, United States Canola Association, Ethanol Producers & Consumers, Environmental & Energy Study Institute, National Farmers Union.

Mr. JOHNSON. Mr. President, I rise today to join twenty of my Senate colleagues in introducing landmark legislation that will double the amount of ethanol used in motor fuel by 2012.

The Fuels Security Act of 2005 establishes a renewable fuels standard program beginning with 4 billion gallons in 2006 and culminating in 8 billion gallons in 2012—nearly a 40 percent increase from legislation that I first sponsored in 2003. The legislation creates a functioning and flexible market for ethanol produced from South Dakota's farmer-owned plants. South Dakota has more farmer-owned ethanol plants than any other State, and South Dakota producers deliver a greater percentage of corn for ethanol production than any neighboring State. Revising and strengthening the proposed RFS is important to South Dakota producers and our value-added economy.

In 2004, the domestic ethanol industry produced a record 3.4 billion gallons of ethanol and an additional 700 million gallons of capacity will be added in 2005. Because of the strong increase in ethanol production over the last few years it is necessary to revisit and revise the proposed RFS to more accurately reflect the growing market. Increasing the RFS schedule to 8 billion gallons in 2012 ensures market stability and encourages investment in ethanol plants and transportation infrastructure.

Ethanol stands out as an agriculture sector that is resisting the move toward greater consolidation and concentration. The Fuels Security Act of 2005 goes a long way toward ensuring that farmers retain market power and will continue to play a leading role in renewable energy production.

While adjusting the schedule to match growth is crucial, equally important is ensuring that the schedule and standard are not eroded by a permissive credit program or inconsistent and suspect waiver authority provisions. To that end, the Fuels Security Act of 2005 creates a one-year credit program to provide flexibility to blenders without diluting the RFS requirement. An ill-defined or open-ended credit program will cause investors to hedge against investing in new ethanol facilities as the guarantee of an increased baseline is weakened through multi-year credit trading language.

Additionally, the bill includes an effective tool to ensure that after 2012, America's renewable fuel market does not diminish and capacity and production match demand. The bill directs

the Secretaries of Agriculture and Energy, as well as the Environmental Protection Agency to ensure the RFS schedule grows with the overall motor vehicle fuel pool after 2013.

I am proud to stand with over a dozen agriculture, clean energy and renewable fuels organizations that support this legislation. Accordingly, I ask unanimous consent that a letter written by over a dozen agriculture and energy groups be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1)

Mr. JOHNSON. Mr. President, I am encouraged that as a consequence of the strong bipartisan support for increasing the RFS to 8 billion gallons, my colleagues and I can add this bill to a comprehensive energy proposal working through the Senate.

Furthermore, as a member of the Senate Energy and Natural Resources Committee, I remain committed to working with my Senate colleagues, Chairman DOMENICI and Majority Leader FRIST and Minority Leader REID toward ensuring that the Fuels Security Act of 2005 becomes law.

EXHIBIT 1

MARCH 17, 2005.

Re the Fuels Agreement and the Renewable Fuels Standard.

Hon. BILL FRIST,
U.S. Senate Majority Leader,
Capitol Building, Washington, DC.
Hon. HARRY REID,
U.S. Senate Minority Leader,
Capitol Building, Washington, DC.

DEAR MAJORITY LEADER FRIST AND MINORITY LEADER REID: The undersigned organizations are writing to express our strong support for S. 650, legislation establishing a Renewable Fuels Standard (RFS) growing to 8 billion gallons by 2012. This landmark legislation would increase the nation's energy independence, protect air and water quality, provide increased flexibility for refiners, and stimulate rural economies through the increased production of domestic, renewable fuels.

The ethanol and biodiesel industries have undergone unprecedented growth over the past several years. In fact, the U.S. currently has the capacity to produce more than 3.7 billion gallons of ethanol and biodiesel, and plants under construction will add an additional 700 million gallons of capacity by the end of the year. Most of this growth has been in farmer-owned plants, which taken as a whole, now represent the single largest producer in the country. Clearly, the renewable fuels industry is poised to make a significant contribution to this nation's energy supply.

With rising crude oil and gasoline prices hurting consumers, and record petroleum imports exacerbating our trade imbalance and slowing economic growth, we need to be maximizing the production and use of domestic renewable fuels such as ethanol and biodiesel. Enacting an RFS that would provide a market of 8 billion gallons by 2012 demonstrates a firm commitment to reducing this nation's foreign oil dependence while providing a significant impact to the American economy. Specifically (in 2005 dollars):

The production and use of 8 billion gallons of ethanol, biodiesel and other renewable fuels by 2012 will displace over 2 billion barrels of crude oil and reduce the outflow of dollars largely to foreign oil producers by $64.1 billion between 2005 and 2012. As a result of the RFS, America's dependence on imported oil will be reduced from an estimated 68 percent to 62 percent.

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The combination of this direct spending and the indirect impacts of those dollars circulating throughout the economy will:

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Generate an additional $43 billion of household income for all Americans between 2005 and 2012, and

Create as many as 234,840 new jobs in all sectors of the economy by 2012.

We urge your support of this important bill as the Congress considers comprehensive energy policy legislation. The RFS is a vital and necessary component of any energy policy designed to reduce our nation's dependence on foreign sources of petroleum.

Sincerely,

Renewable Fuels Association; American Farm Bureau Federation; National Corn Growers Association; American Soybean Association; National Grain Sorghum Producers; American Coalition for Ethanol; National Biodiesel Board; Energy Future Coalition; Biotechnology Industry Organization; New Uses Council; National Sunflower Association; United States Canola Association; Ethanol Producers & Consumers; Environmental & Energy Study Institute.

Mr. OBAMA. Mr. President, I am pleased to join as a cosponsor of the Fuels Security Act of 2005, which sets a renewable fuels standard for the years 2006 to 2012.

To lessen our dependence on foreign oil and strengthen our economy here at home, renewable fuels like ethanol ought to be a larger part of our domestic fuel supply. This bill will contribute to that objective, and I commend Senators LUGAR and HARKIN for their leadership in crafting this legislation.

Yesterday, during the markup of a similar bill in the Senate Environment and Public Works Committee, I expressed strong support for establishing a meaningful renewable fuels standard as an important part of a comprehensive national energy policy. The bill before the Committee set targets at 3.8 billion gallons in 2006 and 6 billion gallons in 2012, improving upon last year's RFS provision in the energy bill conference report that set targets at 3.1 billion gallons and 5 billion gallons, respectively.

I voted for the chairman's mark yesterday because it gets the RFS debate rolling in the new Congress. However, I also noted that it has been widely reported in the trade press that the 30-state Governors Ethanol Coalition has recommended to the President that refiners be required to purchase a minimum volume of ethanol of at least 4 billion gallons in 2006, rising to 8 billion gallons in 2012. This recommendation adds weight to the view expressed by me and others that the committee's targets are too conservative.

Why are these specific targets so important? They are important if we are to maximize the ethanol industry's ability to boost farm income by providing a new market for corn; to promote economic growth in rural communities by increasing production in existing plants and attracting investment in new community-sized ethanol facilities; and to reduce our alarming dependence on imported oil by expanding the volume of ethanol in our transportation fuel mix.

These are important objectives. They matter. And that is why it is important to get the specific targets right.

In committee yesterday, I suggested that since ethanol production is expected to reach 4 billion gallons this year, we ought to adjust the committee bill's RFS targets on the Senate floor to reflect current market reality. I am pleased that Chairman INHOFE seemed open to that debate.

I think the Governors Ethanol Coalition recommendation of at least 4 billion gallons in 2006 and 8 billion gallons in 2012 is a good place to start this debate. I think any RFS legislation enacted by Congress should contain these levels.

That is why I am pleased to cosponsor the Fuels Security Act introduced by Senators LUGAR and HARKIN today. The ethanol volume targets in this bill—4 billion gallons in 2006 and 8 billion gallons in 2012—are in much greater alignment with expected ethanol production in future years than those in the Committee bill.

Earlier this week, I had the opportunity to tour the Aventine ethanol plant in Pekin, IL. My visit reminded me of the work of a Pekin native more than 50 years ago. That person—Senator Everett Dirksen—encouraged federal lawmakers to consider ''processing our surplus farm crops into an alcohol . . . to create a market in our own land for our own people.''

Today, farmers across Illinois, including farmers near Pekin, are growing corn for fuel, both strengthening our energy security and providing an economic boost to rural communities. By enacting a meaningful RFS, we are displacing more foreign oil with homegrown energy. We are expanding the market for Illinois corn. And we are promoting the use of renewable fuel. Remember, unlike other energy sources, when you run out of ethanol, you can simply grow more.

For too many years, America has been overly dependent on foreign oil to meet its domestic energy needs. And,

despite rising crude oil prices and unsettling volatility in the Persian Gulf, that trend is increasing, not declining. Renewable fuels such as ethanol can help address this dangerous dependence on foreign oil. And a strong renewable fuels standard will maximize this contribution.

By Mr. REID:

S. 651. A bill to amend title 5, United States Code, to make creditable for civil service retirement purposes certain periods of service performed with Air America, Incorporated, Air Asia Company Limited, or the Pacific Division of Southern Air Transport, Incorporated, while those entities were owned or controlled by the Government of the United States and operate or managed by the Central Intelligence Agency; to the Committee on Homeland Security and Governmental Affairs.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 651

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

SECTION 1. AMENDMENTS.

(a) IN GENERAL.—Section 8332(b) of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting ''; and'';

(3) by adding after paragraph (17) the following:

''(18) any period of service performed before 1977, while a citizen of the United States, in the employ of Air America, Incorporated, Air Asia Company Limited (a subsidiary of Air America, Incorporated), or the Pacific Division of Southern Air Transport, Incorporated, at a time when that corporation (or subsidiary) was owned or controlled by the Government of the United States and operated or managed by the Central Intelligence Agency.''; and

(4) by adding at the end the following: ''For purposes of this subchapter, service of the type described in paragraph (18) of this subsection shall be considered to have been service as an employee, and the Office of Personnel Management shall accept the certification of the Director of the Central Intelligence Agency or his designee concerning any such service.''.

(b) EXEMPTION FROM DEPOSIT REQUIREMENT.—Section 8334(g) of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; or''; and

(3) by adding after paragraph (6) the following:

''(7) any service for which credit is allowed under section 8332(b)(18) of this title.''.

SEC. 2. APPLICABILITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall apply with respect to annuities commencing on or after the effective date of this Act.

(b) PROVISIONS RELATING TO CURRENT ANNUITANTS.—Any individual who is entitled to an annuity for the month in which this Act becomes effective may, upon application submitted to the Office of Personnel Management within 2 years after the effective date of this Act, have the amount of such annuity recomputed as if the amendments made by this Act had been in effect throughout all periods of service on the basis of which such annuity is or may be based. Any such recomputation shall be effective as of the commencement date of the annuity, and any additional amounts becoming payable for periods before the first month for which the recomputation is reflected in the individual's regular monthly annuity payments shall be payable to such individual in the form of a lump-sum payment.

(c) PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.—

(1) IN GENERAL.—Any individual (not described in subsection (b)) who becomes eligible for an annuity or for an increased annuity as a result of the enactment of this Act may elect to have such individual's rights under subchapter III of chapter 83 of title 5, United States Code, determined as if the amendments made by this Act had been in effect, throughout all periods of service on the basis of which such annuity is or would be based, by submitting an appropriate application to the Office of Personnel Management within 2 years after—

(A) the effective date of this Act; or

(B) if later, the date on which such individual separates from service.

(2) COMMENCEMENT DATE, ETC.—

(A) IN GENERAL.—Any entitlement to an annuity or to an increased annuity resulting from an application under paragraph (1) shall be effective as of the commencement date of such annuity (subject to subparagraph (B), if applicable), and any amounts becoming payable for periods before the first month for which regular monthly annuity payments begin to be made in accordance with the amendments made by this Act shall be payable to such individual in the form of a lump-sum payment.

(B) RETROACTIVITY.—Any determination of the amount, or of the commencement date, of any annuity, all the requirements for entitlement to which (including separation, but disregarding any application requirement) would have been satisfied before the effective date of this Act if this Act had then been in effect (but would not then otherwise have been satisfied absent this Act) shall be made as if application for such annuity had been submitted as of the earliest date that would have been allowable, after such individual's separation from service, if such amendments had been in effect throughout the periods of service referred to in the first sentence of paragraph (1).

(d) RIGHT TO FILE ON BEHALF OF A DECEDENT.—The regulations under section 4(a) shall include provisions, consistent with the order of precedence set forth in section 8342(c) of title 5, United States Code, under which a survivor of an individual who performed service described in section 8332(b)(18) of such title (as amended by section 1) shall be allowed to submit an application on behalf of and to receive any lump-sum payment that would otherwise have been payable to the decedent under subsection (b) or (c). Such an application shall not be valid unless it is filed within 2 years after the effective date of this Act or 1 year after the date of the decedent's death, whichever is later.

SEC. 3. FUNDING.

(a) LUMP-SUM PAYMENTS.—Any lump-sum payments under section 2 shall be payable out of the Civil Service Retirement and Disability Fund.

(b) UNFUNDED LIABILITY.—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this Act shall be financed in accordance with section 8348(f) of title 5, United States Code.

SEC. 4. REGULATIONS AND SPECIAL RULE.

(a) IN GENERAL.—Except as provided in subsection (b), the Director of the Office of Personnel Management, in consultation with the Director of the Central Intelligence Agency, shall prescribe any regulations necessary to carry out this Act. Such regulations shall include provisions under which rules similar to those established pursuant to section 201 of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 514) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as amended by section 1) that was subject to title II of the Social Security Act.

(b) OTHER REGULATIONS.—The Director of the Central Intelligence Agency, in consultation with the Director of the Office of Personnel Management, shall prescribe any regulations which may become necessary, with respect to any retirement system administered by the Director of the Central Intelligence Agency, as a result of the enactment of this Act.

(c) SPECIAL RULE.—For purposes of any application for any benefit which is computed or recomputed taking into account any service described in section 8332(b)(18) of title 5, United States Code (as amended by section 1), section 8345(i)(2) of such title shall be applied by deeming the reference to the date of the ''other event which gives rise to title to the benefit'' to refer to the effective date of this Act, if later than the date of the event that would otherwise apply.

SEC. 5. DEFINITIONS.

For purposes of this Act—

(1) the terms ''unfunded liability'', ''survivor'', and ''survivor annuitant'' have the meanings given under section 8331 of title 5, United States Code; and

(2) the term ''annuity'', as used in subsections (b) and (c) of section 2, includes a survivor annuity.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 652. A bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce a bill to authorize Federal funding for the rehabilitation of the Benjamin Franklin National Memorial. This memorial, an attraction for some 1 million visitors annually, is truly a national treasure, yet it has come under significant deterioration. The Franklin

statue has not been thoroughly cleaned since 1998; there are structural impacts to the statue from changes in temperature and humidity; the lighting and sound systems are obsolete; and the marble walls and stained glass dome are discolored from days when smoking was permitted. The bill that Senator SANTORUM and I are introducing today will help ensure that Federal funding is made available to preserve and protect our Nation's memorial to Benjamin Franklin, America's distinguished scientist, statesman, inventor, and diplomat.

In the 108th Congress, Senator SANTORUM and I introduced similar legislation to authorize this much needed funding and we were pleased that Senator DOMENICI, Senator THOMAS, and their colleagues on the Senate Committee on Energy and Natural Resources favorably reported an amended version of our legislation to the Senate on September 28, 2004. Subsequently, this legislature passed the Senate on October 10, 2004; however, the limited time available prior to adjournment of the 108th Congress precluded passage of this measure by the House of Representatives.

Unlike other national memorials, the Benjamin Franklin National Memorial does not receive an annual allocation of Federal funds to provide for preventative maintenance or other important activities.

The significant burden of maintaining this national memorial has become a challenge to the Franklin Institute Science Museum of Philadelphia, Pennsylvania, custodian of the Benjamin Franklin National Memorial. In 1972, The Institute—a non-profit organization—absorbed the sole responsibility for providing the funds necessary to preserve and maintain the memorial when Public Law 92–511 designated the Memorial Hall at The Franklin Institute Science Museum as the Benjamin Franklin National Memorial. In 1973, a Memorandum of Agreement was executed by the U.S. Department of the Interior and the Franklin Institute that directed the Department to cooperate with the Institute in ''all appropriate and mutually agreeable ways in the preservation and presentation of the Benjamin Franklin National Memorial Hall as a national memorial,'' however, the Department has not provided any Federal funding to the Franklin Institute for those purposes other than $300,000 that Senator SANTORUM and I secured from the ''Save America's Treasures'' program in the Fiscal Year 2000 Interior Appropriations Act to help improve handicap accessibility to the memorial.

The Benjamin Franklin National Memorial at the Franklin Institute serves as the Nation's primary location honoring Franklin's life, legacy, and ideals. As we expect visitors to converge on Philadelphia, Pennsylvania from throughout the world for the Benjamin Franklin Tercentenary Celebration beginning in January 2006, it is important that the Franklin Institute, as custodian of the Memorial, begin a meticulous restoration and enhancement promptly. I urge my colleagues to support this legislation to preserve this national tribute to Benjamin Franklin for years to come.

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. KENNEDY, and Mr. DODD):

S. 654. A bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes; to the Committee on Foreign Relations.

Mr. LEAHY. Mr. President, our Nation has a proud history as the leading advocate of human rights around the world. Throughout this history, we have committed ourselves to numerous international human rights treaties, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The bill that I introduce today will reaffirm our obligations under this Convention and reassure the world that we are a nation committed to the rule of law. I want to thank my cosponsors, Senators DURBIN, KENNEDY, and DODD, for working with me on this legislation, and for their leadership on these issues.

It has been nearly a year since the first horrific images from Abu Ghraib prison appeared in the media, shocking the world and shattering the image of the United States. As the Administration circled the wagons and claimed the abuses were committed by a ''few bad apples,'' new details about the widespread abuse of detainees continued to emerge. I have spoken many times about the need for a comprehensive, independent investigation into the abuse of detainees. I have no doubt that such an investigation would be painful, but it is also a necessary step to moving forward.

Prisoner abuse by U.S. personnel is deeply troubling, but it is only one aspect of a broader and serious problem. While we must ensure that prisoners are treated humanely by our own personnel, we must also prohibit the use of so-called ''extraordinary renditions'' to send people to other countries where they will be subject to torture. Article 3 of the Convention Against Torture states that ''no State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.'' The bill I introduce today, the ''Convention Against Torture Implementation Act,'' will ensure that we honor this commitment.

We have addressed this issue before. Congress implemented Article 3 of the Convention Against Torture in the Foreign Affairs Reform and Restructuring Act of 1998, but this Administration has exploited loopholes in that law to transfer detainees to countries where they are subjected to torture. Attorney General Gonzales recently said that U.S. policy is not to send detainees ''to countries where we believe or we know that they're going to be tortured,'' but he acknowledged that we ''can't fully control'' what other nations do, and added that he does not know whether countries have always complied with their promises. In fact, they have not.

My proposed legislation does not broaden the obligations that we agreed to by ratifying the Convention Against Torture; it simply closes the loopholes in the 1998 law and ensures that we honor our commitment not to outsource torture to other countries.

The case of Maher Arar provides a chilling example of extraordinary rendition, and illustrates why this bill is necessary. Mr. Arar, a Canadian and Syrian citizen, was stopped by immigration officers at John F. Kennedy International Airport in September 2002 as he attempted to change planes on his way home to Canada from Tunisia. He claims that he was interrogated by an FBI agent and a New York City police officer, and that he was denied access to a lawyer. He further claims that he repeatedly told U.S. officials that he feared he would be tortured if deported to Syria. After being detained for nearly two weeks in a Federal detention center in New York, Mr. Arar was transferred by U.S. authorities to Syria and held at the Bush administration's request. Mr. Arar claims that he was physically tortured during the first two weeks of his detention in Syria, and that he was subjected to severe psychological abuse over the following 10 months, including being held in a grave-like cell and being forced to undergo interrogation while hearing the screams of other prisoners.

According to Administration officials, the CIA received diplomatic assurances from Syria that it would not torture Mr. Arar. But those assurances amounted to little more than a wink and a nod. Unnamed intelligence officials were later quoted in the press, saying that Arar confessed under torture in Syria that he had gone to Afghanistan for terrorist training. Syria has a well-documented history of state-sponsored torture. In fact, President Bush stated on November 7, 2003, that Syria has left ''a legacy of torture, oppression, misery, and ruin'' to its people.

Rather than rely on assurances that a country will not torture an individual, we must make our own unbiased determination. We already have the necessary information to do so. Each year, as required by law, the State Department publishes country reports on human rights practices. The

most recent report on Syria states that its torture methods include ''administering electrical shocks; pulling out fingernails; forcing objects into the rectum; beating, sometimes while the victim was suspended from the ceiling; hyperextending the spine; bending the detainees into the frame of a wheel and whipping exposed body parts; and using a backward-bending chair to asphyxiate the victim or fracture the victim's spine.''

Some will argue that the post-9/11 world is different; that we must use any and all means available to extract information from suspected terrorists. Their argument might be more credible if every person who turned up on a terrorist watch list were, in fact, a terrorist. I cannot say whether Mr. Arar had ties to terrorist groups or not, but we do know that he was never charged with a crime. After enduring months of torture at the hands of the Syrians, he was released and sent back to Canada.

Nor was Mr. Arar's experience an isolated incident. A recent article in The New Yorker titled ''Outsourcing Torture'' provides disturbing details about how the administration embraced the use of rendition after the 9/11 attacks. Several press reports detail the CIA's use of its own Gulfstream V and Boeing 737 jets to secretly transfer detainees to countries around the world, where it is likely that they will be tortured.

The Convention Against Torture Implementation Act addresses the extraordinary rendition problem in a straightforward manner. It requires the State Department to produce annually a list of countries where torture is known to occur. The list would be based on information contained in the State Department's country reports on human rights practices. The bill prohibits the transfer of individuals to any country on this list or to any other country if there are substantial grounds for believing that the person would be tortured. It also provides reasonable exceptions to this prohibition to allow for legal extraditions and removals.

Most importantly, the bill closes the diplomatic assurances loophole. We would no longer accept assurances from governments that we know engage in torture. Our past reliance on diplomatic assurances is blatantly hypocritical. How can our State Department denounce countries for engaging in torture while the CIA secretly transfers detainees to the very same countries for interrogation? The President says he does not condone torture, but transferring detainees to other countries where they will be tortured does not absolve our government of responsibility. By outsourcing torture to these countries, we diminish our own values as a nation and lose our credibility as an advocate of human rights around the world.

Last June, in the aftermath of the Abu Ghraib scandal, the President was asked if he had authorized abusive interrogation techniques. He replied, ''The authorization I issued was that anything we did would conform to U.S. law and would be consistent with international treaty obligations.'' The legislation I introduce today will help us fulfill the President's promise.

The Senate gave its advice and consent to the ratification of the Convention Against Torture more than a decade ago. It is time to honor our commitment and show the world that we will hold ourselves to the same standards that we demand of others.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 654

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 ''Convention Against Torture Implementation Act of 2005''.

SEC. 2. PROHIBITION ON CERTAIN TRANSFERS OF PERSONS.

(a) PROHIBITION.—No person in the custody or control of a department, agency, or official of the United States Government, or of any contractor of any such department or agency, shall be expelled, returned, or extradited to another country, whether directly or indirectly, if—

(1) the country is included on the most recent list submitted to Congress by the Secretary of State under section 3; or

(2) there are otherwise substantial grounds for believing that the person would be in danger of being subjected to torture.

(b) EXCEPTIONS.—

(1) WAIVERS.—

(A) AUTHORITY.—The Secretary of State may waive the prohibition in subsection (a)(1) with respect to a country if the Secretary certifies to the appropriate congressional committees that—

(i) the acts of torture that were the basis for including that country on the list have ended; and

(ii) there is in place a mechanism that assures the Secretary in a verifiable manner that a person expelled, returned, or extradited to that country will not be tortured in that country, including, at a minimum, immediate, unfettered, and continuing access, from the point of return, to such person by an independent humanitarian organization.

(B) REPORTS ON WAIVERS.—

(i) REPORTS REQUIRED.—For each person expelled, returned, or extradited under a waiver provided under subparagraph (A), the head of the appropriate government agency making such transfer shall submit to the appropriate congressional committees a report that includes the name and nationality of the person transferred, the date of transfer, the reason for such transfer, and the name of the receiving country.

(ii) FORM.—Each report under this subparagraph shall be submitted, to the extent practicable, in unclassified form, but may include a classified annex as necessary to protect the national security of the United States.

(2) EXTRADITION OR REMOVAL.—The prohibition in subsection (a)(1) may not be construed to apply to the legal extradition of a person under a bilateral or multilateral extradition treaty or to the legal removal of a person under the immigration laws of the United States if, before such extradition or removal, the person has recourse to a United States court of competent jurisdiction to challenge such extradition or removal on the basis that there are substantial grounds for believing that the person would be in danger of being subjected to torture in the receiving country.

(c) ASSURANCES INSUFFICIENT.—Written or verbal assurances made to the United States by the government of a country that persons in its custody or control will not be tortured are not sufficient for believing that a person is not in danger of being subjected to torture for purposes of subsections (a)(2) and (b)(2), or for meeting the requirement of subsection (b)(1)(A)(ii).

SEC. 3. REPORTS ON COUNTRIES USING TORTURE.

Not later than 30 days after the effective date of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report listing each country where torture is known to be used. The list shall be compiled on the basis of the information contained in the most recent annual report of the Secretary of State submitted to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate under section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).

SEC. 4. REGULATIONS.

(a) INTERIM REGULATIONS.—Not later than 60 days after the effective date of this Act, the heads of the appropriate government agencies shall prescribe interim regulations for the purpose of carrying out this Act and implementing the obligations of the United States under Article 3 of the Convention Against Torture, subject to any reservations, understandings, declarations, and provisos contained in the Senate resolution advising and consenting to the ratification of the Convention Against Torture, and consistent with the provisions of this Act.

(b) FINAL REGULATIONS.—Not later than 180 days after interim regulations are prescribed under subsection (a), and following a period of notice and opportunity for public comment, the heads of the appropriate government agencies shall prescribe final regulations for the purposes described in subsection (a).

SEC. 5. SAVINGS CLAUSE.

Nothing in this Act shall be construed to eliminate, limit, or constrain in any way the obligations of the United States or the rights of any individual under the Convention Against Torture or any other applicable law.

SEC. 6. REPEAL OF SUPERSEDED AUTHORITY.

Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277; 8 U.S.C. 1231 note) is repealed. Regulations promulgated under such section that are in effect on the date this Act becomes effective shall remain in effect until the heads of the appropriate government agencies issue interim regulations under section 4(a).

SEC. 7. DEFINITIONS.

(a) DEFINED TERMS.—In this Act:

(1) APPROPRIATE GOVERNMENT AGENCIES.—The term ''appropriate government agencies'' means—

(A) the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); and

(B) elements of the Department of State, the Department of Defense, the Department

of Homeland Security, the Department of Justice, the United States Secret Service, the United States Marshals Service, and any other Federal law enforcement, national security, intelligence, or homeland security agency that takes or assumes custody or control of persons or transports persons in its custody or control outside the United States, other than those elements listed or designated as elements of the intelligence community under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committees on Armed Services, Homeland Security and Government Affairs, Judiciary, Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services, Homeland Security, Judiciary, International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) CONVENTION AGAINST TORTURE.—The term ''Convention Against Torture'' means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984, entered into force on June 26, 1987, signed by the United States on April 18, 1988, and ratified by the United States on October 21, 1994 (T. Doc. 100–20).

(4) EXPELLED PERSON.—A person who is expelled is a person who is involuntarily transferred from the territory of any country, or a port of entry thereto, to the territory of another country, or a port of entry thereto.

(5) EXTRADITED PERSON.—A person who is extradited is an accused person who, in accordance with chapter 209 of title 18, United States Code, is surrendered or delivered to another country with jurisdiction to try and punish the person.

(6) RETURNED PERSON.—A person who is returned is a person who is transferred from the territory of any country, or a port of entry thereto, to the territory of another country of which the person is a national or where the person has previously resided, or a port of entry thereto.

(b) SAME TERMS AS IN THE CONVENTION AGAINST TORTURE.—Except as otherwise provided, the terms used in this Act have the meanings given those terms in the Convention Against Torture, subject to any reservations, understandings, declarations, and provisos contained in the Senate resolution advising and consenting to the ratification of the Convention Against Torture.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect on the date that is 30 days after the date of the enactment of this Act.

SEC. 9. CLASSIFICATION IN UNITED STATES CODE.

This Act shall be classified to the United States Code as a new chapter of title 50, United States Code.

CONVENTION AGAINST TORTURE IMPLEMENTATION ACT OF 2005 SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title. The Convention Against Torture Implementation Act of 2005.

Sec. 2. Prohibition on Certain Transfers of Persons. This section implements Article 3 of the Convention Against Torture, which prohibits expelling, returning, or extraditing persons to countries where they are in danger of being subjected to torture. Subsection (a) prohibits the transfer of a person in the custody or control of the United States government to a country included on a list generated by the State Department, as required by Section 3 of this Act, or to countries where there are substantial grounds for believing that the person would be in danger of being subjected to torture. Subsection (b) allows exceptions to the prohibition if the Secretary of State waives the prohibition or if the transfer is done under an extradition treaty or as a legal removal under United States immigration laws. Agencies that transfer a detainee under the waiver exception must submit a report of the transfer to appropriate congressional committees. Subsection (c) states that assurances made to the United States by another government that persons in its custody will not be tortured are not sufficient for the United States to conclude that a person will not be subjected to torture.

Sec. 3. Reports on Countries Using Torture. This section requires the Secretary of State, on an annual basis, to compile a list of countries where torture is known to be used. The United States is prohibited from transferring persons to the countries on this list, except in accordance with the exceptions contained in section 2. The list shall be compiled based on information contained in the most recent State Department country reports on human rights practices, which the Department submits annually in accordance with section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).

Sec. 4. Regulations. This section requires appropriate government agencies (as defined in section 7) to prescribe regulations in accordance with this Act. Interim regulations must be prescribed within 60 days of the effective date of the Act. Final regulations must be prescribed, through notice and comment rulemaking, not more than 180 days thereafter.

Sec. 5. Savings Clause. This section ensures that the Act does not eliminate, limit, or constrain the obligations of the United States or the rights of any individual under the Convention Against Torture or any other applicable law.

Sec. 6. Repeal of Superseded Authority. This section repeals section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277; 8 U.S.C. 1231 note). This law also implemented Article 3 of the Convention Against Torture, but lacked specific guidance for agencies and allowed the United States to rely on diplomatic assurances that a government would not torture a person transferred to its custody. This section also requires agency regulations promulgated under section 2242 to remain in effect until the appropriate government agencies issue new regulations in accordance with section 4 of this Act.

Sec. 7. Definitions. This section defines ''Appropriate Government Agencies,'' ''Appropriate Congressional Committees,'' ''Expelled Person,'' ''Extradited Person,'' ''Returned Person,'' and ''Convention Against Torture.'' It also states that terms used in the Act, unless otherwise provided, have the meanings given to those terms in the Convention Against Torture.

Sec. 8. Effective Date. Makes the Act effective 30 days after its enactment.

Sec. 9. Classification in United States Code. This section requires the Act to be classified as a new chapter of title 50 in the United States Code. The superseded authority was classified as a note in title 8 in the United States Code. Given the scope and applicability of the Act, it is more accurate to classify it in the War and National Defense title than in the Aliens and Nationality title.

Mr. KENNEDY. Mr. President, the entire world continues to wait for signs that the administration takes seriously its moral and legal responsibilities to eliminate torture and abuse. It is long past time for the administration to give the American people and the world an ironclad assurance that these shameful tactics are no longer being used in any prison or detention facility under American control and that we are not outsourcing our torture to regimes well known for using them.

I strongly support the legislation that Senator LEAHY has introduced to deal with this urgent problem and to see that our Nation is not farming out abusive interrogations to other countries. The bill makes crystal clear that we can't torture by proxy.

Abhorrence to torture is a fundamental value. Our attitude toward torture speaks volumes about our national conscience, our dedication to the rule of law, and our essential ideals. 9/11 is no excuse for abandoning our ideals.

The line separating right from wrong must clearly exclude the reprehensible practice called extraordinary rendition, the ridiculous code word for torture by proxy. Article 3 of the Treaty Against Torture, which the United States has ratified, provides: ''No State Party shall expel, return, or extradite a person to another State where there are substantial grounds for believing he would be in danger of being subjected to torture.'' The secretive U.S. practice of rendition is a violation of international law because it involves detaining prisoners without a shred of due process and delivering them for interrogation into the hands of countries known to commit torture. As one commentator noted: ''In terms of bad behavior, it stands side by side with contract killings.''

Ask Maher Arar. In the fall of 2002, Arar, a Canadian citizen, was returning to Montreal from a family visit in Tunisia and he made a stopover at Kennedy Airport in New York City. Acting in part on flawed intelligence from Canadian officials, U.S. Immigration officials seized Mr. Arar at the airport. He was not charged with a crime, or given a chance to talk with a lawyer. Instead, he was held in Brooklyn and interrogated for days by U.S. law enforcement authorities.

When the interrogation failed to produce incriminating information, Mr. Arar was flown to Jordan and handed over to Jordanian authorities. He was chained, blindfolded, and beaten in a van that transported him to the Syrian border. In Syria, he was placed in a small, dark cell—three feet by six feet, like a grave—and was held there for almost a year. He was slapped, beaten, and whipped on his palms, wrists, and back with an electric cable. He begged them to stop. He heard other

prisoners screaming as they were tortured. He signed any confessions he was told to sign.

Mr. Arar was released in October 2003. Syrian officials told reporters that their investigators found no link between Mr. Arar and al-Qaida. His confession turned out to be worthless and his suffering was pointless. Mr. Arar is now home in Canada.

How can any of us stand idly by knowing that this country condoned and facilitated such brutality?

Tragically, Mr. Arar is not the only victim. On March 6, 60 Minutes aired a report on rendition. On the program, Michael Scheuer, a recently retired CIA official who created its rendition program, admitted that he would ''have to assume'' that suspects the U.S. sends to Egypt are tortured. ''It's very convenient,'' he said. ''It's finding someone else to do your dirty work.''

The Defense Department has attempted to justify this tactic. On June 25, 2003, Defense Department General Counsel William Haynes wrote to Senator LEAHY, stating that whenever the U.S. transfers an individual to another country, ''United States policy is to obtain specific assurances from the receiving country that it will not torture the individual being transferred to that country. We can assure you that the United States would take steps to investigate credible allegations of torture and take appropriate action if there were reason to believe that those assurances were not being honored.''

Mr. Haynes' ''assurances,'' are difficult to accept. The State Department's annual human rights report, released last month, criticized numerous countries for a range of interrogation practices it labeled as torture. The State Department identified Syria, Egypt, and Saudi Arabia, among others, as countries practicing torture. Press reports make clear that since 9/11, the U.S. has flown 100–150 suspects to countries such as these. The State Department condemns Syria for torturing its prisoners, but Mr. Haynes blindly relies on Syria's promise that the prisoners we send there will be treated humanely.

Recent press reports also suggest that the assurances of humane treatment sought by the CIA are worth very little. According to today's Washington Post, ''one government official who visited several foreign prisons where suspects were rendered by the CIA said . . . 'It's widely understood that the interrogation practices that would be illegal in the U.S. are being used.' '' The official also said, ''they say they are not abusing them . . . but we all know they do.''

According to the Post, an Arab diplomat, whose country is actively engaged in counterterrorism alongside the CIA said it was unrealistic to believe the CIA really wants to follow up on assurances. He said: ''It would be stupid to keep track of them because then you would know what's going on.'' He said, ''it's like don't ask don't tell.''

So, it seems that we are not fooling anybody but the American public.

We are a Nation of laws, not hypocrites. Our country is strong and our constitutional system has endured because it permits us to do great things and still ensure that we treat people fairly and humanely. We are not supposed to ''disappear'' people here.

Yet, that is exactly what rendition and the related tactic of ''ghost detainees'' amounts to, making people vanish into a shadowy world of secret abuse. In his report on the abuses at Abu Ghraib prison, MG. Antonio Taguba wrote that prisoners had not been registered as required by Army regulations and they were being moved around to avoid detection by the Red Cross. General Taguba called the practice ''deceptive, contrary to Army doctrine, and in violation of international law.'' Last September, Army investigators told the Senate Armed Services Committee that as many as 100 detainees at Abu Ghraib had been hidden from the Red Cross at the CIA's direction.

Last month, the Associated Press reported that one of the ''ghost detainees'' held at Abu Ghraib, Manadel al-Jamadi, died in November 2003 under CIA interrogation. He had been suspended by his wrists, with his hands cuffed behind his back. According to an Army guard who was asked by the interrogator to adjust al-Jamadi's position, blood gushed from his mouth ''as if a faucet had been turned on'' after he was released from his shackles.

Behavior like that forces us all to ask, ''what has America become?''

The issue shows no signs of abating. Article 49 of the Fourth Geneva Convention states that transfers of detainees from occupied territory to any other country ''are prohibited, regardless of their motive.'' Violations of the Article constitute ''grave breaches'' of the Treaty and qualify as ''war crimes'' under Federal law. Nevertheless, a Justice Department memorandum in March, 2004 re-interpreted the Treaty to allow the CIA to remove prisoners from Iraq for the purpose of ''facilitating interrogation.'' According to press reports, the CIA used this ''Goldsmith Memorandum'' as justification to transport ''as many as a dozen detainees'' out of Iraq. The legal analysis in the memorandum is an embarrassment. Yet it appears to have provided the legal justification for the CIA to commit war crimes.

The New York Times recently reported that the U.S. plans to transfer as many as half the 550 detainees held at Guantanamo Bay to prisons in other countries. This week, a Federal judge blocked the government from transferring 13 citizens of Yemen until a hearing can be held on the propriety of the move. Lawyers for the detainees expressed concern that the prisoners would be delivered into the hands of torture.

Even worse, last week Attorney General Gonzales defended the practice of rendition, despite admitting that he ''can't fully control'' what other nations do and that he doesn't know whether countries have always complied with their promises.

Congress can't allow these shameful tactics to continue. Senator LEAHY's bill is designed to prevent them. It states that no person in the custody or control of the United States can be sent to another country on the State Department list of countries that commit torture. Nor, may any person be sent to a country, even if it is not on the State Department list, where there are grounds to believe the person would be in danger of being tortured. The bill states that mere diplomatic assurances that detainees will be treated humanely are not sufficient to permit a detainee's transfer. Instead, in certain circumstances, the act permits delivery of the detainee where there is an actual mechanism to verify that the person will not be tortured, such as by allowing unfettered access to the detainee by humanitarian organizations.

The Bush administration's has clearly condoned the use of torture and abuse by our own government, as well as handing prisoners over to other countries for the same purpose. Officials have approved and used interrogation techniques that include feigning suffocation, feigning drowning, ''stress positions,'' sleep deprivation, and the use of unmuzzled dogs. According to one report, ''The methods employed by the CIA are so severe that senior officials of the Federal Bureau of Investigation have directed its agents to stay out of many of the interviews of the high-level detainees . . . ''because the FBI fears that the techniques could subject their agents to criminal lawsuits.

The anti-rendition bill offered today is a way to start addressing the problem. It deserves to pass as soon as possible. Torture and other abuses of prisoners in Iraq, Afghanistan, and Guantanamo have done immense damage to America's standing in the world and has clearly made the war on terrorism harder to win. We need to repair that damage and re-claim our national commitment to fairness and decency.

As Edmund Burke said, ''The only thing necessary for the triumph of evil is for good men to do nothing.'' We in Congress have it in our power to prevent the triumph of an evil practice. Knowing what we now know, the Senate cannot simply look away and do nothing. I urge my colleagues to support us in ending these despicable abuses.

By Mr. ENSIGN (for himself and Ms. LANDRIEU):

S. 657. A bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services; to the Committee on Finance.

Mr. ENSIGN. Mr. President, today I introduced a bill that would expand access to speech-language pathology care.

Speech-language pathology, or speech therapy, includes services for patients with speech, hearing and language disorders, which result in communication disabilities. Speech therapy also includes the diagnosis and treatment of swallowing disorders, regardless of the presence of communications disability. Communications disabilities most frequently affect patients who suffer from a stroke, tumor, head injury, or have been diagnosed with Parkinson's disease, amyotrophic lateral sclerosis (ALS) , or other neuromuscular diseases.

As a result of a legislative anomaly, patients cannot receive Medicare coverage for speech-language pathology care in a private practice setting. Under the Medicare program, the same patient is able to receive such care in a hospital, skilled nursing facility, or rehabilitation facility. This bill would not create a new benefit. Rather, it would provide a technical correction to a section of Medicare statute that originated more than 30 years ago. Under current law, physical therapy and occupational therapy care can be received by patients in the private practice setting.

In 1972, speech-language pathology services were added to the Medicare statute under the physical therapy definition section. 14 years later, occupational therapy was defined under a separate section. Unlike speech-language pathology services, occupational therapy services were not incorporated within the physical therapy definition. As a result, a patient can receive both physical and occupational therapy care in an independent practice setting. The legislation I am introducing today would enable patients to likewise receive speech-language therapy services in private practice settings.

Without this legislative fix, beneficiaries may confront situations in which they either do not have access to a Medicare-covered setting or do not meet the requirements to receive care from other settings. This can be especially problematic in rural communities with fewer hospitals, skilled nursing facilities, and rehabilitation facilities.

For example, consider an elderly patient who is discharged from a hospital, but requires follow-up physical therapy and speech-language pathology care. The patient would be able to obtain necessary physical therapy care in an independent practice setting, but would not be able to receive necessary speech-language pathology care in the same setting. The patient would have to see the necessary speech-language pathology care in another Medicare setting, possibly having to travel farther distances to receive such care or not receive it all.

Essentially, the legislation I am introducing today would ensure that patients have access to speech-language pathology services, particularly in rural areas. I urge my colleagues to join me in supporting this commonsense legislation.

This legislation compliments the measure I introduced last month, called the Medicare Access to Rehabilitation Services Act (S. 438). Both bills ensure access to needed therapy care within the Medicare program. I am committed to working toward their enactment and believe that they will help Medicare beneficiaries obtain the quality health care that they deserve.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. ALLARD, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DEWINE, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, and Mr. TALENT):

S. 658. A bill to amend the Public Health Service Act to prohibit human cloning; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I rise to speak on the Brownback-Landrieu Human Cloning Prohibition Act, which we introduce today.

The Brownback-Landrieu Human Cloning Prohibition Act remains the only effective ban on human cloning.

This legislation has passed the U.S. House of Representatives twice by large margins. This bill would also bring the U.S. into conformity with the recent vote at the United Nations, where the General Assembly called on all member states ''to prohibit all forms of human cloning'' by a strong 84 to 34 margin.

President Bush has also spoken eloquently on the Brownback-Landrieu Human Cloning Prohibition Act, when he ''wholeheartedly'' endorsed the legislation.

The President said: ''Human cloning is deeply troubling to me, and to most Americans. Life is a creation, not a commodity.

''Our children are gifts to be loved and protected, not products to be designed and manufactured. Allowing cloning would be taking a significant step toward a society in which human beings are grown for spare body parts, and children are engineered to custom specifications; and that's not acceptable. . . .

''I strongly support a comprehensive law against all human cloning. And I endorse the bill wholeheartedly endorse the bill—sponsored by Senator BROWNBACK and Senator MARY LANDRIEU.''

The President could hardly have been clearer.

We should take a stand against those that would turn young human beings into commodities and spare parts. We should not use human life for research purposes.

The legislation introduced by Sen. LANDRIEU and myself, along with over one quarter of the Senate, answers that human life should not be used for research purposes.

Let there be no doubt. Science affirms that the young human, at his or her earliest moments of life, is a human. It is wrong to treat another person as a piece of property that can be bought and sold, created and destroyed, all at the will of those in power.

The issue of human cloning—and specifically how we treat the young human—will determine the kind of future we will give to our children and grandchildren.

The essential question is whether or not we will allow human beings to be produced, to preordained specifications, for their eventual implantation or destruction, depending upon the intentions of the technicians who created them.

Will we create life simply to destroy it?

I firmly believe that human life should be cherished and that human dignity should be protected.

I also firmly believe that ethically-sound research should proceed in the search for cures. The legislation that we introduce today takes a very thoughtful approach and is careful not to ban or interfere with gene therapy, IVF practices, or DNA, cell or tissue cloning—other than with cloned embryos.

Now, some of our colleagues will tell you that they oppose 'reproductive cloning,' but then turn around and call for 'therapeutic cloning' or 'SCNT.' Whether intentional or not, to argue that there are different types of human cloning creates a distinction that simply does not exist.

All human cloning is 'reproductive.' The question is simply: What do you do with the young, cloned human? Do you implant it and bring it to birth—like the sheep Dolly—or do you research on and kill the young human being, as advocates of so-called 'therapeutic' cloning would have us do?

Any other so-called human cloning bans, outside of the Brownback-Landrieu Human Cloning Prohibition Act, are not enforceable. Once the

young human has been cloned, you cannot distinguish it from any other human embryo produced by IVF or embodied sexual intercourse.

If so-called 'therapeutic' human cloning proceeds—and there are no laws in the U.S. against it—one of these human clones will be implanted, and there is nothing we can do to stop human cloning once we reach this point.

Even if we detected a clonal human pregnancy, nothing could be done about it. Any remedies or punishments would be highly unpopular and unenforceable.

As I have already stated, over a quarter of all U.S. Senators have agreed to be original cosponsors of this bill, and it is our intention to press for a clean vote in the Senate during the 109th Congress.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GRASSLEY, and Mrs. LINCOLN):

S. 661. A bill to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes, to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Tax Court Modernization Act. I am joined in this legislation by the Chairman and Ranking Democrat of the Finance Committee, Senator GRASSLEY and Senator BAUCUS, and my colleague Senator LINCOLN.

The United States Tax Court plays an important role in our tax system. However, it has been years since Congress has taken a good hard look at the Tax Court. This bipartisan piece of legislation will improve this Court in a number of ways, and I would like to take a moment to summarize some of its provisions.

First, the TCMA would make minor changes in the Tax Court's jurisdiction. These are small changes that will have a big impact on the Court's efficiency. For example, the bill would allow the Tax Court to hire employees on its own, just as other courts do. Currently, the Tax Court is forced to hire through the Executive Branch's Office of Personnel Management, entangling the executive power with the judicial power. Restoring the constitutional separation of powers in the hiring process will increase the independence of the Tax Court.

Second, the TCMA would improve the way that Tax Court judges receive retirement benefits and other non-salary benefits. I believe that Tax Court judges should be treated the same way that bankruptcy, Court of Federal Claims, and Article III judges are treated when it comes to fringe benefits.

Tax Court judges are often not provided with the same benefits as similarly appointed Article I and Article III judges. For example, Congress allows Article III, bankruptcy, and Court of Federal Claims judges to participate in the Thrift Savings Plan in addition to the Civil Service Retirement System, while Tax Court judges are ineligible to participate in this program. These disparities in the treatment of our Tax Court judges affect the Court's ability to attract and retain seasoned judges, as well as talented employees.

This legislation is non-controversial and is the result of many years of work. The Finance Committee passed the bill three separate times during the 108th Congress, but it unfortunately was not included in a vehicle that made it to enactment. Hopefully, we will be able to get these provisions to the President's desk this year.

I have spent many years observing the Federal judiciary. I have spent many years trying to improve the Judicial Branch of our government and to make it the very finest court system the world has ever known. I look forward to working with my colleagues on the Senate Finance Committee on this important piece of legislation. I urge my colleagues, both on the Finance Committee and in the Senate as a whole, to support this legislation.

I ask unanimous consent to print in the RECORD a summary of the provisions of the U.S. Tax Court Modernization Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. TAX COURT MODERNIZATION ACT
SUMMARY OF PROVISIONS

Jurisdiction of Tax Court over collection due process cases. Currently, if a taxpayer's underlying tax liability does not relate to income taxes or a type of tax over which the Tax Court normally has deficiency jurisdiction, there is no opportunity for Tax Court review and the taxpayer must file in a District Court to obtain review. This provision consolidates judicial review of collection due process activity in the Tax Court.

Authority for special trial judges to hear and decide certain employment status cases. This provision clarifies that the Tax Court may authorize its special trial judges to enter decisions in employment status cases that are subject to small case proceedings under section 7436(c).

Confirmation of authority of Tax Court to apply doctrine of equitable recoupment. The common-law principle of equitable recoupment permits a party to assert an otherwise time-barred claim to reduce or defeat an opponent's claim if both claims arise from the same transaction. This provision confirms statutorily that the Tax Court may apply equitable recoupment principles to the same extent as District Courts and the Court of Federal Claims.

Tax Court filing fee in all cases commenced by filing petition. This provision clarifies, in keeping with current Tax Court procedure, that the Tax Court is authorized to impose a $60 filing fee for all cases commenced by petition. The proposal would eliminate the need to amend section 7451 each time the Tax Court is granted new jurisdiction.

Amendments to appoint employees. Currently, the Tax Court has to go to the executive branch, the Office of Personnel Management, to change a position. It is inappropriate to require the Tax Court to seek permission from the executive since that branch is a party (Commissioner of Internal Revenue) before the Tax Court. This change would allow the Tax Court to be independent in fact and perception from the Executive Branch while ensuring that basic employee rights, protections, and remedies are retained or required in an appropriate way (e.g., whistleblower protection, civil rights, merit system principles, etc.).

Expanded use of Tax Court practice fee for pro se taxpayers. The Tax Court is authorized to charge practitioners a fee of up to $30 per year and to use these fees to pursue disciplinary matters. The provision expands use of these fees to provide services to pro se taxpayers. Fees could be used for education programs for pro se taxpayers.

Annuities for survivors of Tax Court judges who are assassinated. The reality is that many people do not like to pay taxes. There is as much risk of a Tax Court judge being assassinated as any other Federal judge. The proposal would conform the treatment of Tax Court judges to District Court judges.

Cost-of-living adjustments for Tax Court judicial survivor annuities. All Federal employees have this provision except the Tax Court. Survivors of Tax Court judges are subject to an obsolete method of indexing.

Life insurance coverage for Tax Court judges. This simply codifies current Office of Personnel Management interpretation, as was previously done for District Court judges.

Cost of life insurance coverage for Tax Court judges age 65 or over. Congress established the Tax Court in 1969 and required that Tax Court judges receive the same compensation as District Court judges. The District Court judges were given this benefit to ensure that there was no diminution of their compensation (as required by the Constitution). This provision is in keeping with the original intent of Congress.

Modification of timing of lump-sum payment of judge's accrued annual leave. District Court judges are allowed to receive a lump-sum payment due to the life-time tenure of Article III judges. Tax Court judges, while they have a 15 year term, effectively have a life-time term because they are always subject to recall.

Participation of Tax Court judges in the Thrift Savings Plan. The proposal would allow Tax Court judges to participate in Thrift Savings Plan. Currently, only 19 federal government employees are left out of the Thrift Savings Plan (i.e., Tax Court judges).

Exemption of teaching compensation of retired judges for limitation on outside earned income. After retirement, Tax Court judges should have the same ability to teach as District Court judges.

General provisions relating to magistrate judges of the Tax Court. ''Magistrate'' is more recognizable to the American public because it is the term used by Article III courts. The provision changes the term ''Special Trial Judge'' to ''Magistrate Judge of the United States Tax Court'' and provides for alignment of term of office and removal applicable to District Court magistrate judges.

Annuities to surviving spouses and dependent children of magistrate judges of the Tax Court. This section gives Magistrates/Special Trial Judges the same advantages as Tax Court judges, thus ensuring a greater pool of participants in the fund.

Retirement and annuity program for magistrate judges. A retirement and annuity program more aligned with District Court Magistrates and the Tax Court judges is key for attracting and retaining qualified judges.

Incumbent magistrate judges of the Tax Court. The provision provides transition rules similar to those given to the District Court magistrate judges.

Provisions for recall. Article III judges are ''self-recalling'' (i.e., they decide for themselves whether they are recalled). In contrast, Tax Court judges are subject mandatory recall by the Chief Judge. These provisions authorize the recall in a manner similar to those now applicable to the regular judges of the Court.

Mr. BAUCUS. Mr. President, I rise today to support the United States Tax Court Modernization Act. I am pleased to be an original cosponsor of this important legislation along with Senators HATCH, GRASSLEY and LINCOLN.

In 1969, Congress elevated the U.S. Tax Court as a Federal court of record under Article I of the Constitution of the United States. Congress created the Tax Court to provide a judicial forum in which affected persons could dispute tax deficiencies determined by the Commissioner of the Internal Revenue Service prior to payment of the disputed amounts. That means that the Tax Court's jurisdictional requirements are, in part, a recognition that lower and middle income taxpayers cannot necessarily pay the tax deficiency before taking their dispute to court.

Congress also closely linked the legislation governing the Tax Court with the laws governing the Article III District Courts. Unfortunately, the Congress did not include the Tax Court in the changes made for Article III courts.

This legislation is designed to restore parity between the Tax Court and Article III courts, and to modernize their personnel and pension systems.

I thank Senator HATCH for sponsoring the legislation. I also want to thank former Senator Breaux, who sponsored the legislation in the last Congress and who was a strong advocate for the Tax Court as well as this package of modernization provisions.

This modernization package is noncontroversial and long overdue. In the 108th Congress, the Finance Committee passed the Tax Court legislation three times: as a stand alone bill, as part of the National Employee Savings and Trust Equity Guarantee Act, and as part of the Tax Administration Good Government Act.

The Finance Committee intends to mark-up the United States Tax Court Modernization Act next month. I fully expect the Committee to once again unanimously pass the legislation. I also hope that, soon after Committee action, Majority Leader FRIST and Minority Leader REID will bring the United States Tax Court Modernization Act to the floor for swift passage.

The Finance Committee and the House Ways & Means Committee fought to retain jurisdiction over the Tax Court as an Article I, rather than an Article III court. The Committees recognized the benefit to the American taxpayer of having a court composed of technical tax law experts. History has proven the wisdom of this decision. The Tax Court is composed of dedicated, talented, nonpartisan tax experts. Their commitment to public service is noble. We should recognize the commitment of our Tax Court judges by acting upon the responsibility that the Members before us, our predecessors on the Finance Committee and the House Ways and Means Committee, fought to retain by ensuring that the Tax Court modernization provisions become law during the 109th Congress.

By Ms. COLLINS (for herself, Mr. CARPER, and Mr. VOINOVICH):

S. 662. A bill to reform the postal laws of the United States; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today with my friend and colleague, Senator CARPER, to introduce the Postal Accountability and Enhancement Act of 2005, a bill designed to help the 225-year-old Postal Service meet the challenges of the 21st Century. This legislation represents the culmination of a process that began in the summer of 2002 when I introduced a bill to establish a Presidential Commission charged with examining the problems the Postal Service faces, and developing specific recommendations and legislative proposals that Congress and the Postal Service could implement.

I originally introduced the Postal Accountability and Enhancement Act last May. In June of 2004, the bill was unanimously reported out of the the Homeland Security and Governmental Affairs Committee. That bill, S. 2468, had the strong endorsements of the National Rural Letter Carriers Association, the National Association of Letter Carriers, the National Association of Postmasters of the United States, and the Coalition for a 21st Century Postal Service—which represents thousands of the major mailers, employee groups, small businesses, and other users of the mail. It also had the strong bi-partisan support of twenty-two members of the United States Senate. Unfortunately, due to a variety of factors, my efforts to have the bill considered before the full Senate were stalled.

Since last Fall, Administration representatives have become actively engaged in postal reform efforts, and have given me their commitment to working with Congress to ensure passage of a reform bill this year. I have every expectation that this will be the year comprehensive postal reform legislation is signed into law.

It has long been acknowledged that the financial and operational problems confronting the Postal Service are serious. At present, the Postal Service has more than $90 billion in unfunded liabilities and obligations, which include $1.8 billion in debt to the U.S. Treasury, $7.6 billion for Workers' Compensation claims, $3.5 billion for retirement costs, and as much as $47 billion to cover retiree health care costs. The Government Accountability Office's Comptroller General, David Walker, has pointed to the urgent need for ''fundamental reforms to minimize the risk of a significant taxpayer bailout or dramatic postal rate increases.'' The Postal Service has been on GAO's ''High-Risk'' List since April of 2001. The Postal Service is at risk of a ''death spiral'' of decreasing volume and increasing rates that lead to further decreases in volume.

In December of 2003, President Bush announced the creation of a bipartisan commission charged with identifying the operational, structural, and financial challenges facing the U.S. Postal Service. The President charged this commission with examining all significant aspects of the Postal Service with the goal of recommending legislative and administrative reforms to ensure its long-term viability.

The President's Commission conducted seven public hearings across the country at which they heard from numerous witnesses. On July 31, 2003, the Commission released its final report, making 35 legislative and administrative recommendations for the reform of the Postal Service.

As I read through the Commission's report, I was struck by what I considered the Commission's wake up call to Congress: its statement that ''an incremental approach to Postal Service reform will yield too little, too late given the enterprise's bleak fiscal outlook, the depth of current debt and unfunded obligations, the downward trend in First-Class mail volumes and the limited potential of its legacy postal network that was built for a bygone era.'' That is a very strong statement, and one that challenged both the Postal Service and Congress to embrace far-reaching reforms.

To the relief of many, including myself, the Commission did not recommend privatization of the Postal Service. Instead, the Commission sought to find a way for the Postal Service to do, as Co-Chair Jim Johnson described to me, ''an overwhelmingly better job under the same general structure.''

The Postal Service plays a vital role in our economy. The Service itself employs more than 750,000 career employees. Less well known is the fact that it is also the linchpin of a $900-billion mailing industry that employs 9 million Americans in fields as diverse as direct mailing, printing, catalog production, paper manufacturing, and financial services. The health of the

Postal Service is essential to the vitality of thousands of companies and the millions that they employ.

One of the greatest challenges for the Postal Service is the decrease in mail volume as business communications, bills and payments move more and more to the Internet. The Postal Service has experienced declining volumes of First-Class mail for three straight years. This is highly significant, given that First-Class mail accounts for 48 percent of total mail volume, and the revenue it generates pays for more than two-thirds of the Postal Service's institutional costs.

The Postal Service also faces the difficult task of trying to cut costs from its nationwide infrastructure and transportation network. These costs are difficult to cut. Even though volumes may be decreasing, carriers must still deliver six days a week to more than 139 million addresses.

As Chairman of the Committee on Homeland Security and Governmental Affairs, I held a series of eight hearings, including a joint hearing with the House, during which we reviewed the recommendations of the President's Commission. The bill Senator CARPER and I introduce today reflects what the Committee learned from dozens of witnesses.

First and foremost, the Collins-Carper bill preserves the basic features of universal service—affordable rates, frequent delivery, and convenient community access to retail postal services. As a Senator representing a large, rural State, I want to ensure that my constituents living in the northern woods, or on the islands, or in our many rural small towns have the same access to postal services as the people of our cities. If the Postal Service were no longer to provide universal service and deliver mail to every customer, the affordable communication link upon which many Americans rely would be jeopardized. Most commercial enterprises would find it uneconomical, if not impossible, to deliver mail and packages to rural Americans at rates charged by the Postal Service.

The Collins-Carper bill allows the Postal Service to maintain its current mail monopoly, and retain its sole access to customer mailboxes. It grants the Postal Service Board of Governors the authority to set rates for competitive products like Express Mail and Parcel Post, as long as these prices do not result in cross subsidy from market-dominant products. As a safeguard, our bill establishes a 30 day prior review period during which the proposed rate changes shall be reviewed by the Postal Regulatory Commission.

It replaces the current lengthy and litigious rate-setting process with a rate cap-based structure for market-dominant products such as First-Class Mail, periodicals and library mail. This would allow the Postal Service to react more quickly to changes in the mailing industry. The rate caps would be linked to the Consumer Price Index. The goal would be to make rate increases more predictable and less frequent and to provide incentives for the Postal Service to operate efficiently. Price changes for market-dominant products would be subject to a 45 day prior review period by the Postal Regulatory Commission.

Our bill would introduce new safeguards against unfair competition by the Postal Service in competitive markets. Subsidization of competitive products by market-dominant products would be expressly forbidden, and an equitable allocation of institutional costs to competitive products would be required.

The President's Commission recommended that the regulator be granted the authority to make changes to the Postal Service's universal service obligation and monopoly. The vast majority of the postal community, however, shared my belief that these are important policy determinations that should be retained by Congress. The Collins-Carper bill keeps those public policy decisions in congressional hands.

The existing Postal Rate Commission would be transformed into the Postal Regulatory Commission with greatly enhanced authority. Under current law, the Rate Commission has very narrow authority. We wanted to ensure that the Postal Service management has both greater latitude and stronger oversight. Among other things, the Postal Regulatory Commission will have the authority to regulate rates for non-competitive products and services; ensure financial transparency; establish limits on the accumulation of retained earnings by the Postal Service; obtain information from the Postal Service, if need be, through the use of new subpoena power; and review and act on complaints filed by those who believe the Postal Service has exceeded its authority. Members of the Postal Regulatory Board will be selected solely on the basis of their demonstrated experience and professional standing. Senate confirmation of all Board Members will be required.

To meet the Presidential Commission's call for increased financial transparency, the Collins-Carper bill will require the Postal Service to file with the Postal Regulatory Commission certain Securities and Exchange Commission financial disclosure forms, along with detailed annual reports on the status of the Postal Service's pension and postretirement health obligations.

The Governmental Affairs Committee dedicated two hearings to the examination of the Commission's workforce-related recommendations. The Postal Service is a highly labor intensive organization, using $3 out of every $4 to pay the wages and benefits of its employees. Their workforce is comprised of more than 700,000 dedicated letter carriers, clerks, mail handlers, postmasters, and others, many of whom place great value on their right to collectively bargain. Our bill reaffirms that right. This bill only makes changes to the bargaining process that have been agreed to by both the Postal Service and the four major unions. We replace the rarely used fact-finding process with mediation, and shorten statutory deadlines for certain phases of the bargaining process.

Additionally, the Collins-Carper bill corrects what I believe to be an anomaly in the federal workers' compensation law that results in high costs for the Postal Service. Under the Federal Employees Compensation Act (FECA), federal employees with dependents are eligible for 75 percent of their take-home pay, tax free, plus cost of living allowances. In addition, there is no maximum dollar cap on FECA payments. As a result, employees often opt not to retire, staying on the more generous workers' compensation program permanently.

According to a March 2003 audit issued by the Postal Service's Office of Inspector General, the Postal Service's workers' compensation rolls include 81 cases that originated 40 to 50 years ago, with the oldest recipient being 102 years old. The IG's office found 778 cases that originated 30 to 40 years ago; and 1,189 cases that originated 20 to 29 years ago.

The Collins-Carper bill works to protect the financial resources of the Postal Service by converting workers' compensation benefits for total or partial disability to a retirement annuity when the affected employee reaches 65 years of age. This change would reflect the fact that disabled postal employees would likely retire at some point were they not receiving workers' compensation. I would like to note that the average postal employee retires far earlier than age 65, so this is still a generous program. It is important to point out that the Postal Service has reduced their workplace injury rate by twenty-eight percent over the past three years.

The Collins-Carper bill also puts into place a three-day waiting period before an employee is eligible to receive 45 days of continuation of pay. This is consistent with every state's workers' compensation program that requires a three- to seven-day waiting period before benefits are paid.

To address the President's Commission's recommendation for improved executive compensation, this bill will allow the Postal Service to raise their overall executive compensation level from Executive Level 1 to that of the Vice President. This would bring the Postal Service in line with authority granted to federal agencies. This new authority will be contingent upon the

development of a meaningful performance appraisal system.

Our bill has reached an important compromise on the issue of workshare discounts. The workshare program was developed by the Postal Service and the Postal Rate Commission to enable customers to pay lower rates when they perform mail preparation or transportation activities. The language in our bill supports the principle that workshare discounts should generally not exceed the costs that the Postal Service avoids as a result of the worksharing activity. However, the bill spells out certain circumstances under which workshare discounts in excess of avoided costs are warranted.

Finally, our bill would repeal a provision of Public Law 108–18 which requires that money owed to the Postal Service due to an overpayment into the Civil Service Retirement System Fund be held in an escrow account. Repealing this provision would essentially ''free up'' $78 billion over a period of 60 years. These savings would be used to not only pay off debt to the U.S. Treasury and to fund health care liabilities, but also to mitigate rate increases as well. In fact, failure to release these escrow funds could mean, for mailers, a double-digit rate increase in 2006—an expense most American businesses and many consumers are ill-equipped to afford.

The bill would also return to the Department of Treasury the responsibility for funding CSRS pension benefits relating to the military service of postal retirees. No other agency is required to make this payment. Ratepayers should not be held responsible for this $27 billion obligation.

The Postal Service has reached a critical juncture. If we are to save and strengthen this vital service upon which so many Americans rely for communication and their livelihoods, the time to act is now.

I look forward to working with all of my colleagues in the Senate, and House Government Reform and Oversight Committee Chairman TOM DAVIS, who, together with Congressman JOHN MCHUGH, also recently introduced a postal reform bill, H.R. 22.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 662

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 ''Postal Accountability and Enhancement Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—DEFINITIONS; POSTAL SERVICES

Sec. 101. Definitions.
Sec. 102. Postal services.

TITLE II—MODERN RATE REGULATION

Sec. 201. Provisions relating to market-dominant products.
Sec. 202. Provisions relating to competitive products.
Sec. 203. Provisions relating to experimental and new products.
Sec. 204. Reporting requirements and related provisions.
Sec. 205. Complaints; appellate review and enforcement.
Sec. 206. Clerical amendment.

TITLE III—MODERN SERVICE STANDARDS

Sec. 301. Establishment of modern service standards.
Sec. 302. Postal service plan.

TITLE IV—PROVISIONS RELATING TO FAIR COMPETITION

Sec. 401. Postal Service Competitive Products Fund.
Sec. 402. Assumed Federal income tax on competitive products income.
Sec. 403. Unfair competition prohibited.
Sec. 404. Suits by and against the Postal Service.
Sec. 405. International postal arrangements.

TITLE V—GENERAL PROVISIONS

Sec. 501. Qualification and term requirements for Governors.
Sec. 502. Obligations.
Sec. 503. Private carriage of letters.
Sec. 504. Rulemaking authority.
Sec. 505. Noninterference with collective bargaining agreements.
Sec. 506. Bonus authority.

TITLE VI—ENHANCED REGULATORY COMMISSION

Sec. 601. Reorganization and modification of certain provisions relating to the Postal Regulatory Commission.
Sec. 602. Authority for Postal Regulatory Commission to issue subpoenas.
Sec. 603. Appropriations for the Postal Regulatory Commission.
Sec. 604. Redesignation of the Postal Rate Commission.
Sec. 605. Financial transparency.

TITLE VII—EVALUATIONS

Sec. 701. Assessments of ratemaking, classification, and other provisions.
Sec. 702. Report on universal postal service and the postal monopoly.
Sec. 703. Study on equal application of laws to competitive products.
Sec. 704. Report on postal workplace safety and workplace-related injuries.
Sec. 705. Study on recycled paper.

TITLE VIII—POSTAL SERVICE RETIREMENT AND HEALTH BENEFITS FUNDING

Sec. 801. Short title.
Sec. 802. Civil Service Retirement System.
Sec. 803. Health insurance.
Sec. 804. Repeal of disposition of savings provision.
Sec. 805. Effective dates.

TITLE IX—COMPENSATION FOR WORK INJURIES

Sec. 901. Temporary disability; continuation of pay.
Sec. 902. Disability retirement for postal employees.

TITLE X—MISCELLANEOUS

Sec. 1001. Employment of postal police officers.
Sec. 1002. Expanded contracting authority.
Sec. 1003. Report on the United States Postal Inspection Service and the Office of the Inspector General of the United States Postal Service.
Sec. 1004. Sense of Congress regarding Postal Service purchasing reform.

TITLE I—DEFINITIONS; POSTAL SERVICES

SEC. 101. DEFINITIONS.

Section 102 of title 39, United States Code, is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting a semicolon, and by adding at the end the following:

''(5) 'postal service' refers to the physical delivery of letters, printed matter, or packages weighing up to 70 pounds, including physical acceptance, collection, sorting, transportation, or other functions ancillary thereto;

''(6) 'product' means a postal service with a distinct cost or market characteristic for which a rate or rates are applied;

''(7) 'rates', as used with respect to products, includes fees for postal services;

''(8) 'market-dominant product' or 'product in the market-dominant category of mail' means a product subject to subchapter I of chapter 36; and

''(9) 'competitive product' or 'product in the competitive category of mail' means a product subject to subchapter II of chapter 36; and

''(10) 'year', as used in chapter 36 (other than subchapters I and VI thereof), means a fiscal year.''.

SEC. 102. POSTAL SERVICES.

(a) IN GENERAL.—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and by redesignating paragraphs (7) through (9) as paragraphs (6) through (8), respectively; and

(2) by adding at the end the following:

''(c) Except as provided in section 411, nothing in this title shall be considered to permit or require that the Postal Service provide any special nonpostal or similar services.''.

(b) CONFORMING AMENDMENTS.—(1) Section 1402(b)(1)(B)(ii) of the Victims of Crime Act of 1984 (98 Stat. 2170; 42 U.S.C. 10601(b)(1)(B)(ii)) is amended by striking ''404(a)(8)'' and inserting ''404(a)(7)''.

(2) Section 2003(b)(1) of title 39, United States Code, is amended by striking ''and nonpostal''.

TITLE II—MODERN RATE REGULATION

SEC. 201. PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS.

(a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by striking sections 3621 and 3622 and inserting the following:

''§ 3621. Applicability; definitions

''(a) APPLICABILITY.—This subchapter shall apply with respect to—

''(1) first-class mail letters and sealed parcels;

''(2) first-class mail cards;

''(3) periodicals;

''(4) standard mail;

''(5) single-piece parcel post;

''(6) media mail;

''(7) bound printed matter;

''(8) library mail;

''(9) special services; and

''(10) single-piece international mail,

subject to any changes the Postal Regulatory Commission may make under section 3642.

''(b) RULE OF CONSTRUCTION.—Mail matter referred to in subsection (a) shall, for purposes of this subchapter, be considered to have the meaning given to such mail matter under the mail classification schedule.

''§ 3622. Modern rate regulation

''(a) AUTHORITY GENERALLY.—The Postal Regulatory Commission shall, within 12 months after the date of enactment of this section, by regulation establish (and may from time to time thereafter by regulation revise) a modern system for regulating rates and classes for market-dominant products.

''(b) OBJECTIVES.—Such system shall be designed to achieve the following objectives:

''(1) To reduce the administrative burden and increase the transparency of the ratemaking process while affording reasonable opportunities for interested parties to participate in that process.

''(2) To create predictability and stability in rates.

''(3) To maximize incentives to reduce costs and increase efficiency.

''(4) To enhance mail security and deter terrorism by promoting secure, sender-identified mail.

''(5) To allow the Postal Service pricing flexibility, including the ability to use pricing to promote intelligent mail and encourage increased mail volume during nonpeak periods.

''(6) To assure adequate revenues, including retained earnings, to maintain financial stability and meet the service standards established under section 3691.

''(7) To allocate the total institutional costs of the Postal Service equitably between market-dominant and competitive products.

''(c) FACTORS.—In establishing or revising such system, the Postal Regulatory Commission shall take into account—

''(1) the establishment and maintenance of a fair and equitable schedule for rates and classification system;

''(2) the value of the mail service actually provided each class or type of mail service to both the sender and the recipient, including but not limited to the collection, mode of transportation, and priority of delivery;

''(3) the requirement that each class of mail or type of mail service bear the direct and indirect postal costs attributable to each class or type of mail service plus that portion of all other costs of the Postal Service reasonably assignable to such class or type;

''(4) the effect of rate increases upon the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;

''(5) the available alternative means of sending and receiving letters and other mail matter at reasonable costs;

''(6) the degree of preparation of mail for delivery into the postal system performed by the mailer and its effect upon reducing costs to the Postal Service;

''(7) simplicity of structure for the entire schedule and simple, identifiable relationships between the rates or fees charged the various classes of mail for postal services;

''(8) the relative value to the people of the kinds of mail matter entered into the postal system and the desirability and justification for special classifications and services of mail;

''(9) the importance of providing classifications with extremely high degrees of reliability and speed of delivery and of providing those that do not require high degrees of reliability and speed of delivery;

''(10) the desirability of special classifications from the point of view of both the user and of the Postal Service;

''(11) the educational, cultural, scientific, and informational value to the recipient of mail matter;

''(12) the need for the Postal Service to increase its efficiency and reduce its costs, including infrastructure costs, to help maintain high quality, affordable, universal postal service; and

''(13) the policies of this title as well as such other factors as the Commission determines appropriate.

''(d) REQUIREMENTS.—

''(1) IN GENERAL.—The system for regulating rates and classes for market-dominant products shall—

''(A) require the Postal Regulatory Commission to set annual limitations on the percentage changes in rates based on inflation using indices, such as the Consumer Price Index for All Urban Consumers unadjusted for seasonal variation over the 12-month period preceding the date the Postal Service proposes to increase rates;

''(B) establish a schedule whereby rates, when necessary and appropriate, would change at regular intervals by predictable amounts;

''(C) not later than 45 days before the implementation of any adjustment in rates under this section—

''(i) require the Postal Service to provide public notice of the adjustment;

''(ii) provide an opportunity for review by the Postal Regulatory Commission;

''(iii) provide for the Postal Regulatory Commission to notify the Postal Service of any noncompliance of the adjustment with the limitation under subparagraph (A); and

''(iv) require the Postal Service to respond to the notice provided under clause (iii) and describe the actions to be taken to comply with the limitation under subparagraph (A); and

''(D) notwithstanding any limitation set under subparagraphs (A) and (C), establish procedures whereby rates may be adjusted on an expedited basis due to unexpected and extraordinary circumstances.

''(2) LIMITATIONS.—

''(A) CLASSES OF MAIL.—The annual limitations under paragraph (1)(A) shall apply to a class of mail, as defined in the Domestic Mail Classification Schedule as in effect on the date of enactment of the Postal Accountability and Enhancement Act.

''(B) ROUNDING OF RATES AND FEES.—Nothing in this subsection shall preclude the Postal Service from rounding rates and fees to the nearest whole integer, if the effect of such rounding does not cause the overall rate increase for any class to exceed the Consumer Price Index for All Urban Consumers.

''(e) WORKSHARE DISCOUNTS.—

''(1) DEFINITION.—In this subsection, the term 'workshare discount' refers to rate discounts provided to mailers for the presorting, prebarcoding, handling, or transportation of mail, as further defined by the Postal Regulatory Commission under subsection (a).

''(2) REGULATIONS.—As part of the regulations established under subsection (a), the Postal Regulatory Commission shall establish rules for workshare discounts that ensure that such discounts do not exceed the cost that the Postal Service avoids as a result of workshare activity, unless—

''(A) the discount is—

''(i) associated with a new postal service, a change to an existing postal service, or with a new workshare initiative related to an existing postal service; and

''(ii) necessary to induce mailer behavior that furthers the economically efficient operation of the Postal Service and the portion of the discount in excess of the cost that the Postal Service avoids as a result of the workshare activity will be phased out over a limited period of time;

''(B) a reduction in the discount would—

''(i) lead to a loss of volume in the affected category or subclass of mail and reduce the aggregate contribution to the institutional costs of the Postal Service from the category or subclass subject to the discount below what it otherwise would have been if the discount had not been reduced to costs avoided;

''(ii) result in a further increase in the rates paid by mailers not able to take advantage of the discount; or

''(iii) impede the efficient operation of the Postal Service;

''(C) the amount of the discount above costs avoided—

''(i) is necessary to mitigate rate shock; and

''(ii) will be phased out over time; or

''(D) the discount is provided in connection with subclasses of mail consisting exclusively of mail matter of educational, cultural, scientific, or informational value.

''(3) REPORT.—Whenever the Postal Service establishes or maintains a workshare discount, the Postal Service shall, at the time it publishes the workshare discount rate, submit to the Postal Regulatory Commission a detailed report that—

''(A) explains the Postal Service's reasons for establishing or maintaining the rate;

''(B) sets forth the data, economic analyses, and other information relied on by the Postal Service to justify the rate; and

''(C) certifies that the discount will not adversely affect rates or services provided to users of postal services who do not take advantage of the discount rate.

''(f) TRANSITION RULE.—Until regulations under this section first take effect, rates and classes for market-dominant products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were last in effect before the date of enactment of this section.''.

(b) REPEALED SECTIONS.—Sections 3623, 3624, 3625, and 3628 of title 39, United States Code, are repealed.

(c) REDESIGNATION.—Chapter 36 of title 39, United States Code (as in effect after the amendment made by section 601, but before the amendment made by section 202) is amended by striking the heading for subchapter II and inserting the following:

''SUBCHAPTER I—PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS''.

SEC. 202. PROVISIONS RELATING TO COMPETITIVE PRODUCTS.

Chapter 36 of title 39, United States Code, is amended by inserting after section 3629 the following:

''SUBCHAPTER II—PROVISIONS RELATING TO COMPETITIVE PRODUCTS

''§ 3631. Applicability; definitions and updates

''(a) APPLICABILITY.—This subchapter shall apply with respect to—

''(1) priority mail;

''(2) expedited mail;

''(3) bulk parcel post;

''(4) bulk international mail; and

''(5) mailgrams;

subject to subsection (d) and any changes the Postal Regulatory Commission may make under section 3642.

''(b) DEFINITION.—For purposes of this subchapter, the term 'costs attributable', as

used with respect to a product, means the direct and indirect postal costs attributable to such product.

''(c) RULE OF CONSTRUCTION.—Mail matter referred to in subsection (a) shall, for purposes of this subchapter, be considered to have the meaning given to such mail matter under the mail classification schedule.

''(d) LIMITATION.—Notwithstanding any other provision of this section, nothing in this subchapter shall be considered to apply with respect to any product then currently in the market-dominant category of mail.

''§ 3632. Action of the Governors

''(a) AUTHORITY TO ESTABLISH RATES AND CLASSES.—The Governors, with the written concurrence of a majority of all of the Governors then holding office, shall establish rates and classes for products in the competitive category of mail in accordance with the requirements of this subchapter and regulations promulgated under section 3633.

''(b) PROCEDURES.—

''(1) IN GENERAL.—Rates and classes shall be established in writing, complete with a statement of explanation and justification, and the date as of which each such rate or class takes effect.

''(2) PUBLIC NOTICE; REVIEW; AND COMPLIANCE.—Not later than 30 days before the date of implementation of any adjustment in rates under this section—

''(A) the Governors shall provide public notice of the adjustment and an opportunity for review by the Postal Regulatory Commission;

''(B) the Postal Regulatory Commission shall notify the Governors of any noncompliance of the adjustment with section 3633; and

''(C) the Governors shall respond to the notice provided under subparagraph (B) and describe the actions to be taken to comply with section 3633.

''(c) TRANSITION RULE.—Until regulations under section 3633 first take effect, rates and classes for competitive products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were as last in effect before the date of enactment of this section.

''§ 3633. Provisions applicable to rates for competitive products

''(a) IN GENERAL.—The Postal Regulatory Commission shall, within 180 days after the date of enactment of this section, promulgate (and may from time to time thereafter revise) regulations to—

''(1) prohibit the subsidization of competitive products by market-dominant products;

''(2) ensure that each competitive product covers its costs attributable; and

''(3) ensure that all competitive products collectively cover their share of the institutional costs of the Postal Service.

''(b) REVIEW OF MINIMUM CONTRIBUTION.—Five years after the date of enactment of this section, and every 5 years thereafter, the Postal Regulatory Commission shall conduct a review to determine whether the institutional costs contribution requirement under subsection (a)(3) should be retained in its current form, modified, or eliminated. In making its determination, the Commission shall consider all relevant circumstances, including the prevailing competitive conditions in the market, and the degree to which any costs are uniquely or disproportionately associated with any competitive products.''.

SEC. 203. PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS.

Subchapter III of chapter 36 of title 39, United States Code, is amended to read as follows:

''SUBCHAPTER III—PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS

''§ 3641. Market tests of experimental products

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Postal Service may conduct market tests of experimental products in accordance with this section.

''(2) PROVISIONS WAIVED.—A product shall not, while it is being tested under this section, be subject to the requirements of sections 3622, 3633, or 3642, or regulations promulgated under those sections.

''(b) CONDITIONS.—A product may not be tested under this section unless it satisfies each of the following:

''(1) SIGNIFICANTLY DIFFERENT PRODUCT.—The product is, from the viewpoint of the mail users, significantly different from all products offered by the Postal Service within the 2-year period preceding the start of the test.

''(2) MARKET DISRUPTION.—The introduction or continued offering of the product will not create an unfair or otherwise inappropriate competitive advantage for the Postal Service or any mailer, particularly in regard to small business concerns (as defined under subsection (h)).

''(3) CORRECT CATEGORIZATION.—The Postal Service identifies the product, for the purpose of a test under this section, as either market-dominant or competitive, consistent with the criteria under section 3642(b)(1). Costs and revenues attributable to a product identified as competitive shall be included in any determination under section 3633(3)(relating to provisions applicable to competitive products collectively). Any test that solely affects products currently classified as competitive, or which provides services ancillary to only competitive products, shall be presumed to be in the competitive product category without regard to whether a similar ancillary product exists for market-dominant products.

''(c) NOTICE.—

''(1) IN GENERAL.—At least 30 days before initiating a market test under this section, the Postal Service shall file with the Postal Regulatory Commission and publish in the Federal Register a notice—

''(A) setting out the basis for the Postal Service's determination that the market test is covered by this section; and

''(B) describing the nature and scope of the market test.

''(2) SAFEGUARDS.—For a competitive experimental product, the provisions of section 504(g) shall be available with respect to any information required to be filed under paragraph (1) to the same extent and in the same manner as in the case of any matter described in section 504(g)(1). Nothing in paragraph (1) shall be considered to permit or require the publication of any information as to which confidential treatment is accorded under the preceding sentence (subject to the same exception as set forth in section 504(g)(3)).

''(d) DURATION.—

''(1) IN GENERAL.—A market test of a product under this section may be conducted over a period of not to exceed 24 months.

''(2) EXTENSION AUTHORITY.—If necessary in order to determine the feasibility or desirability of a product being tested under this section, the Postal Regulatory Commission may, upon written application of the Postal Service (filed not later than 60 days before the date as of which the testing of such product would otherwise be scheduled to terminate under paragraph (1)), extend the testing of such product for not to exceed an additional 12 months.

''(e) DOLLAR-AMOUNT LIMITATION.—

''(1) IN GENERAL.—A product may only be tested under this section if the total revenues that are anticipated, or in fact received, by the Postal Service from such product do not exceed $10,000,000 in any year, subject to paragraph (2) and subsection (g).

''(2) EXEMPTION AUTHORITY.—The Postal Regulatory Commission may, upon written application of the Postal Service, exempt the market test from the limit in paragraph (1) if the total revenues that are anticipated, or in fact received, by the Postal Service from such product do not exceed $50,000,000 in any year, subject to subsection (g). In reviewing an application under this paragraph, the Postal Regulatory Commission shall approve such application if it determines that—

''(A) the product is likely to benefit the public and meet an expected demand;

''(B) the product is likely to contribute to the financial stability of the Postal Service; and

''(C) the product is not likely to result in unfair or otherwise inappropriate competition.

''(f) CANCELLATION.—If the Postal Regulatory Commission at any time determines that a market test under this section fails to meet 1 or more of the requirements of this section, it may order the cancellation of the test involved or take such other action as it considers appropriate. A determination under this subsection shall be made in accordance with such procedures as the Commission shall by regulation prescribe.

''(g) ADJUSTMENT FOR INFLATION.—For purposes of each year following the year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a), each dollar amount contained in this section shall be adjusted by the change in the Consumer Price Index for such year (as determined under regulations of the Commission).

''(h) DEFINITION OF A SMALL BUSINESS CONCERN.—The criteria used in defining small business concerns or otherwise categorizing business concerns as small business concerns shall, for purposes of this section, be established by the Postal Regulatory Commission in conformance with the requirements of section 3 of the Small Business Act.

''(i) EFFECTIVE DATE.—Market tests under this subchapter may be conducted in any year beginning with the first year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a).

''§ 3642. New products and transfers of products between the market-dominant and competitive categories of mail

''(a) IN GENERAL.—Upon request of the Postal Service or users of the mails, or upon its own initiative, the Postal Regulatory Commission may change the list of market-dominant products under section 3621 and the list of competitive products under section 3631 by adding new products to the lists, removing products from the lists, or transferring products between the lists.

''(b) CRITERIA.—All determinations by the Postal Regulatory Commission under subsection (a) shall be made in accordance with the following criteria:

''(1) The market-dominant category of products shall consist of each product in the sale of which the Postal Service exercises sufficient market power that it can effectively set the price of such product substantially above costs, raise prices significantly, decrease quality, or decrease output, without

risk of losing substantial business to other firms offering similar products. The competitive category of products shall consist of all other products.

''(2) EXCLUSION OF PRODUCTS COVERED BY POSTAL MONOPOLY.—A product covered by the postal monopoly shall not be subject to transfer under this section from the market-dominant category of mail. For purposes of the preceding sentence, the term 'product covered by the postal monopoly' means any product the conveyance or transmission of which is reserved to the United States under section 1696 of title 18, subject to the same exception as set forth in the last sentence of section 409(e)(1).

''(3) ADDITIONAL CONSIDERATIONS.—In making any decision under this section, due regard shall be given to—

''(A) the availability and nature of enterprises in the private sector engaged in the delivery of the product involved;

''(B) the views of those who use the product involved on the appropriateness of the proposed action; and

''(C) the likely impact of the proposed action on small business concerns (within the meaning of section 3641(h)).

''(c) TRANSFERS OF SUBCLASSES AND OTHER SUBORDINATE UNITS ALLOWABLE.—Nothing in this title shall be considered to prevent transfers under this section from being made by reason of the fact that they would involve only some (but not all) of the subclasses or other subordinate units of the class of mail or type of postal service involved (without regard to satisfaction of minimum quantity requirements standing alone).

''(d) NOTIFICATION AND PUBLICATION REQUIREMENTS.—

''(1) NOTIFICATION REQUIREMENT.—The Postal Service shall, whenever it requests to add a product or transfer a product to a different category, file with the Postal Regulatory Commission and publish in the Federal Register a notice setting out the basis for its determination that the product satisfies the criteria under subsection (b) and, in the case of a request to add a product or transfer a product to the competitive category of mail, that the product meets the regulations promulgated by the Postal Regulatory Commission under section 3633. The provisions of section 504(g) shall be available with respect to any information required to be filed.

''(2) PUBLICATION REQUIREMENT.—The Postal Regulatory Commission shall, whenever it changes the list of products in the market-dominant or competitive category of mail, prescribe new lists of products. The revised lists shall indicate how and when any previous lists (including the lists under sections 3621 and 3631) are superseded, and shall be published in the Federal Register.

''(e) PROHIBITION.—Except as provided in section 3641, no product that involves the physical delivery of letters, printed matter, or packages may be offered by the Postal Service unless it has been assigned to the market-dominant or competitive category of mail (as appropriate) either—

''(1) under this subchapter; or

''(2) by or under any other provision of law.''.

SEC. 204. REPORTING REQUIREMENTS AND RELATED PROVISIONS.

(a) REDESIGNATION.—Chapter 36 of title 39, United States Code (as in effect before the amendment made by subsection (b)) is amended—

(1) by striking the heading for subchapter IV and inserting the following:

''SUBCHAPTER V—POSTAL SERVICES, COMPLAINTS, AND JUDICIAL REVIEW''; and

(2) by striking the heading for subchapter V and inserting the following:

''SUBCHAPTER VI—GENERAL''.

(b) REPORTS AND COMPLIANCE.—Chapter 36 of title 39, United States Code, is amended by inserting after subchapter III the following:

''SUBCHAPTER IV—REPORTING REQUIREMENTS AND RELATED PROVISIONS

''§ 3651. Annual reports by the Commission

''(a) IN GENERAL.—The Postal Regulatory Commission shall submit an annual report to the President and the Congress concerning the operations of the Commission under this title, including the extent to which regulations are achieving the objectives under sections 3622, 3633, and 3691.

''(b) INFORMATION FROM POSTAL SERVICE.—The Postal Service shall provide the Postal Regulatory Commission with such information as may, in the judgment of the Commission, be necessary in order for the Commission to prepare its reports under this section.

''§ 3652. Annual reports to the Commission

''(a) COSTS, REVENUES, RATES, AND SERVICE.—Except as provided in subsection (c), the Postal Service shall, no later than 90 days after the end of each year, prepare and submit to the Postal Regulatory Commission a report (together with such nonpublic annex to the report as the Commission may require under subsection (e))—

''(1) which shall analyze costs, revenues, rates, and quality of service in sufficient detail to demonstrate that all products during such year complied with all applicable requirements of this title; and

''(2) which shall, for each market-dominant product provided in such year, provide—

''(A) product information, including mail volumes; and

''(B) measures of the service afforded by the Postal Service in connection with such product, including—

''(i) the level of service (described in terms of speed of delivery and reliability) provided; and

''(ii) the degree of customer satisfaction with the service provided.

Before submitting a report under this subsection (including any annex to the report and the information required under subsection (b)), the Postal Service shall have the information contained in such report (and annex) audited by the Inspector General. The results of any such audit shall be submitted along with the report to which it pertains.

''(b) INFORMATION RELATING TO WORKSHARE DISCOUNTS.—The Postal Service shall include, in each report under subsection (a), the following information with respect to each market-dominant product for which a workshare discount was in effect during the period covered by such report:

''(1) The per-item cost avoided by the Postal Service by virtue of such discount.

''(2) The percentage of such per-item cost avoided that the per-item workshare discount represents.

''(3) The per-item contribution made to institutional costs.

''(c) SERVICE AGREEMENTS AND MARKET TESTS.—In carrying out subsections (a) and (b) with respect to service agreements and experimental products offered through market tests under section 3641 in a year, the Postal Service—

''(1) may report summary data on the costs, revenues, and quality of service by service agreement and market test; and

''(2) shall report such data as the Postal Regulatory Commission requires.

''(d) SUPPORTING MATTER.—The Postal Regulatory Commission shall have access, in accordance with such regulations as the Commission shall prescribe, to the working papers and any other supporting matter of the Postal Service and the Inspector General in connection with any information submitted under this section.

''(e) CONTENT AND FORM OF REPORTS.—

''(1) IN GENERAL.—The Postal Regulatory Commission shall, by regulation, prescribe the content and form of the public reports (and any nonpublic annex and supporting matter relating to the report) to be provided by the Postal Service under this section. In carrying out this subsection, the Commission shall give due consideration to—

''(A) providing the public with timely, adequate information to assess the lawfulness of rates charged;

''(B) avoiding unnecessary or unwarranted administrative effort and expense on the part of the Postal Service; and

''(C) protecting the confidentiality of commercially sensitive information.

''(2) REVISED REQUIREMENTS.—The Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service data required by the Commission under this subsection whenever it shall appear that—

''(A) the attribution of costs or revenues to products has become significantly inaccurate or can be significantly improved;

''(B) the quality of service data has become significantly inaccurate or can be significantly improved; or

''(C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

''(f) CONFIDENTIAL INFORMATION.—

''(1) IN GENERAL.—If the Postal Service determines that any document or portion of a document, or other matter, which it provides to the Postal Regulatory Commission in a nonpublic annex under this section or under subsection (d) contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission of its determination, in writing, and describe with particularity the documents (or portions of documents) or other matter for which confidentiality is sought and the reasons therefor.

''(2) TREATMENT.—Any information or other matter described in paragraph (1) to which the Commission gains access under this section shall be subject to paragraphs (2) and (3) of section 504(g) in the same way as if the Commission had received notification with respect to such matter under section 504(g)(1).

''(g) OTHER REPORTS.—The Postal Service shall submit to the Postal Regulatory Commission, together with any other submission that the Postal Service is required to make under this section in a year, copies of its then most recent—

''(1) comprehensive statement under section 2401(e);

''(2) strategic plan under section 2802;

''(3) performance plan under section 2803; and

''(4) program performance reports under section 2804.

"§ 3653. Annual determination of compliance

''(a) OPPORTUNITY FOR PUBLIC COMMENT.—After receiving the reports required under section 3652 for any year, the Postal Regulatory Commission shall promptly provide an opportunity for comment on such reports by users of the mails, affected parties, and an officer of the Commission who shall be required to represent the interests of the general public.

''(b) DETERMINATION OF COMPLIANCE OR NONCOMPLIANCE.—Not later than 90 days after receiving the submissions required under section 3652 with respect to a year, the Postal Regulatory Commission shall make a written determination as to—

''(1) whether any rates or fees in effect during such year (for products individually or collectively) were not in compliance with applicable provisions of this chapter (or regulations promulgated thereunder); or

''(2) whether any service standards in effect during such year were not met.

If, with respect to a year, no instance of noncompliance is found under this subsection to have occurred in such year, the written determination shall be to that effect.

''(c) IF ANY NONCOMPLIANCE IS FOUND.—If, for a year, a timely written determination of noncompliance is made under subsection (b), the Postal Regulatory Commission shall take any appropriate remedial action authorized by section 3662(c).

''(d) REBUTTABLE PRESUMPTION.—A timely written determination described in the last sentence of subsection (b) shall, for purposes of any proceeding under section 3662, create a rebuttable presumption of compliance by the Postal Service (with regard to the matters described under paragraphs (1) and (2) of subsection (b)) during the year to which such determination relates.''.

SEC. 205. COMPLAINTS; APPELLATE REVIEW AND ENFORCEMENT.

Chapter 36 of title 39, United States Code, is amended by striking sections 3662 and 3663 and inserting the following:

"§ 3662. Rate and service complaints

''(a) IN GENERAL.—Any person (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of chapter 1, 4, or 6, or this chapter (or regulations promulgated under any of those chapters) may lodge a complaint with the Postal Regulatory Commission in such form and manner as the Commission may prescribe.

''(b) PROMPT RESPONSE REQUIRED.—

''(1) IN GENERAL.—The Postal Regulatory Commission shall, within 90 days after receiving a complaint under subsection (a), either—

''(A) begin proceedings on such complaint; or

''(B) issue an order dismissing the complaint (together with a statement of the reasons therefor).

''(2) TREATMENT OF COMPLAINTS NOT TIMELY ACTED ON.—For purposes of section 3663, any complaint under subsection (a) on which the Commission fails to act in the time and manner required by paragraph (1) shall be treated in the same way as if it had been dismissed under an order issued by the Commission on the last day allowable for the issuance of such order under paragraph (1).

''(c) ACTION REQUIRED IF COMPLAINT FOUND TO BE JUSTIFIED.—If the Postal Regulatory Commission finds the complaint to be justified, it shall order that the Postal Service take such action as the Commission considers appropriate in order to achieve compliance with the applicable requirements and to remedy the effects of any noncompliance including ordering unlawful rates to be adjusted to lawful levels, ordering the cancellation of market tests, ordering the Postal Service to discontinue providing loss-making products, and requiring the Postal Service to make up for revenue shortfalls in competitive products.

''(d) AUTHORITY TO ORDER FINES IN CASES OF DELIBERATE NONCOMPLIANCE.—In addition, in cases of deliberate noncompliance by the Postal Service with the requirements of this title, the Postal Regulatory Commission may order, based on the nature, circumstances, extent, and seriousness of the noncompliance, a fine (in the amount specified by the Commission in its order) for each incidence of noncompliance. Fines resulting from the provision of competitive products shall be paid out of the Competitive Products Fund established in section 2011. All receipts from fines imposed under this subsection shall be deposited in the general fund of the Treasury of the United States.

"§ 3663. Appellate review

''A person, including the Postal Service, adversely affected or aggrieved by a final order or decision of the Postal Regulatory Commission may, within 30 days after such order or decision becomes final, institute proceedings for review thereof by filing a petition in the United States Court of Appeals for the District of Columbia. The court shall review the order or decision in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, on the basis of the record before the Commission.

"§ 3664. Enforcement of orders

''The several district courts have jurisdiction specifically to enforce, and to enjoin and restrain the Postal Service from violating, any order issued by the Postal Regulatory Commission.''.

SEC. 206. CLERICAL AMENDMENT.

Chapter 36 of title 39, United States Code, is amended by striking the heading and analysis for such chapter and inserting the following:

"CHAPTER 36—POSTAL RATES, CLASSES, AND SERVICES

''SUBCHAPTER I—PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS

''Sec.
''3621. Applicability; definitions.
''3622. Modern rate regulation.
''[3623. Repealed.]
''[3624. Repealed.]
''[3625. Repealed.]
''3626. Reduced Rates.
''3627. Adjusting free rates.
''[3628. Repealed.]
''3629. Reduced rates for voter registration purposes.

''SUBCHAPTER II—PROVISIONS RELATING TO COMPETITIVE PRODUCTS

''3631. Applicability; definitions and updates.
''3632. Action of the Governors.
''3633. Provisions applicable to rates for competitive products.
''3634. Assumed Federal income tax on competitive products.

''SUBCHAPTER III—PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS

''3641. Market tests of experimental products.
''3642. New products and transfers of products between the market-dominant and competitive categories of mail.

''SUBCHAPTER IV—REPORTING REQUIREMENTS AND RELATED PROVISIONS

''3651. Annual reports by the Commission.
''3652. Annual reports to the Commission.
''3653. Annual determination of compliance.

''SUBCHAPTER V—POSTAL SERVICES, COMPLAINTS, AND JUDICIAL REVIEW

''3661. Postal Services.
''3662. Rate and service complaints.
''3663. Appellate review.
''3664. Enforcement of orders.

''SUBCHAPTER VI—GENERAL

''3681. Reimbursement.
''3682. Size and weight limits.
''3683. Uniform rates for books; films, other materials.
''3684. Limitations.
''3685. Filing of information relating to periodical publications.
''3686. Bonus authority.

''SUBCHAPTER VII—MODERN SERVICE STANDARDS

''3691. Establishment of modern service standards.''.

TITLE III—MODERN SERVICE STANDARDS

SEC. 301. ESTABLISHMENT OF MODERN SERVICE STANDARDS.

Chapter 36 of title 39, United States Code, as amended by this Act, is further amended by adding at the end the following:

''SUBCHAPTER VII—MODERN SERVICE STANDARDS

"§ 3691. Establishment of modern service standards

''(a) AUTHORITY GENERALLY.—Not later than 12 months after the date of enactment of this section, the Postal Service shall, in consultation with the Postal Regulatory Commission, by regulation establish (and may from time to time thereafter by regulation revise) a set of service standards for market-dominant products consistent with the Postal Service's universal service obligation as defined in sections 101 (a) and (b) and 403.

''(b) OBJECTIVES.—Such standards shall be designed to achieve the following objectives:

''(1) To enhance the value of postal services to both senders and recipients.

''(2) To preserve regular and effective access to postal services in all communities, including those in rural areas or where post offices are not self-sustaining.

''(3) To reasonably assure Postal Service customers delivery reliability, speed and frequency consistent with reasonable rates and best business practices.

''(4) To provide a system of objective external performance measurements for each market-dominant product as a basis for measurement of Postal Service performance.

''(c) FACTORS.—In establishing or revising such standards, the Postal Service shall take into account—

''(1) the actual level of service that Postal Service customers receive under any service guidelines previously established by the Postal Service or service standards established under this section;

''(2) the degree of customer satisfaction with Postal Service performance in the acceptance, processing and delivery of mail;

''(3) the needs of Postal Service customers, including those with physical impairments;

''(4) mail volume and revenues projected for future years;

''(5) the projected growth in the number of addresses the Postal Service will be required to serve in future years;

''(6) the current and projected future cost of serving Postal Service customers;

''(7) the effect of changes in technology, demographics, and population distribution on the efficient and reliable operation of the postal delivery system; and

''(8) the policies of this title and such other factors as the Commission determines appropriate.

''(d) REVIEW.—The regulations promulgated pursuant to this section (and any revisions thereto) shall be subject to review upon complaint under sections 3662 and 3663.

SEC. 302. POSTAL SERVICE PLAN.

(a) IN GENERAL.—Within 6 months after the establishment of the service standards under section 3691 of title 39, United States Code, as added by this Act, the Postal Service shall, in consultation with the Postal Regulatory Commission, develop and submit to Congress a plan for meeting those standards.

(b) CONTENTS.—The plan under this section shall—

(1) establish performance goals;

(2) describe any changes to the Postal Service's processing, transportation, delivery, and retail networks necessary to allow the Postal Service to meet the performance goals;

(3) describe any changes to planning and performance management documents previously submitted to Congress to reflect new performance goals; and

(4) contain the matters relating to postal facilities provided under subsection (c).

(c) POSTAL FACILITIES.—

(1) FINDINGS.—Congress finds that—

(A) the Postal Service has more than 400 logistics facilities, separate from its post office network;

(B) as noted by the President's Commission on the United States Postal Service, the Postal Service has more facilities than it needs and the streamlining of this distribution network can pave the way for the potential consolidation of sorting facilities and the elimination of excess costs;

(C) the Postal Service has always revised its distribution network to meet changing conditions and is best suited to address its operational needs; and

(D) Congress strongly encourages the Postal Service to—

(i) expeditiously move forward in its streamlining efforts; and

(ii) keep unions, management associations, and local elected officials informed as an essential part of this effort and abide by any procedural requirements contained in the national bargaining agreements.

(2) IN GENERAL.—The Postal Service plan shall include a description of—

(A) the long-term vision of the Postal Service for rationalizing its infrastructure and workforce; and

(B) how the Postal Service intends to implement that vision.

(3) CONTENT OF FACILITIES PLAN.—The plan under this subsection shall include—

(A) a strategy for how the Postal Service intends to rationalize the postal facilities network and remove excess processing capacity and space from the network, including estimated timeframes, criteria, and processes to be used for making changes to the facilities network, and the process for engaging policy makers and the public in related decisions;

(B) a discussion of what impact any facility changes may have on the postal workforce and whether the Postal Service has sufficient flexibility to make needed workforce changes; and

(C) an identification of anticipated costs, cost savings, and other benefits associated with the infrastructure rationalization alternatives discussed in the plan.

(4) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Postal Service shall prepare and submit a report to Congress on how postal decisions have impacted or will impact rationalization plans.

(B) CONTENTS.—Each report under this paragraph shall include—

(i) an account of actions taken during the preceding fiscal year to improve the efficiency and effectiveness of its processing, transportation, and distribution networks while preserving the timely delivery of postal services, including overall estimated costs and cost savings;

(ii) an account of actions taken to identify any excess capacity within its processing, transportation, and distribution networks and implement savings through realignment or consolidation of facilities including overall estimated costs and cost savings;

(iii) an estimate of how postal decisions related to mail changes, security, automation initiatives, worksharing, information technology systems, excess capacity, consolidating and closing facilities, and other areas will impact rationalization plans;

(iv) identification of any statutory or regulatory obstacles that prevented or will prevent or hinder the Postal Service from taking action to realign or consolidate facilities; and

(v) such additional topics and recommendations as the Postal Service considers appropriate.

(d) ALTERNATE RETAIL OPTIONS.—The Postal Service plan shall include plans to expand and market retail access to postal services, in addition to post offices, including—

(1) vending machines;

(2) the Internet;

(3) Postal Service employees on delivery routes;

(4) retail facilities in which overhead costs are shared with private businesses and other government agencies; or

(5) any other nonpost office access channel providing market retail access to postal services.

(e) REEMPLOYMENT ASSISTANCE AND RETIREMENT BENEFITS.—The Postal Service plan shall include—

(1) a plan under which reemployment assistance shall be afforded to employees displaced as a result of the automation of any of its functions or the closing and consolidation of any of its facilities; and

(2) a plan, developed in consultation with the Office of Personnel Management, to offer early retirement benefits.

(f) INSPECTOR GENERAL REPORT.—

(1) IN GENERAL.—Before submitting the plan under subsection (a) and each annual report under subsection (c) to Congress, the Postal Service shall submit the plan and each annual report to the Inspector General of the United States Postal Service in a timely manner to carry out this subsection.

(2) REPORT.—The Inspector General shall prepare a report describing the extent to which the Postal Service plan and each annual report under subsection (c)—

(A) are consistent with the continuing obligations of the Postal Service under title 39, United States Code;

(B) provide for the Postal Service to meet the service standards established under section 3691 of title 39, United States Code; and

(C) allow progress toward improving overall efficiency and effectiveness consistent with the need to maintain universal postal service at affordable rates.

(g) CONTINUED AUTHORITY.—Nothing in this section shall be construed to prohibit the Postal Service from implementing any change to its processing, transportation, delivery, and retail networks under any authority granted to the Postal Service for those purposes.

TITLE IV—PROVISIONS RELATING TO FAIR COMPETITION

SEC. 401. POSTAL SERVICE COMPETITIVE PRODUCTS FUND.

(a) PROVISIONS RELATING TO POSTAL SERVICE COMPETITIVE PRODUCTS FUND AND RELATED MATTERS.—

(1) IN GENERAL.—Chapter 20 of title 39, United States Code, is amended by adding at the end the following:

''§ 2011. Provisions relating to competitive products

''(a)(1) In this subsection, the term 'costs attributable' has the meaning given such term by section 3631.

''(2) There is established in the Treasury of the United States a revolving fund, to be called the Postal Service Competitive Products Fund, which shall be available to the Postal Service without fiscal year limitation for the payment of—

''(A) costs attributable to competitive products; and

''(B) all other costs incurred by the Postal Service, to the extent allocable to competitive products.

''(b) There shall be deposited in the Competitive Products Fund, subject to withdrawal by the Postal Service—

''(1) revenues from competitive products;

''(2) amounts received from obligations issued by Postal Service under subsection (e);

''(3) interest and dividends earned on investments of the Competitive Products Fund; and

''(4) any other receipts of the Postal Service (including from the sale of assets), to the extent allocable to competitive products.

''(c) If the Postal Service determines that the moneys of the Competitive Products Fund are in excess of current needs, the Postal Service may request the investment of such amounts as the Postal Service determines advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the Government of the United States, and, with the approval of the Secretary, in such other obligations or securities as the Postal Service determines appropriate.

''(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the Competitive Products Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

''(e)(1)(A) Subject to the limitations specified in section 2005(a), the Postal Service is authorized to borrow money and to issue and sell such obligations as the Postal Service determines necessary to provide for competitive products and deposit such amounts in the Competitive Products Fund.

''(B) Subject to paragraph (5), any borrowings by the Postal Service under subparagraph (A) shall be supported and serviced by—

''(i) the revenues and receipts from competitive products and the assets related to the provision of competitive products (as determined under subsection (h)); or

''(ii) for purposes of any period before accounting practices and principles under subsection (h) have been established and applied, the best information available from the Postal Service, including the audited statements required by section 2008(e).

''(2) The Postal Service may enter into binding covenants with the holders of such obligations, and with any trustee under any agreement entered into in connection with the issuance of such obligations with respect to—

''(A) the establishment of reserve, sinking, and other funds;

''(B) application and use of revenues and receipts of the Competitive Products Fund;

''(C) stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service; and

''(D) such other matters as the Postal Service, considers necessary or desirable to enhance the marketability of such obligations.

''(3) Obligations issued by the Postal Service under this subsection—

''(A) shall be in such forms and denominations;

''(B) shall be sold at such times and in such amounts;

''(C) shall mature at such time or times;

''(D) shall be sold at such prices;

''(E) shall bear such rates of interest;

''(F) may be redeemable before maturity in such manner, at such times, and at such redemption premiums;

''(G) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

''(H) shall be subject to such other terms and conditions,

as the Postal Service determines.

''(4) Obligations issued by the Postal Service under this subsection—

''(A) shall be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

''(B) shall contain a recital that such obligations are issued under this subsection, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

''(C) shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the Government of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired under this section;

''(D) shall not be exempt either as to principal or interest from any taxation now or hereafter imposed by any State or local taxing authority; and

''(E) except as provided in section 2006(c), shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the Government of the United States, and the obligations shall so plainly state.

''(5)(A) Subject to subparagraph (B), the Postal Service shall make payments of principal, or interest, or both on obligations issued under this subsection from—

''(i) revenues and receipts from competitive products and assets related to the provision of competitive products (as determined under subsection (h)); or

''(ii) for purposes of any period before accounting practices and principles under subsection (h) have been established and applied, the best information available, including the audited statements required by section 2008(e).

''(B) Based on the audited financial statements for the most recently completed fiscal year, the total assets of the Competitive Products Fund may not be less than the amount determined by multiplying—

''(i) the quotient resulting from the total revenue of the Competitive Products Fund divided by the total revenue of the Postal Service; and

''(ii) the total assets of the Postal Service.

''(f) The receipts and disbursements of the Competitive Products Fund shall be accorded the same budgetary treatment as is accorded to receipts and disbursements of the Postal Service Fund under section 2009a.

''(g) A judgment (or settlement of a claim) against the Postal Service or the Government of the United States shall be paid out of the Competitive Products Fund to the extent that the judgment or claim arises out of activities of the Postal Service in the provision of competitive products.

''(h)(1)(A) The Secretary of the Treasury, in consultation with the Postal Service and an independent, certified public accounting firm and other advisors as the Secretary considers appropriate, shall develop recommendations regarding—

''(i) the accounting practices and principles that should be followed by the Postal Service with the objectives of—

''(I) identifying and valuing the assets and liabilities of the Postal Service associated with providing competitive products, including the capital and operating costs incurred by the Postal Service in providing such competitive products; and

''(II) subject to subsection (e)(5), preventing the subsidization of such products by market-dominant products; and

''(ii) the substantive and procedural rules that should be followed in determining the assumed Federal income tax on competitive products income of the Postal Service for any year (within the meaning of section 3634).

''(B) Not earlier than 6 months after the date of enactment of this section, and not later than 12 months after such date, the Secretary of the Treasury shall submit the recommendations under subparagraph (A) to the Postal Regulatory Commission.

''(2)(A) Upon receiving the recommendations of the Secretary of the Treasury under paragraph (1), the Commission shall give interested parties, including the Postal Service, users of the mails, and an officer of the Commission who shall be required to represent the interests of the general public, an opportunity to present their views on those recommendations through submission of written data, views, or arguments with or without opportunity for oral presentation, or in such other manner as the Commission considers appropriate.

''(B)(i) After due consideration of the views and other information received under subparagraph (A), the Commission shall by rule—

''(I) provide for the establishment and application of the accounting practices and principles which shall be followed by the Postal Service;

''(II) provide for the establishment and application of the substantive and procedural rules described under paragraph (1)(A)(ii); and

''(III) provide for the submission by the Postal Service to the Postal Regulatory Commission of annual and other periodic reports setting forth such information as the Commission may require.

''(ii) Final rules under this subparagraph shall be issued not later than 12 months after the date on which recommendations are submitted under paragraph (1) (or by such later date on which the Commission and the Postal Service may agree). The Commission may revise such rules.

''(C)(i) Reports described under subparagraph (B)(i)(III) shall be submitted at such time and in such form, and shall include such information, as the Commission by rule requires.

''(ii) The Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with such rules as the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service information under subparagraph (B)(i)(III) whenever it shall appear that—

''(I) the quality of the information furnished in those reports has become significantly inaccurate or can be significantly improved; or

''(II) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

''(D) A copy of each report described under subparagraph (B)(i)(III) shall be submitted by the Postal Service to the Secretary of the Treasury and the Inspector General of the United States Postal Service.

''(i)(1) The Postal Service shall submit an annual report to the Secretary of the Treasury concerning the operation of the Competitive Products Fund. The report shall address such matters as risk limitations, reserve balances, allocation or distribution of moneys, liquidity requirements, and measures to safeguard against losses.

''(2) A copy of the most recent report submitted under paragraph (1) shall be included in the annual report submitted by the Postal Regulatory Commission under section 3652(g).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 20 of title 39, United States Code, is amended by adding after the item relating to section 2010 the following:

''2011. Provisions relating to competitive products.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 2001 of title 39, United States Code, is amended by striking ''and'' at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

''(2) COMPETITIVE PRODUCTS FUND.—The term 'Competitive Products Fund' means the Postal Service Competitive Products Fund established by section 2011; and''.

(2) CAPITAL OF THE POSTAL SERVICE.—Section 2002(b) of title 39, United States Code, is amended by striking ''Fund,'' and inserting ''Fund and the balance in the Competitive Products Fund,''.

(3) POSTAL SERVICE FUND.—

(A) PURPOSES FOR WHICH AVAILABLE.—Section 2003(a) of title 39, United States Code, is amended by striking ''title.'' and inserting ''title (other than any of the purposes, functions, or powers for which the Competitive Products Fund is available).''.

(B) DEPOSITS.—Section 2003(b) of title 39, United States Code, is amended by striking ''There'' and inserting ''Except as otherwise provided in section 2011, there''.

(4) RELATIONSHIP BETWEEN THE TREASURY AND THE POSTAL SERVICE.—Section 2006 of title 39, United States Code, is amended—

(A) in subsection (a), in the first sentence, by inserting ''or 2011'' after ''section 2005'';

(B) in subsection (b)—

(i) in the first sentence, by inserting ''under section 2005'' before ''in such amounts''; and

(ii) in the second sentence, by inserting ''under section 2005'' before ''in excess of such amount.''; and

(C) in subsection (c), by inserting ''or 2011(e)(4)(E)'' after ''section 2005(d)(5)''.

SEC. 402. ASSUMED FEDERAL INCOME TAX ON COMPETITIVE PRODUCTS INCOME.

Subchapter II of chapter 36 of title 39, United States Code, as amended by section 202, is amended by adding at the end the following:

''§ 3634. Assumed Federal income tax on competitive products income

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'assumed Federal income tax on competitive products income' means the net income tax that would be imposed by chapter 1 of the Internal Revenue Code of 1986 on the Postal Service's assumed taxable income from competitive products for the year; and

''(2) the term 'assumed taxable income from competitive products', with respect to a year, refers to the amount representing what would be the taxable income of a corporation under the Internal Revenue Code of 1986 for the year, if—

''(A) the only activities of such corporation were the activities of the Postal Service allocable under section 2011(h) to competitive products; and

''(B) the only assets held by such corporation were the assets of the Postal Service allocable under section 2011(h) to such activities.

''(b) COMPUTATION AND TRANSFER REQUIREMENTS.—The Postal Service shall, for each year beginning with the year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a)—

''(1) compute its assumed Federal income tax on competitive products income for such year; and

''(2) transfer from the Competitive Products Fund to the Postal Service Fund the amount of that assumed tax.

''(c) DEADLINE FOR TRANSFERS.—Any transfer required to be made under this section for a year shall be due on or before the January 15th next occurring after the close of such year.''.

SEC. 403. UNFAIR COMPETITION PROHIBITED.

(a) SPECIFIC LIMITATIONS.—Chapter 4 of title 39, United States Code, is amended by adding after section 404 the following:

''§ 404a. Specific limitations

''(a) Except as specifically authorized by law, the Postal Service may not—

''(1) establish any rule or regulation (including any standard) the effect of which is to preclude competition or establish the terms of competition unless the Postal Service demonstrates that the regulation does not create an unfair competitive advantage for itself or any entity funded (in whole or in part) by the Postal Service;

''(2) compel the disclosure, transfer, or licensing of intellectual property to any third party (such as patents, copyrights, trademarks, trade secrets, and proprietary information); or

''(3) obtain information from a person that provides (or seeks to provide) any product, and then offer any postal service that uses or is based in whole or in part on such information, without the consent of the person providing that information, unless substantially the same information is obtained (or obtainable) from an independent source or is otherwise obtained (or obtainable).

''(b) The Postal Regulatory Commission shall prescribe regulations to carry out this section.

''(c) Any party (including an officer of the Commission representing the interests of the general public) who believes that the Postal Service has violated this section may bring a complaint in accordance with section 3662.''.

(b) CONFORMING AMENDMENTS.—

(1) GENERAL POWERS.—Section 401 of title 39, United States Code, is amended by striking ''The'' and inserting ''Subject to the provisions of section 404a, the''.

(2) SPECIFIC POWERS.—Section 404(a) of title 39, United States Code, is amended by striking ''Without'' and inserting ''Subject to the provisions of section 404a, but otherwise without''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 4 of title 39, United States Code, is amended by inserting after the item relating to section 404 the following:

''404a. Specific limitations.''.

SEC. 404. SUITS BY AND AGAINST THE POSTAL SERVICE.

(a) IN GENERAL.—Section 409 of title 39, United States Code, is amended by striking subsections (d) and (e) and inserting the following:

''(d)(1) For purposes of the provisions of law cited in paragraphs (2)(A) and (2)(B), respectively, the Postal Service—

''(A) shall be considered to be a 'person', as used in the provisions of law involved; and

''(B) shall not be immune under any other doctrine of sovereign immunity from suit in Federal court by any person for any violation of any of those provisions of law by any officer or employee of the Postal Service.

''(2) This subsection applies with respect to—

''(A) the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946' (15 U.S.C. 1051 and following)); and

''(B) the provisions of section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair or deceptive acts or practices.

''(e)(1) To the extent that the Postal Service, or other Federal agency acting on behalf of or in concert with the Postal Service, engages in conduct with respect to any product which is not reserved to the United States under section 1696 of title 18, the Postal Service or other Federal agency (as the case may be)—

''(A) shall not be immune under any doctrine of sovereign immunity from suit in Federal court by any person for any violation of Federal law by such agency or any officer or employee thereof; and

''(B) shall be considered to be a person (as defined in subsection (a) of the first section of the Clayton Act) for purposes of—

''(i) the antitrust laws (as defined in such subsection); and

''(ii) section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

For purposes of the preceding sentence, any private carriage of mail allowable by virtue of section 601 shall not be considered a service reserved to the United States under section 1696 of title 18.

''(2) No damages, interest on damages, costs or attorney's fees may be recovered, and no criminal liability may be imposed, under the antitrust laws (as so defined) from any officer or employee of the Postal Service, or other Federal agency acting on behalf of or in concert with the Postal Service, acting in an official capacity.

''(3) This subsection shall not apply with respect to conduct occurring before the date of enactment of this subsection.

''(f) To the extent that the Postal Service engages in conduct with respect to the provision of competitive products, it shall be considered a person for the purposes of the Federal bankruptcy laws.

''(g)(1) Each building constructed or altered by the Postal Service shall be constructed or altered, to the maximum extent feasible as determined by the Postal Service, in compliance with 1 of the nationally recognized model building codes and with other applicable nationally recognized codes. To the extent practicable, model building codes should meet the voluntary consensus criteria established for codes and standards as required in the National Technology Transfer and Advancement Act of 1995 as defined in Office of Management and Budget Circular A1190. For purposes of life safety, the Postal Service shall continue to comply with the most current edition of the Life Safety Code of the National Fire Protection Association (NFPA 101).

''(2) Each building constructed or altered by the Postal Service shall be constructed or altered only after consideration of all requirements (other than procedural requirements) of zoning laws, land use laws, and applicable environmental laws of a State or subdivision of a State which would apply to the building if it were not a building constructed or altered by an establishment of the Government of the United States.

''(3) For purposes of meeting the requirements of paragraphs (1) and (2) with respect to a building, the Postal Service shall—

''(A) in preparing plans for the building, consult with appropriate officials of the State or political subdivision, or both, in which the building will be located;

''(B) upon request, submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding 30 days; and

''(C) permit inspection by such officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if such officials provide to the Postal Service—

''(i) a copy of such schedule before construction of the building is begun; and

''(ii) reasonable notice of their intention to conduct any inspection before conducting such inspection.

Nothing in this subsection shall impose an obligation on any State or political subdivision to take any action under the preceding sentence, nor shall anything in this subsection require the Postal Service or any of its contractors to pay for any action taken by a State or political subdivision to carry out this subsection (including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations).

''(4) Appropriate officials of a State or a political subdivision of a State may make recommendations to the Postal Service concerning measures necessary to meet the requirements of paragraphs (1) and (2). Such officials may also make recommendations to the Postal Service concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Postal Service shall give due consideration to any such recommendations.

''(5) In addition to consulting with local and State officials under paragraph (3), the Postal Service shall establish procedures for soliciting, assessing, and incorporating local community input on real property and land use decisions.

''(6) For purposes of this subsection, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

''(h)(1) Notwithstanding any other provision of law, legal representation may not be furnished by the Department of Justice to the Postal Service in any action, suit, or proceeding arising, in whole or in part, under any of the following:

''(A) Subsection (d) or (e) of this section.

''(B) Subsection (f) or (g) of section 504 (relating to administrative subpoenas by the Postal Regulatory Commission).

''(C) Section 3663 (relating to appellate review).

The Postal Service may, by contract or otherwise, employ attorneys to obtain any legal representation that it is precluded from obtaining from the Department of Justice under this paragraph.

''(2) In any circumstance not covered by paragraph (1), the Department of Justice shall, under section 411, furnish the Postal Service such legal representation as it may require, except that, with the prior consent of the Attorney General, the Postal Service may, in any such circumstance, employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

''(3)(A) In any action, suit, or proceeding in a court of the United States arising in whole or in part under any of the provisions of law referred to in subparagraph (B) or (C) of paragraph (1), and to which the Commission is not otherwise a party, the Commission shall be permitted to appear as a party on its own motion and as of right.

''(B) The Department of Justice shall, under such terms and conditions as the Commission and the Attorney General shall consider appropriate, furnish the Commission such legal representation as it may require in connection with any such action, suit, or proceeding, except that, with the prior consent of the Attorney General, the Commission may employ attorneys by contract or otherwise for that purpose.

''(i) A judgment against the Government of the United States arising out of activities of the Postal Service shall be paid by the Postal Service out of any funds available to the Postal Service, subject to the restriction specified in section 2011(g).''.

(b) TECHNICAL AMENDMENT.—Section 409(a) of title 39, United States Code, is amended by striking ''Except as provided in section 3628 of this title,'' and inserting ''Except as otherwise provided in this title,''.

SEC. 405. INTERNATIONAL POSTAL ARRANGEMENTS.

(a) IN GENERAL.—Section 407 of title 39, United States Code, is amended to read as follows:

''§ 407. International postal arrangements

''(a) It is the policy of the United States—

''(1) to promote and encourage communications between peoples by efficient operation of international postal services and other international delivery services for cultural, social, and economic purposes;

''(2) to promote and encourage unrestricted and undistorted competition in the provision of international postal services and other international delivery services, except where provision of such services by private companies may be prohibited by law of the United States;

''(3) to promote and encourage a clear distinction between governmental and operational responsibilities with respect to the provision of international postal services; and

''(4) to participate in multilateral and bilateral agreements with other countries to accomplish these objectives.

''(b)(1) The Secretary of State shall be responsible for formulation, coordination, and oversight of foreign policy related to international postal services and shall have the power to conclude postal treaties and conventions, except that the Secretary may not conclude any postal treaty or convention if such treaty or convention would, with respect to any competitive product, grant an undue or unreasonable preference to the Postal Service, a private provider of international postal services, or any other person.

''(2) In carrying out the responsibilities specified in paragraph (1), the Secretary of State shall exercise primary authority for the conduct of foreign policy with respect to international postal services, including the determination of United States positions and the conduct of United States participation in negotiations with foreign governments and international bodies. In exercising this authority, the Secretary—

''(A) shall coordinate with other agencies as appropriate, and in particular, should consider the authority vested by law or Executive order in the Postal Regulatory Commission, the Department of Commerce, the Department of Transportation, and the Office of the United States Trade Representative in this area;

''(B) shall maintain continuing liaison with other executive branch agencies concerned with postal and delivery services;

''(C) shall maintain continuing liaison with the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives;

''(D) shall maintain appropriate liaison with both representatives of the Postal Service and representatives of users and private providers of international postal services and other international delivery services to keep informed of their interests and problems, and to provide such assistance as may be needed to ensure that matters of concern are promptly considered by the Department of State or (if applicable, and to the extent practicable) other executive branch agencies; and

''(E) shall assist in arranging meetings of such public sector advisory groups as may be established to advise the Department of State and other executive branch agencies in connection with international postal services and international delivery services.

''(3) The Secretary of State shall establish an advisory committee (within the meaning of the Federal Advisory Committee Act) to perform such functions as the Secretary considers appropriate in connection with carrying out subparagraphs (A) through (D) of paragraph (2).

''(c) Before concluding any postal treaty or convention that establishes a rate or classification for a product subject to subchapter I of chapter 36, the Secretary of State shall request the Postal Regulatory Commission to submit its views on whether such rate or classification is consistent with the standards and criteria established by the Commission under section 3622.

''(d) Nothing in this section shall be considered to prevent the Postal Service from entering into such commercial or operational contracts related to providing international postal services as it deems appropriate, except that—

''(1) any such contract made with an agency of a foreign government (whether under authority of this subsection or otherwise) shall be solely contractual in nature and may not purport to be binding under international law; and

''(2) a copy of each such contract between the Postal Service and an agency of a foreign government shall be transmitted to the Secretary of State and the Postal Regulatory Commission not later than the effective date of such contract.

''(e)(1) With respect to shipments of international mail that are competitive products within the meaning of section 3631 that are exported or imported by the Postal Service, the Customs Service and other appropriate Federal agencies shall apply the customs laws of the United States and all other laws relating to the importation or exportation of such shipments in the same manner to both shipments by the Postal Service and similar shipments by private companies.

''(2) In exercising the authority under subsection (b) to conclude new postal treaties and conventions related to international postal services and to renegotiate such treaties and conventions, the Secretary of State shall, to the maximum extent practicable, take such measures as are within the Secretary's control to encourage the governments of other countries to make available to the Postal Service and private companies a range of nondiscriminatory customs procedures that will fully meet the needs of all types of American shippers. The Secretary of State shall consult with the United States Trade Representative and the Commissioner of Customs in carrying out this paragraph.

''(3) The provisions of this subsection shall take effect 6 months after the date of enactment of this subsection or such earlier date as the Customs Service may determine in writing.''.

(b) EFFECTIVE DATE.—Notwithstanding any provision of the amendment made by subsection (a), the authority of the United States Postal Service to establish the rates of postage or other charges on mail matter conveyed between the United States and other countries shall remain available to the Postal Service until—

(1) with respect to market-dominant products, the date as of which the regulations promulgated under section 3622 of title 39, United States Code (as amended by section 201(a)) take effect; and

(2) with respect to competitive products, the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 202) take effect.

TITLE V—GENERAL PROVISIONS

SEC. 501. QUALIFICATION AND TERM REQUIREMENTS FOR GOVERNORS.

(a) QUALIFICATIONS.—

(1) IN GENERAL.—Section 202(a) of title 39, United States Code, is amended by striking ''(a)'' and inserting ''(a)(1)'' and by striking the fourth sentence and inserting the following: ''The Governors shall represent the public interest generally, and shall be chosen solely on the basis of their demonstrated ability in managing organizations or corporations (in either the public or private sector) of substantial size. Experience in the fields of law and accounting shall be considered in making appointments of Governors. The Governors shall not be representatives of specific interests using the Postal Service, and may be removed only for cause.''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall not affect the appointment or tenure of any person serving as a Governor of the United States Postal Service under an appointment made before the date

of enactment of this Act however, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment. The requirement set forth in the fourth sentence of section 202(a)(1) of title 39, United States Code (as amended by subsection (a)) shall be met beginning not later than 9 years after the date of enactment of this Act.

(b) CONSULTATION REQUIREMENT.—Section 202(a) of title 39, United States Code, is amended by adding at the end the following:

''(2) In selecting the individuals described in paragraph (1) for nomination for appointment to the position of Governor, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.''.

(c) 5-YEAR TERMS.—

(1) IN GENERAL.—Section 202(b) of title 39, United States code, is amended in the first sentence by striking ''9 years'' and inserting ''5 years''.

(2) APPLICABILITY.—

(A) CONTINUATION BY INCUMBENTS.—The amendment made by paragraph (1) shall not affect the tenure of any person serving as a Governor of the United States Postal Service on the date of enactment of this Act and such person may continue to serve the remainder of the applicable term.

(B) VACANCY BY INCUMBENT BEFORE 5 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served less than 5 years of that term, the resulting vacancy in office shall be treated as a vacancy in a 5-year term.

(C) VACANCY BY INCUMBENT AFTER 5 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served 5 years or more of that term, that term shall be deemed to have been a 5-year term beginning on its commencement date for purposes of determining vacancies in office. Any appointment to the vacant office shall be for a 5-year term beginning at the end of the original 9-year term determined without regard to the deeming under the preceding sentence. Nothing in this subparagraph shall be construed to affect any action or authority of any Governor or the Board of Governors during any portion of a 9-year term deemed to be 5-year term under this subparagraph.

(d) TERM LIMITATION.—

(1) IN GENERAL.—Section 202(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)''; and

(B) by adding at the end the following:

''(2) No person may serve more than 3 terms as a Governor.''.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall not affect the tenure of any person serving as a Governor of the United States Postal Service on the date of enactment of this Act with respect to the term which that person is serving on that date. Such person may continue to serve the remainder of the applicable term, after which the amendments made by paragraph (1) shall apply.

SEC. 502. OBLIGATIONS.

(a) PURPOSES FOR WHICH OBLIGATIONS MAY BE ISSUED.—The first sentence of section 2005(a)(1) of title 39, United States Code, is amended by striking ''title.'' and inserting ''title, other than any of the purposes for which the corresponding authority is available to the Postal Service under section 2011.''.

(b) INCREASE RELATING TO OBLIGATIONS ISSUED FOR CAPITAL IMPROVEMENTS.—Section 2005(a)(1) of title 39, United States Code, is amended by striking the third sentence.

(c) AMOUNTS WHICH MAY BE PLEDGED.—

(1) OBLIGATIONS TO WHICH PROVISIONS APPLY.—The first sentence of section 2005(b) of title 39, United States Code, is amended by striking ''such obligations,'' and inserting ''obligations issued by the Postal Service under this section,''.

(2) ASSETS, REVENUES, AND RECEIPTS TO WHICH PROVISIONS APPLY.—Subsection (b) of section 2005 of title 39, United States Code, is amended by striking ''(b)'' and inserting ''(b)(1)'', and by adding at the end the following:

''(2) Notwithstanding any other provision of this section—

''(A) the authority to pledge assets of the Postal Service under this subsection shall be available only to the extent that such assets are not related to the provision of competitive products (as determined under section 2011(h) or, for purposes of any period before accounting practices and principles under section 2011(h) have been established and applied, the best information available from the Postal Service, including the audited statements required by section 2008(e)); and

''(B) any authority under this subsection relating to the pledging or other use of revenues or receipts of the Postal Service shall be available only to the extent that they are not revenues or receipts of the Competitive Products Fund.''.

SEC. 503. PRIVATE CARRIAGE OF LETTERS.

(a) IN GENERAL.—Section 601 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) A letter may also be carried out of the mails when—

''(1) the amount paid for the private carriage of the letter is at least the amount equal to 6 times the rate then currently charged for the 1st ounce of a single-piece first class letter;

''(2) the letter weighs at least 12½ ounces; or

''(3) such carriage is within the scope of services described by regulations of the United States Postal Service (as in effect on July 1, 2001) that permit private carriage by suspension of the operation of this section (as then in effect).

''(c) Any regulations necessary to carry out this section shall be promulgated by the Postal Regulatory Commission.''.

(b) EFFECTIVE DATE.—This section shall take effect on the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 202) take effect.

SEC. 504. RULEMAKING AUTHORITY.

Paragraph (2) of section 401 of title 39, United States Code, is amended to read as follows:

''(2) to adopt, amend, and repeal such rules and regulations, not inconsistent with this title, as may be necessary in the execution of its functions under this title and such other functions as may be assigned to the Postal Service under any provisions of law outside of this title;''.

SEC. 505. NONINTERFERENCE WITH COLLECTIVE BARGAINING AGREEMENTS.

(a) LABOR DISPUTES.—Section 1207 of title 39, United States Code, is amended to read as follows:

''§ 1207. Labor disputes

''(a) If there is a collective-bargaining agreement in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the expiration date thereof, or not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days after such notice, if no agreement has been reached by that time.

''(b) If the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall within 10 days appoint a mediator of nationwide reputation and professional stature, and who is also a member of the National Academy of Arbitrators. The parties shall cooperate with the mediator in an effort to reach an agreement and shall meet and negotiate in good faith at such times and places that the mediator, in consultation with the parties, shall direct.

''(c)(1) If no agreement is reached within 60 days after the expiration or termination of the agreement or the date on which the agreement became subject to modification under subsection (a) of this section, or if the parties decide upon arbitration but do not agree upon the procedures therefore, an arbitration board shall be established consisting of 3 members, 1 of whom shall be selected by the Postal Service, 1 by the bargaining representative of the employees, and the third by the 2 thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made from a list of names provided by the Director. This list shall consist of not less then 9 names of arbitrators of nationwide reputation and professional nature, who are also members of the National Academy of Arbitrators, and whom the Director has determined are available and willing to serve.

''(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

''(3) Costs of the arbitration board and mediation shall be shared equally by the Postal Service and the bargaining representative.

''(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach the agreement within 90 days after the commencement of collective bargaining, a mediator shall be appointed in accordance with the terms in subsection (b) of this section, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days after the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive

and binding arbitration in accordance with the terms of subsection (c) of this section.''.

(b) NONINTERFERENCE WITH COLLECTIVE BARGAINING AGREEMENTS.—Except as otherwise provided by the amendment made by subsection (a), nothing in this Act shall restrict, expand, or otherwise affect any of the rights, privileges, or benefits of either employees of or labor organizations representing employees of the United States Postal Service under chapter 12 of title 39, United States Code, the National Labor Relations Act, any handbook or manual affecting employee labor relations within the United States Postal Service, or any collective bargaining agreement.

(c) FREE MAILING PRIVILEGES CONTINUE UNCHANGED.—Nothing in this Act or any amendment made by this Act shall affect any free mailing privileges accorded under section 3217 or sections 3403 through 3406 of title 39, United States Code.

SEC. 506. BONUS AUTHORITY.

Chapter 36 of title 39, United States Code, is amended by inserting after section 3685 the following:

"§ 3686. Bonus authority

''(a) IN GENERAL.—The Postal Service may establish 1 or more programs to provide bonuses or other rewards to officers and employees of the Postal Service in senior executive or equivalent positions to achieve the objectives of this chapter.

''(b) LIMITATION ON TOTAL COMPENSATION.—

''(1) IN GENERAL.—Under any such program, the Postal Service may award a bonus or other reward in excess of the limitation set forth in the last sentence of section 1003(a), if such program has been approved under paragraph (2). Any such award or bonus may not cause the total compensation of such officer or employee to exceed the total annual compensation payable to the Vice President under section 104 of title 3 as of the end of the calendar year in which the bonus or award is paid.

''(2) APPROVAL PROCESS.—If the Postal Service wishes to have the authority, under any program described in subsection (a), to award bonuses or other rewards in excess of the limitation set forth in the last sentence of section 1003(a)—

''(A) the Postal Service shall make an appropriate request to the Board of Governors of the Postal Service in such form and manner as the Board requires; and

''(B) the Board of Governors shall approve any such request if the Board certifies, for the annual appraisal period involved, that the performance appraisal system for affected officers and employees of the Postal Service (as designed and applied) makes meaningful distinctions based on relative performance.

''(3) REVOCATION AUTHORITY.—If the Board of Governors of the Postal Service finds that a performance appraisal system previously approved under paragraph (2)(B) does not (as designed and applied) make meaningful distinctions based on relative performance, the Board may revoke or suspend the authority of the Postal Service to continue a program approved under paragraph (2) until such time as appropriate corrective measures have, in the judgment of the Board, been taken.

''(c) REPORTING REQUIREMENT RELATING TO BONUSES OR OTHER REWARDS.—Included in its comprehensive statement under section 2401(e) for any period shall be—

''(1) the name of each person receiving a bonus or other reward during such period which would not have been allowable but for the provisions of subsection (b);

''(2) the amount of the bonus or other reward; and

''(3) the amount by which the limitation referred to in subsection (b)(1) was exceeded as a result of such bonus or other reward.''.

TITLE VI—ENHANCED REGULATORY COMMISSION

SEC. 601. REORGANIZATION AND MODIFICATION OF CERTAIN PROVISIONS RELATING TO THE POSTAL REGULATORY COMMISSION.

(a) TRANSFER AND REDESIGNATION.—Title 39, United States Code, is amended—

(1) by inserting after chapter 4 the following:

"CHAPTER 5—POSTAL REGULATORY COMMISSION

''Sec.
''501. Establishment.
''502. Commissioners.
''503. Rules; regulations; procedures.
''504. Administration.
''505. Officer of the Postal Regulatory Commission representing the general public.

"§ 501. Establishment

''The Postal Regulatory Commission is an independent establishment of the executive branch of the Government of the United States.

"§ 502. Commissioners

''(a) The Postal Regulatory Commission is composed of 5 Commissioners, appointed by the President, by and with the advice and consent of the Senate. The Commissioners shall be chosen solely on the basis of their technical qualifications, professional standing, and demonstrated expertise in economics, accounting, law, or public administration, and may be removed by the President only for cause. Each individual appointed to the Commission shall have the qualifications and expertise necessary to carry out the enhanced responsibilities accorded Commissioners under the Postal Accountability and Enhancement Act. Not more than 3 of the Commissioners may be adherents of the same political party.

''(b) No Commissioner shall be financially interested in any enterprise in the private sector of the economy engaged in the delivery of mail matter.

''(c) A Commissioner may continue to serve after the expiration of his term until his successor has qualified, except that a Commissioner may not so continue to serve for more than 1 year after the date upon which his term otherwise would expire under subsection (f).

''(d) One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.

''(e) The Commissioners shall by majority vote designate a Vice Chairman of the Commission. The Vice Chairman shall act as Chairman of the Commission in the absence of the Chairman.

''(f) The Commissioners shall serve for terms of 6 years.'';

(2) by striking, in subchapter I of chapter 36 (as in effect before the amendment made by section 201(c)), the heading for such subchapter I and all that follows through section 3602;

(3) by redesignating sections 3603 and 3604 as sections 503 and 504, respectively, and transferring such sections to the end of chapter 5 (as inserted by paragraph (1)); and

(4) by adding after such section 504 the following:

"§ 505. Officer of the Postal Regulatory Commission representing the general public

''The Postal Regulatory Commission shall designate an officer of the Postal Regulatory Commission in all public proceedings who shall represent the interests of the general public.''.

(b) APPLICABILITY.—The amendment made by subsection (a)(1) shall not affect the appointment or tenure of any person serving as a Commissioner on the Postal Regulatory Commission (as so redesignated by section 604) under an appointment made before the date of enactment of this Act or any nomination made before that date, but, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment.

(c) CLERICAL AMENDMENT.—The analysis for part I of title 39, United States Code, is amended by inserting after the item relating to chapter 4 the following:

"5. Postal Regulatory Commission .. 501"

SEC. 602. AUTHORITY FOR POSTAL REGULATORY COMMISSION TO ISSUE SUBPOENAS.

Section 504 of title 39, United States Code (as so redesignated by section 601) is amended by adding at the end the following:

''(f)(1) Any Commissioner of the Postal Regulatory Commission, any administrative law judge appointed by the Commission under section 3105 of title 5, and any employee of the Commission designated by the Commission may administer oaths, examine witnesses, take depositions, and receive evidence.

''(2) The Chairman of the Commission, any Commissioner designated by the Chairman, and any administrative law judge appointed by the Commission under section 3105 of title 5 may, with respect to any proceeding conducted by the Commission under this title or to obtain information to be used to prepare a report under this title—

''(A) issue subpoenas requiring the attendance and presentation of testimony by, or the production of documentary or other evidence in the possession of, any covered person; and

''(B) order the taking of depositions and responses to written interrogatories by a covered person.

The written concurrence of a majority of the Commissioners then holding office shall, with respect to each subpoena under subparagraph (A), be required in advance of its issuance.

''(3) In the case of contumacy or failure to obey a subpoena issued under this subsection, upon application by the Commission, the district court of the United States for the district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

''(4) For purposes of this subsection, the term 'covered person' means an officer, employee, agent, or contractor of the Postal Service.

''(g)(1) If the Postal Service determines that any document or other matter it provides to the Postal Regulatory Commission under a subpoena issued under subsection (f), or otherwise at the request of the Commission in connection with any proceeding or other purpose under this title, contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission, in writing, of its determination (and the reasons therefor).

''(2) Except as provided in paragraph (3), no officer or employee of the Commission may,

with respect to any information as to which the Commission has been notified under paragraph (1)—

''(A) use such information for purposes other than the purposes for which it is supplied; or

''(B) permit anyone who is not an officer or employee of the Commission to have access to any such information.

''(3)(A) Paragraph (2) shall not prohibit the Commission from publicly disclosing relevant information in furtherance of its duties under this title, provided that the Commission has adopted regulations under section 553 of title 5, that establish a procedure for according appropriate confidentiality to information identified by the Postal Service under paragraph (1). In determining the appropriate degree of confidentiality to be accorded information identified by the Postal Service under paragraph (1), the Commission shall balance the nature and extent of the likely commercial injury to the Postal Service against the public interest in maintaining the financial transparency of a government establishment competing in commercial markets.

''(B) Paragraph (2) shall not prevent the Commission from requiring production of information in the course of any discovery procedure established in connection with a proceeding under this title. The Commission shall, by regulations based on rule 26(c) of the Federal Rules of Civil Procedure, establish procedures for ensuring appropriate confidentiality for information furnished to any party.''.

SEC. 603. APPROPRIATIONS FOR THE POSTAL REGULATORY COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d) of section 504 of title 39, United States Code (as so redesignated by section 601) is amended to read as follows:

''(d) There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Postal Regulatory Commission. In requesting an appropriation under this subsection for a fiscal year, the Commission shall prepare and submit to the Congress under section 2009 a budget of the Commission's expenses, including expenses for facilities, supplies, compensation, and employee benefits.''.

(b) BUDGET PROGRAM.—

(1) IN GENERAL.—The next to last sentence of section 2009 of title 39, United States Code, is amended to read as follows: ''The budget program shall also include separate statements of the amounts which (1) the Postal Service requests to be appropriated under subsections (b) and (c) of section 2401, (2) the Office of Inspector General of the United States Postal Service requests to be appropriated, out of the Postal Service Fund, under section 8G(f) of the Inspector General Act of 1978, and (3) the Postal Regulatory Commission requests to be appropriated, out of the Postal Service Fund, under section 504(d) of this title.''.

(2) CONFORMING AMENDMENT.—Section 2003(e)(1) of title 39, United States Code, is amended by striking the first sentence and inserting the following: ''The Fund shall be available for the payment of (A) all expenses incurred by the Postal Service in carrying out its functions as provided by law, subject to the same limitation as set forth in the parenthetical matter under subsection (a); (B) all expenses of the Postal Regulatory Commission, subject to the availability of amounts appropriated under section 504(d); and (C) all expenses of the Office of Inspector General, subject to the availability of amounts appropriated under section 8G(f) of the Inspector General Act of 1978.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to fiscal years beginning on or after October 1, 2002.

(2) SAVINGS PROVISION.—The provisions of title 39, United States Code, that are amended by this section shall, for purposes of any fiscal year before the first fiscal year to which the amendments made by this section apply, continue to apply in the same way as if this section had never been enacted.

SEC. 604. REDESIGNATION OF THE POSTAL RATE COMMISSION.

(a) AMENDMENTS TO TITLE 39, UNITED STATES CODE.—Title 39, United States Code, is amended in sections 404, 503 and 504 (as so redesignated by section 601), 1001 and 1002, by striking ''Postal Rate Commission'' each place it appears and inserting ''Postal Regulatory Commission'';

(b) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended in sections 104(1), 306(f), 2104(b), 3371(3), 5314 (in the item relating to Chairman, Postal Rate Commission), 5315 (in the item relating to Members, Postal Rate Commission), 5514(a)(5)(B), 7342(a)(1)(A), 7511(a)(1)(B)(ii), 8402(c)(1), 8423(b)(1)(B), and 8474(c)(4) by striking ''Postal Rate Commission'' and inserting ''Postal Regulatory Commission''.

(c) AMENDMENT TO THE ETHICS IN GOVERNMENT ACT OF 1978.—Section 101(f)(6) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''Postal Rate Commission'' and inserting ''Postal Regulatory Commission''.

(d) AMENDMENT TO THE REHABILITATION ACT OF 1973.—Section 501(b) of the Rehabilitation Act of 1973 (29 U.S.C. 791(b)) is amended by striking ''Postal Rate Office'' and inserting ''Postal Regulatory Commission''.

(e) AMENDMENT TO TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking ''Postal Rate Commission'' and inserting ''Postal Regulatory Commission''.

(f) OTHER REFERENCES.—Whenever a reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, document, or other record of the United States to the Postal Rate Commission, such reference shall be considered a reference to the Postal Regulatory Commission.

SEC. 605. FINANCIAL TRANSPARENCY.

(a) IN GENERAL.—Section 101 of title 39, United States Code, is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) by inserting after subsection (c) the following:

''(d) As an independent establishment of the executive branch of the Government of the United States, the Postal Service shall be subject to a high degree of transparency to ensure fair treatment of customers of the Postal Service's market-dominant products and companies competing with the Postal Service's competitive products.''.

(b) FINANCIAL REPORTING REQUIREMENTS AND ENFORCEMENT POWERS APPLICABLE TO POSTAL SERVICE.—Section 503 of title 39, United States Code (as so redesignated by section 601 and 604) is amended by—

(1) inserting ''(a)'' before ''The Postal Regulatory Commission shall promulgate''; and

(2) adding at the end the following:

''(b)(1) Beginning with the first full fiscal year following the date of enactment of the Postal Accountability and Enhancement Act, the Postal Service shall file with the Postal Regulatory Commission —

''(A) within 35 days after the end of each fiscal quarter, a quarterly report containing the information prescribed in Form 10–Q of the Securities and Exchange Commission under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), or any revised or successor form;

''(B) within 60 days after the end of each fiscal year, an annual report containing the information prescribed in Form 10–K of the Securities and Exchange Commission under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), or any revised or successor form; and

''(C) periodic reports within the time frame and containing the information prescribed in Form 8–K of the Securities and Exchange Commission under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), or any revised or successor form.

''(2) For purposes of preparing the reports required under paragraph (1), the Postal Service shall be deemed to be the registrant described in the Securities and Exchange Commission forms, and references contained in such forms to Securities and Exchange Commission regulations are applicable.

''(3) For purposes of preparing the reports required under paragraph (1), the Postal Service shall comply with the rules prescribed by the Securities and Exchange Commission implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262; Public Law 107–204) beginning with fiscal year 2007 and in each fiscal year thereafter.

''(c)(1) The reports required under subsection (b)(1)(B) shall include, with respect to the financial obligations of the Postal Service under chapters 83, 84, and 89 of title 5 for retirees of the Postal Service—

''(A) the funded status of such obligations of the Postal Service;

''(B) components of the net change in the fund balances and obligations and the nature and cause of any significant changes;

''(C) components of net periodic costs;

''(D) cost methods and assumptions underlying the relevant actuarial valuations;

''(E) the effect of a one-percentage point increase in the assumed health care cost trend rate for each future year on the service and interest costs components of net periodic cost and the accumulated obligation of the Postal Service under chapter 89 of title 5 for retirees of the Postal Service;

''(F) actual contributions to and payments from the funds for the years presented and the estimated future contributions and payments for each of the following 5 years;

''(G) the composition of plan assets reflected in the fund balances; and

''(H) the assumed rate of return on fund balances and the actual rates of return for the years presented.

''(2)(A) Beginning with the fiscal year 2007 and in each fiscal year thereafter, for purposes of the reports required under subsection (b)(1) (A) and (B), the Postal Service shall include segment reporting.

''(B) The Postal Service shall determine the appropriate segment reporting under subparagraph (A), after consultation with the Postal Regulatory Commission.

''(d) For purposes of the annual reports required under subsection (b)(1)(B), the Postal Service shall obtain an opinion from an independent auditor on whether the information listed under subsection (c) is fairly stated in all material respects, either in relation to the basic financial statements as a whole or on a stand-alone basis.

''(e) The Postal Regulatory Commission shall have access to the audit documentation and any other supporting matter of the Postal Service and its independent auditor in

connection with any information submitted under subsection (b)(1)(B).

''(f) The Postal Regulatory Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service data required by the Commission under this section whenever it shall appear that the data—

''(1) have become significantly inaccurate;

''(2) can be significantly improved; or

''(3) are not cost beneficial.''.

TITLE VII—EVALUATIONS

SEC. 701. ASSESSMENTS OF RATEMAKING, CLASSIFICATION, AND OTHER PROVISIONS.

(a) IN GENERAL.—The Postal Regulatory Commission shall, at least every 3 years, submit a report to the President and Congress concerning—

(1) the operation of the amendments made by this Act; and

(2) recommendations for any legislation or other measures necessary to improve the effectiveness or efficiency of the postal laws of the United States.

(b) POSTAL SERVICE VIEWS.—A report under this section shall be submitted only after reasonable opportunity has been afforded to the Postal Service to review the report and to submit written comments on the report. Any comments timely received from the Postal Service under the preceding sentence shall be attached to the report submitted under subsection (a).

SEC. 702. REPORT ON UNIVERSAL POSTAL SERVICE AND THE POSTAL MONOPOLY.

(a) REPORT BY THE POSTAL REGULATORY COMMISSION.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Postal Regulatory Commission shall submit a report to the President and Congress on universal postal service and the postal monopoly in the United States (in this section referred to as ''universal service and the postal monopoly''), including the monopoly on the delivery of mail and on access to mailboxes.

(2) CONTENTS.—The report under this subsection shall include—

(A) a comprehensive review of the history and development of universal service and the postal monopoly, including how the scope and standards of universal service and the postal monopoly have evolved over time for the Nation and its urban and rural areas;

(B) the scope and standards of universal service and the postal monopoly provided under current law (including sections 101 and 403 of title 39, United States Code), and current rules, regulations, policy statements, and practices of the Postal Service;

(C) a description of any geographic areas, populations, communities (including both urban and rural communities), organizations, or other groups or entities not currently covered by universal service or that are covered but that are receiving services deficient in scope or quality or both; and

(D) the scope and standards of universal service and the postal monopoly likely to be required in the future in order to meet the needs and expectations of the United States public, including all types of mail users, based on discussion of such assumptions, alternative sets of assumptions, and analyses as the Postal Service considers plausible.

(b) RECOMMENDED CHANGES TO UNIVERSAL SERVICE AND THE MONOPOLY.—The Postal Regulatory Commission shall include in the report under subsection (a), and in all reports submitted under section 701 of this Act—

(1) any recommended changes to universal service and the postal monopoly as the Commission considers appropriate, including changes that the Commission may implement under current law and changes that would require changes to current law, with estimated effects of the recommendations on the service, financial condition, rates, and security of mail provided by the Postal Service;

(2) with respect to each recommended change described under paragraph (1)—

(A) an estimate of the costs of the Postal Service attributable to the obligation to provide universal service under current law; and

(B) an analysis of the likely benefit of the current postal monopoly to the ability of the Postal Service to sustain the current scope and standards of universal service, including estimates of the financial benefit of the postal monopoly to the extent practicable, under current law; and

(3) such additional topics and recommendations as the Commission considers appropriate, with estimated effects of the recommendations on the service, financial condition, rates, and the security of mail provided by the Postal Service.

SEC. 703. STUDY ON EQUAL APPLICATION OF LAWS TO COMPETITIVE PRODUCTS.

(a) IN GENERAL.—The Federal Trade Commission shall prepare and submit to the President and Congress, and to the Postal Regulatory Commission, within 1 year after the date of enactment of this Act, a comprehensive report identifying Federal and State laws that apply differently to the United States Postal Service with respect to the competitive category of mail (within the meaning of section 102 of title 39, United States Code, as amended by section 101) and similar products provided by private companies.

(b) RECOMMENDATIONS.—The Federal Trade Commission shall include such recommendations as it considers appropriate for bringing such legal discrimination to an end, and in the interim, to account under section 3633 of title 39, United States Code (as added by this Act), for the net economic advantages provided by those laws.

(c) CONSULTATION.—In preparing its report, the Federal Trade Commission shall consult with the United States Postal Service, the Postal Regulatory Commission, other Federal agencies, mailers, private companies that provide delivery services, and the general public, and shall append to such report any written comments received under this subsection.

(d) COMPETITIVE PRODUCT REGULATION.—The Postal Regulatory Commission shall take into account the recommendations of the Federal Trade Commission in promulgating or revising the regulations required under section 3633 of title 39, United States Code.

SEC. 704. REPORT ON POSTAL WORKPLACE SAFETY AND WORKPLACE-RELATED INJURIES.

(a) REPORT BY THE INSPECTOR GENERAL.—

(1) IN GENERAL.—Not later than 6 months after the enactment of this Act, the Inspector General of the United States Postal Service shall submit a report to Congress and the Postal Service that—

(A) details and assesses any progress the Postal Service has made in improving workplace safety and reducing workplace-related injuries nationwide; and

(B) identifies opportunities for improvement that remain with respect to such improvements and reductions.

(2) CONTENTS.—The report under this subsection shall also—

(A) discuss any injury reduction goals established by the Postal Service;

(B) describe the actions that the Postal Service has taken to improve workplace safety and reduce workplace-related injuries, and assess how successful the Postal Service has been in meeting its injury reduction goal; and

(C) identify areas where the Postal Service has failed to meet its injury reduction goals, explain the reasons why these goals were not met, and identify opportunities for making further progress in meeting these goals.

(b) REPORT BY THE POSTAL SERVICE.—

(1) REPORT TO CONGRESS.—Not later than 6 months after receiving the report under subsection (a), the Postal Service shall submit a report to Congress detailing how it plans to improve workplace safety and reduce workplace-related injuries nationwide, including goals and metrics.

(2) PROBLEM AREAS.—The report under this subsection shall also include plans, developed in consultation with the Inspector General and employee representatives, including representatives of each postal labor union and management association, for addressing the problem areas identified by the Inspector General in the report under subsection (a)(2)(C).

SEC. 705. STUDY ON RECYCLED PAPER.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Government Accountability Office shall study and submit to the Congress, the Board of Governors of the Postal Service, and to the Postal Regulatory Commission a report concerning—

(1) the economic and environmental efficacy of establishing rate incentives for mailers linked to the use of recycled paper;

(2) a description of the accomplishments of the Postal Service in each of the preceding 5 years involving recycling activities, including the amount of annual revenue generated and savings achieved by the Postal Service as a result of its use of recycled paper and other recycled products and its efforts to recycle undeliverable and discarded mail and other materials; and

(3) additional opportunities that may be available for the United States Postal Service to engage in recycling initiatives and the projected costs and revenues of undertaking such opportunities.

(b) RECOMMENDATIONS.—The report shall include recommendations for any administrative or legislative actions that may be appropriate.

TITLE VIII—POSTAL SERVICE RETIREMENT AND HEALTH BENEFITS FUNDING

SEC. 801. SHORT TITLE.

This title may be cited as the ''Postal Civil Service Retirement and Health Benefits Funding Amendments of 2004''.

SEC. 802. CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Chapter 83 of title 5, United States Code, is amended—

(1) in section 8334(a)(1)(B), by striking clause (ii) and inserting the following:

''(ii) In the case of an employee of the United States Postal Service, no amount shall be contributed under this subparagraph.''; and

(2) by amending section 8348(h) to read as follows:

''(h)(1) In this subsection, the term 'Postal surplus or supplemental liability' means the estimated difference, as determined by the Office, between—

''(A) the actuarial present value of all future benefits payable from the Fund under

this subchapter to current or former employees of the United States Postal Service and attributable to civilian employment with the United States Postal Service; and

''(B) the sum of—

''(i) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter under section 8334;

''(ii) that portion of the Fund balance, as of the date the Postal surplus or supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and its employees, minus benefit payments attributable to civilian employment with the United States Postal Service, plus the earnings on such amounts while in the Fund; and

''(iii) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

''(2)(A) Not later than June 15, 2006, the Office shall determine the Postal surplus or supplemental liability, as of September 30, 2005. If that result is a surplus, the amount of the surplus shall be transferred to the Postal Service Retiree Health Benefits Fund established under section 8909a by June 30, 2006. If the result is a supplemental liability, the Office shall establish an amortization schedule, including a series of annual installments commencing September 30, 2006, which provides for the liquidation of such liability by September 30, 2043.

''(B) The Office shall redetermine the Postal surplus or supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2006, through the fiscal year ending September 30, 2038. If the result is a surplus, that amount shall remain in the Fund until distribution is authorized under subparagraph (C), and any prior amortization schedule for payments shall be terminated. If the result is a supplemental liability, the Office shall establish a new amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

''(C) As of the close of the fiscal years ending September 30, 2015, 2025, 2035, and 2039, if the result is a surplus, that amount shall be transferred to the Postal Service Retiree Health Benefits Fund, and any prior amortization schedule for payments shall be terminated.

''(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System.

''(E) The United States Postal Service shall pay the amounts so determined to the Office, with payments due not later than the date scheduled by the Office.

''(3) Notwithstanding any other provision of law, in computing the amount of any payment under any other subsection of this section that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.''.

(b) CREDIT ALLOWED FOR MILITARY SERVICE.—In the application of section 8348(g)(2) of title 5, United States Code, for the fiscal year 2006, the Office of Personnel Management shall include, in addition to the amount otherwise computed under that paragraph, the amounts that would have been included for the fiscal years 2003 through 2005 with respect to credit for military service of former employees of the United States Postal Service as though the Postal Civil Service Retirement System Funding Reform Act of 2003 (Public Law 108–18) had not been enacted, and the Secretary of the Treasury shall make the required transfer to the Civil Service Retirement and Disability Fund based on that amount.

SEC. 803. HEALTH INSURANCE.

(a) IN GENERAL.—

(1) FUNDING.—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8906(g)(2)(A), by striking ''shall be paid by the United States Postal Service.'' and inserting ''shall be paid first from the Postal Service Retiree Health Benefits Fund up to the amount contained in the Fund, with any remaining amount paid by the United States Postal Service.''; and

(B) by inserting after section 8909 the following:

''§ 8909a. Postal Service Retiree Health Benefit Fund

''(a) There is in the Treasury of the United States a Postal Service Retiree Health Benefits Fund which is administered by the Office of Personnel Management.

''(b) The Fund is available without fiscal year limitation for payments required under section 8906(g)(2)(A).

''(c) The Secretary of the Treasury shall immediately invest, in interest-bearing securities of the United States such currently available portions of the Fund as are not immediately required for payments from the Fund. Such investments shall be made in the same manner as investments for the Civil Service Retirement and Disability Fund under section 8348.

''(d)(1) Not later than June 30, 2006, and by June 30 of each succeeding year, the Office shall compute the net present value of the future payments required under section 8906(g)(2)(A) and attributable to the service of Postal Service employees during the most recently ended fiscal year.

''(2)(A) Not later than June 30, 2006, the Office shall compute, and by June 30 of each succeeding year, the Office shall recompute the difference between—

''(i) the net present value of the excess of future payments required under section 8906(g)(2)(A) for current and future United States Postal Service annuitants as of the end of the fiscal year ending on September 30 of that year; and

''(ii)(I) the value of the assets of the Postal Retiree Health Benefits Fund as of the end of the fiscal year ending on September 30 of that year; and

''(II) the net present value computed under paragraph (1).

''(B) Not later than June 30, 2006, the Office shall compute, and by June 30 of each succeeding year shall recompute, an amortization schedule including a series of annual installments which provide for the liquidation by September 30, 2045, or within 15 years, whichever is later, of the net present value determined under subparagraph (A), including interest at the rate used in that computation.

''(3) Not later than September 30, 2006, and by September 30 of each succeeding year, the United States Postal Service shall pay into such Fund—

''(A) the net present value computed under paragraph (1); and

''(B) the annual installment computed under paragraph (2)(B).

''(4) Computations under this subsection shall be made consistent with the assumptions and methodology used by the Office for financial reporting under subchapter II of chapter 35 of title 31.

''(5) After consultation with the United States Postal Service, the Office shall promulgate any regulations the Office determines necessary under this subsection.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8909 the following:

''8909a. Postal Service Retiree Health Benefits Fund.''.

(b) TRANSITIONAL ADJUSTMENT FOR FISCAL YEAR 2006.—For fiscal year 2006, the amounts paid by the Postal Service in Government contributions under section 8906(g)(2)(A) of title 5, United States Code, for fiscal year 2006 contributions shall be deducted from the initial payment otherwise due from the Postal Service to the Postal Service Retiree Health Benefits Fund under section 8909a(d)(3) of such title as added by this section.

SEC. 804. REPEAL OF DISPOSITION OF SAVINGS PROVISION.

Section 3 of the Postal Civil Service Retirement System Funding Reform Act of 2003 (Public Law 108–18) is repealed.

SEC. 805. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided under subsection (b), this title shall take effect on October 1, 2005.

(b) TERMINATION OF EMPLOYER CONTRIBUTION.—The amendment made by paragraph (1) of section 802(a) shall take effect on the first day of the first pay period beginning on or after October 1, 2005.

TITLE IX—COMPENSATION FOR WORK INJURIES

SEC. 901. TEMPORARY DISABILITY; CONTINUATION OF PAY.

(a) TIME OF ACCRUAL OF RIGHT.—Section 8117 of title 5, United States Code, is amended—

(1) by striking ''An employee'' and inserting ''(a) An employee other than a Postal Service employee''; and

(2) by adding at the end the following:

''(b) A Postal Service employee is not entitled to compensation or continuation of pay for the first 3 days of temporary disability, except as provided under paragraph (3) of subsection (a). A Postal Service employee may use annual leave, sick leave, or leave without pay during that 3-day period, except that if the disability exceeds 14 days or is followed by permanent disability, the employee may have their sick leave or annual leave reinstated or receive pay for the time spent on leave without pay under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8118(b)(1) of title 5, United States Code, is amended to read as follows:

''(1) without a break in time, except as provided under section 8117(b), unless controverted under regulations of the Secretary''.

SEC. 902. DISABILITY RETIREMENT FOR POSTAL EMPLOYEES.

(a) TOTAL DISABILITY.—Section 8105 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ''This section applies to a Postal Service employee, except as provided under subsection (c).''; and

(2) by adding at the end the following:

''(c)(1) In this subsection, the term 'retirement age' has the meaning given under section 216(*l*)(1) of the Social Security Act (42 U.S.C. 416(*l*)(1)).

''(2) Notwithstanding any other provision of law, for any injury occurring on or after the date of enactment of the Postal Accountability and Enhancement Act, and for any new claim for a period of disability commencing on or after that date, the compensation entitlement for total disability is converted to 50 percent of the monthly pay of the employee on the later of—

''(A) the date on which the injured employee reaches retirement age; or

''(B) 1 year after the employee begins receiving compensation.''.

(b) PARTIAL DISABILITY.—Section 8106 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ''This section applies to a Postal Service employee, except as provided under subsection (d).''; and

(2) by adding at the end the following:

''(d)(1) In this subsection, the term 'retirement age' has the meaning given under section 216(*l*)(1) of the Social Security Act (42 U.S.C. 416(*l*)(1)).

''(2) Notwithstanding any other provision of law, for any injury occurring on or after the date of enactment of this subsection, and for any new claim for a period of disability commencing on or after that date, the compensation entitlement for partial disability is converted to 50 percent of the difference between the monthly pay of an employee and the monthly wage earning capacity of the employee after the beginning of partial disability on the later of—

''(A) the date on which the injured employee reaches retirement age; or

''(B) 1 year after the employee begins receiving compensation.''.

TITLE X—MISCELLANEOUS

SEC. 1001. EMPLOYMENT OF POSTAL POLICE OFFICERS.

Section 404 of title 39, United States Code (as amended by this Act), is further amended by adding at the end the following:

''(d) The Postal Service may employ guards for all buildings and areas owned or occupied by the Postal Service or under the charge and control of the Postal Service, and may give such guards, with respect to such property, any of the powers of special policemen provided under section 1315 of title 40. The Postmaster General, or the designee of the Postmaster General, may take any action that the Secretary of Homeland Security may take under section 1315 of title 40, with respect to that property.

SEC. 1002. EXPANDED CONTRACTING AUTHORITY.

(a) AMENDMENT TO TITLE 39, UNITED STATES CODE.—

(1) CONTRACTS WITH AIR CARRIERS.—Subsection (e) of section 5402 of title 39, United States Code, is amended—

(A) by striking the matter preceding paragraph (2) and inserting the following:

''(e)(1) The Postal Service may contract with any air carrier for the transportation of mail by aircraft in interstate air transportation, including the rates for that transportation, either through negotiations or competitive bidding.'';

(B) by redesignating paragraph (2) as paragraph (4); and

(C) by inserting after paragraph (1) the following:

''(2) Notwithstanding subsections (b) through (d), the Postal Service may contract with any air carrier or foreign air carrier for the transportation of mail by aircraft in foreign air transportation, including the rates for that transportation, either through negotiations or competitive bidding, except that—

''(A) any such contract may be awarded only to—

''(i) an air carrier holding a certificate required by section 41101 of title 49 or an exemption therefrom issued by the Secretary of Transportation;

''(ii) a foreign air carrier holding a permit required by section 41301 of title 49 or an exemption therefrom issued by the Secretary of Transportation; or

''(iii) a combination of such air carriers or foreign air carriers (or both);

''(B) mail transported under any such contract shall not be subject to any duty-to-carry requirement imposed by any provision of subtitle VII of title 49 or by any certificate, permit, or corresponding exemption authority issued by the Secretary of Transportation under that subtitle;

''(C) during the 5-year period beginning 1 year after the date of enactment of the Postal Accountability and Enhancement Act, the Postal Service may not under this paragraph—

''(i) contract for service between a pair or combination of pairs of points in foreign air transportation with—

''(I) a foreign air carrier; or

''(II) an air carrier to the extent that service provided would be offered through a code sharing arrangement in which the air carrier's designator code is used to identify a flight operated by a foreign air carrier; or

''(ii) tender mail in foreign air transportation under contracts providing for the carriage of mail in foreign air transportation over all (or substantially all, as determined by the Postal Service) of a carrier's routes or all or substantially all of a carrier's routes within a geographic area determined by the Postal Service on the basis of a common unit price per mile and a separate terminal price to—

''(I) a foreign air carrier; or

''(II) an air carrier to the extent that service provided would be offered through a code sharing arrangement in which the air carrier's designator code is used to identify a flight operated by a foreign air carrier, unless—

''(aa) with respect to clause (i) and this clause, fewer than 2 air carriers capable of providing service to the Postal Service adequate for its purposes between the pair or combination of pairs of points in foreign air transportation offer scheduled service between the pair or combination of pairs of points in foreign air transportation which are the subject of the contract or tender;

''(bb) with respect to clause (i), after competitive solicitation, the Postal Service has not received at least 2 offers from eligible air carriers capable of providing service to the Postal Service adequate for its purposes between the pair of combination of pairs of points in foreign air transportation; or

''(cc) with respect to this clause, after competitive solicitation, fewer than 2 air carriers under contract with the Postal Service offer service adequate for the Postal Service's purposes between the pair or combination of pairs of points in foreign air transportation for which tender is being made;

''(D) beginning 6 years after the date of enactment of the Postal Accountability and Enhancement Act, every contract that the Postal Service awards to a foreign air carrier under this paragraph shall be subject to the continuing requirement that air carriers shall be afforded the same opportunity to carry the mail of the country to and from which the mail is transported and the flag country of the foreign air carrier, if different, as the Postal Service has afforded the foreign air carrier; and

''(E) the Postmaster General shall consult with the Secretary of Defense concerning actions that affect the carriage of military mail transported in foreign air transportation.

''(3) Paragraph (2) shall not be interpreted as suspending or otherwise diminishing the authority of the Secretary of Transportation under section 41310 of title 49.''.

(2) DEFINITIONS.—Section 5402(a) of title 39, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) The terms 'air carrier', 'air transportation', 'foreign air carrier', 'foreign air transportation', 'interstate air transportation', and 'mail' have the meanings given such terms in section 40102(a) of title 49.''.

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—

(1) AUTHORITY OF POSTAL SERVICE TO PROVIDE FOR INTERSTATE AIR TRANSPORTATION OF MAIL.—Section 41901(a) of title 49, United States Code, is amended to read as follows:

''(a) TITLE 39.—The United States Postal Service may provide for the transportation of mail by aircraft in air transportation under this chapter and under chapter 54 of title 39.''.

(2) SCHEDULES FOR CERTAIN TRANSPORTATION OF MAIL.—Section 41902 of title 49, United States Code, is amended—

(A) by striking subsection (b) and inserting the following:

''(b) STATEMENTS ON PLACES AND SCHEDULES.—Every air carrier shall file with the Secretary of Transportation and the United States Postal Service a statement showing—

''(1) the places between which the carrier is authorized to transport mail in Alaska;

''(2) every schedule of aircraft regularly operated by the carrier between places described under paragraph (1) and every change in each schedule; and

''(3) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each place.'';

(B) in subsection (c), by striking ''(b)(3)'' and inserting ''(b)''; and

(C) in subsection (d), in the first sentence, by striking ''(b)(3)'' and inserting ''(b)''.

(3) PRICES FOR FOREIGN TRANSPORTATION OF MAIL.—Section 41907 of title 49, United States Code, is amended—

(A) by striking ''(a) LIMITATIONS.—''; and

(B) by striking subsection (b).

(4) TECHNICAL AND CONFORMING AMENDMENTS.—Sections 41107, 41901(b)(1), 41902(a), and 41903 (a) and (b) of title 49, United States Code, are amended by striking ''in foreign air transportation or''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 1003. REPORT ON THE UNITED STATES POSTAL INSPECTION SERVICE AND THE OFFICE OF THE INSPECTOR GENERAL OF THE UNITED STATES POSTAL SERVICE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall review the functions, responsibilities, and areas of possible duplication of the United States Postal Inspection Service and the Office of the Inspector General of the United States Postal Service and submit a report on the review to the Committee on Homeland Security and Governmental Affairs of the Senate.

(b) CONTENTS.—The report under this section shall include recommendations for legislative actions necessary to clarify the roles of the United States Postal Inspection Service and the Office of the Inspector General of the United States Postal Service to strengthen oversight of postal operations.

SEC. 1004. SENSE OF CONGRESS REGARDING POSTAL SERVICE PURCHASING REFORM.

It is the sense of Congress that the Postal Service should—

(1) ensure the fair and consistent treatment of suppliers and contractors in its current purchasing policies and any revision or replacement of such policies, such as through the use of competitive contract award procedures, effective dispute resolution mechanisms, and socioeconomic programs; and

(2) implement commercial best practices in Postal Service purchasing policies to achieve greater efficiency and cost savings as recommended in July 2003 by the President's Commission on the United States Postal Service, in a manner that is compatible with the fair and consistent treatment of suppliers and contractors, as befitting an establishment in the United States Government.

POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT OF 2005

Mr. CARPER. Mr. President, I rise today to join my friend from Maine, Senator COLLINS, in introducing the Postal Accountability and Enhancement Act of 2005, legislation that makes the reforms necessary for the Postal Service to thrive in the 21st Century and to better serve the American people. This bill is almost identical to S. 2468, the version of the Postal Accountability and Enhancement Act that was unanimously reported out of the Governmental Affairs Committee last June on a 17–0 vote.

When I rose with Senator COLLINS to introduce S. 2468 last year, I noted that some of our colleagues may wonder why we need postal reform. Most of us probably receive few complaints from our constituents about the Postal Service. Most Americans like the Postal Service just the way it is and don't want to see it changed. We must keep in mind, however, that, despite the fact that the mailing industry, and the economy as a whole, have changed radically over the years, the Postal Service has, for the most part, remained unchanged for more than three decades now.

Senator COLLINS and I are re-introducing this bill today, then, because the Postal Service continues to operate under a business model created a generation ago.

In the early 1970s, Senator STEVENS led the effort in the Senate to create the Postal Service out of the failing Post Office Department. At the time, the Post Office Department received about 20 percent of its revenue from taxpayer subsidies. Labor-management relations were at their worst, service was suffering and there was little hope the department would be able to muster the resources necessary to service a growing delivery network.

By all accounts, the product of Senator STEVENS' labors, the Postal Reorganization Act signed into law by President Nixon in 1971, has been a phenomenal success. The Postal Service today receives virtually no taxpayer support. The service its hundreds of thousands of employees provide to every American, nearly every day is second to none. The Postal Service now delivers to 141 million addresses each day and is the anchor of a $900 billion mailing industry.

As we celebrate the success of the Postal Reorganization Act, however, we need to be thinking about what needs to be done to help the Postal Service continue to thrive in the years to come.

The Postal Service is clearly in need of modernization once again. Back in the early 1970s, none of the Postal Service's customers had access to fax machines, cell phones or pagers. Nobody imagined that we would ever enjoy conveniences like e-mail and electronic bill pay that could replace a First Class letter. That, of course, is no longer the case. Most of the mall I receive from my constituents these days arrives via fax and e-mail instead of hard copy mail, a marked change from my days in the House and even from my more recent days as Governor of Delaware.

This continuing electronic diversion of mail, coupled with a slow economy and the threat of terrorism, has made for some rough going at the Postal Service of late. In 2001, as Postmaster General Potter came onboard, the Postal Service was projecting its third consecutive year of deficits. They lost $199 million in 2000 and $1.68 billion in 2001. They were projecting losses of up to $4 billion in fiscal year 2002. Mail volume was falling, revenues were below projections and the Postal Service was estimating that it needed to spend $4 billion on security enhancements in order to prevent a repeat of the tragic anthrax attacks that took several lives. The Postal Service was also perilously close to its $15 billion debt ceiling and had been forced to raise rates three times in less than two years in order to pay for its operations.

A number of positive steps have been taken since 2001. General Potter has led a commendable effort to improve productivity and make the Postal Service more efficient. Billions of dollars in costs have been taken out of the system—some $4.3 billion since 2002—according to the Postal Service's most recent annual report. Thousands of positions have been eliminated through attrition and successful automation programs have yielded great benefits, resulting in the smallest workforce seen at the Postal Service since the early 1980s.

Perhaps most dramatically, the Postal Service learned in 2002 that an unfunded pension liability they once believed was as high as $32 billion was actually significantly lower. Senator COLLINS and I responded with legislation, the Postal Civil Service Retirement System Funding Reform Act, which cut the amount the Postal Service must pay into the Civil Service Retirement System each year by nearly $3 billion. This has freed up money for debt reduction and prevented the need for further rate increases until at least next year. The Postal Service's debt to the Treasury now stands at about $1.8 billion—the lowest it's been in more than 20 years—and rates have remained stable since the passage of the pension bill.

Aggressive cost cutting and a lower pension payment, then, have put off the postal emergency we thought was right around the corner just a few years ago. But cost cutting can only go so far and will not solve the Postal Service's long-term challenges. These long-term challenges were laid out in stark detail last year when Postmaster General Potter and then-Postal Board of Governors Chairman David Fineman testified before the House Government Reform Committee's Special Panel on Postal Reform. Mr. Fineman pointed out in his testimony that the total volume of mail delivered by the Postal Service has declined by more than 5 billion pieces since 2000. Over the same period, the number of homes and businesses the Postal Service delivers to have increased by more than 5 million. First Class mail, the largest contributor to the Postal Service's bottom line, is leading the decline in volume. Some of those disappearing First Class letters are being replaced by advertising mail, which earns significantly less. Many First Class letters have likely been lost for good to fax machines, e-mail and electronic bill pay.

Despite electronic diversion, the Postal Service continues to add between 1.6 million and 1.9 million new delivery points each year, creating the need for thousands of new routes and thousands of new letter carriers to work them. In addition, faster-growing parts of the country will need new or expanded postal facilities in the coming years. As more and more customers turn to electronic forms of communication, however, letter carriers are bringing fewer pieces of mail to each address they serve. The rate increases that will be needed to maintain the Postal Service's current infrastructure, finance retirement obligations to its current employees, pay for new letter carriers and build facilities in growing parts of the country will only erode mail volume further.

The Postal Service has been trying to modernize on its own. General Potter and his management team are making progress, but there is only so much they can do without legislative change. Even if the Postal Service begins to see volume and revenues pick up, we will still need to make fundamental changes in the way the Postal Service operates in order to make them as successful in the 21st Century as they were in the 20th Century.

This is where the Postal Accountability and Enhancement Act comes in.

First, our bill begins the process of developing a modern rate system for pricing Postal Service products. The new system, to be developed by a strengthened Postal Rate Commission, renamed the Postal Regulatory Commission, would allow retained earnings, provide the Postal Service significantly more flexibility in setting prices and streamline today's burdensome rate making process. To provide stability, predictability and fairness for the Postal Service's customers, rates would remain within a cap to be set each year by the Regulatory Commission.

The second major provision in the Postal Accountability and Enhancement Act requires the Postal Service to set strong service standards for its Market Dominant products, a category made up mostly of those products, like First Class mail, that are part of the postal monopoly. The new standards will improve service and will be used by the Postal Service to establish performance goals, rationalize its physical infrastructure and streamline its workforce.

Third, the Postal Accountability and Enhancement Act ensures that the Postal Service competes fairly. The bill prohibits the Postal Service from issuing anti-competitive regulations. It also subjects the Postal Service to state zoning, planning and land use laws, requires them to pay an assumed Federal income tax on products like packages and Express Mail that private firms also offer and requires that these products as a whole pay their share of the Postal Service's institutional costs. The Federal Trade Commission will further study any additional legal benefits the Postal Service enjoys that its private sector competitors do not. The Regulatory Commission will then find a way to use the rate system to level the playing field.

Fourth, the Postal Accountability and Enhancement Act improves Postal Service accountability, mostly by strengthening oversight. Qualifications for membership on the Regulatory Commission would be stronger than those for the Rate Commission so that Commissioners would have a background in finance or economics. Commissioners would also have the power to demand information from the Postal Service, including by subpoena, and have the power to punish the Postal Service for violating rate and service regulations. In addition, the Regulatory Commission will make an annual determination as to whether the Postal Service is in compliance with existing rate regulations and service standards and will have the power to punish them for any transgressions.

Fifth, the Postal Accountability and Enhancement Act revises two provisions from the ''Postal Civil Service Retirement System Funding Reform Act in an effort to shore up the Postal Service's finances in the years to come. As our colleagues may be aware, that bill required the Postal Service, beginning in 2006, to deposit any savings it enjoys by virtue of lower pension payments into an escrow account. In this bill, we eliminate that requirement in order to allow the Postal Service to spend the money that would have gone into escrow to begin pre-funding on a current basis its $50 billion retiree health obligation. Leftover savings would be used to continue paying down debt to the Treasury and to maintain rate stability.

The bill Senator COLLINS and I are introducing today also reverses the provision in the Postal Civil Service Retirement System Funding Reform Act that made the Postal Service the only Federal agency shouldered with the burden of paying the additional pension benefits owed to their employees by virtue of past military service.

Finally, and most importantly, the Postal Accountability and Enhancement Act preserves universal service and the postal monopoly and forces the Postal Service to concentrate solely on what it does best—processing and delivering the mail to all Americans. Our bill limits the Postal 'Service, for the first time, to providing ''postal services,'' meaning they would be prohibited from engaging in other lines of business, such as e-commerce, that draw time and resources away from letter and package delivery. It also explicitly preserves the requirement that the Postal Service ''bind the Nation together through the mail'' and serve all parts of the country, urban, suburban and rural, in a non-discriminatory fashion. Any service standards established by the Postal Service will continue to ensure delivery to every address, every day. In addition, the bill maintains the prohibition on closing post offices solely because they operate at a deficit, ensuring that rural and urban customers continue to enjoy full access to retail postal services.

As I mentioned at the beginning of my remarks, this bill that Senator COLLINS and I are introducing today is almost identical to the version of the Postal Accountability and Enhancement Act that was unanimously reported out of the Governmental Affairs Committee last June on a 17–0 vote. A similar bill was unanimously reported out of the House Government Reform Committee last year as well. Neither bill was considered on the floor of the Senate or the House, however, due—I'm told—to objections raised by the administration.

I was deeply disappointed that we were unable to complete action on postal reform last year. However, Senator COLLINS and I, our staffs and our colleagues in the House have had a series of discussions with administration officials since the 108th Congress adjourned last year and have narrowed our differences with them on these issues significantly. I'm pleased to report that this bill contains a handful of new provisions drafted to address specific concerns raised by the Administration.

First, we demand even greater financial transparency from the Postal Service. The Postal Accountability and Enhancement Act gives the Postal Service more room to operate like a private business. For quite some time, however, it's been clear that the financial reporting required of the Postal Service has been lacking. It's difficult to look at the Postal Service's financial reports and learn as much as we'd like to learn about its current condition and its future liabilities. For this reason, our bill requires the Postal Service to begin filing the very same quarterly and annual Securities and Exchange Commission disclosure forms that private sector firms must file.

Second, we add language drafted at the request of the Treasury Department that would ensure that the Postal Service does its banking and investing with the Federal Financing Bank. Our original bill would have given the Postal Service almost total freedom to invest any revenue earned by its competitive products in the market as if they were a private business. Treasury feared this could have a negative impact on the markets and the issuance of federal debt.

Third, we give the Postal Board of Governors the ability to better reward top Postal Service executives for their performance and recruit top talent. We accomplish this by raising the cap on executive pay at the Postal Service to the level of compensation given to the Vice President. This will allow the Board to reward high-performing managers. It should also make it easier to recruit and retain qualified managers.

Fourth, we ensure that the rate cap to be developed by the Postal Regulatory Commission is truly workable by requiring that the cap be based on the Consumer Price Index. A CPI-based cap should guarantee that the Postal Service has the room to operate each year without breaking the cap or turning to the Treasury for assistance while still giving mailers the predictability they need.

This is significant progress but we still have our work cut out for us. I look forward to working in the coming weeks with Chairman COLLINS, my colleagues on the Homeland Security and Governmental Affairs Committee, our House counterparts and the administration to work out any remaining differences we have. It's vitally important that we succeed.

The Postal Board of Governors voted last month to go forward with a rate increase. If approved by the Postal Rate Commission, this increase will go into effect sometime next year. Thanks to increased productivity, this is expected to be a lower increase than

many observers feared. Without postal reform, however, especially the language freeing the Postal Service from the escrow requirement and the military pension obligation, future rate increases will be higher. Probably much higher. This will only speed the flight from hard copy mail to electronic forms of communication. The impact of this flight will be significant, not just at the Postal Service but throughout the entire economy.

A recent study conducted by the Envelope Manufacturers Association Foundation's Institute for Postal Studies found that, if mail volume were to decline by 10 percent more than 780,000 mail-related jobs will be at risk across the country. More than 2,000 of those jobs are in Delaware. If mail volume were to decline by 20 percent more than 1,500,000 mailing industry jobs will be at risk across the country. More than 4,000 of those jobs are in Delaware. We need to act soon to prevent this from happening.

In closing, I'd like to point out how amazing it is to me to think that the Postal Service, something Senator STEVENS was literally able to put together at his kitchen table at the very beginning of his career, could have lasted so long and had such an enduring impact on every American. I'm hopeful that the model Senator COLLINS and I have set out in this bill today can last at least that long and have just as positive an impact on our nation and our economy as the Postal Service has had over the past 35 years.

COLLINS AND GREGG COLLOQUY ON POSTAL REFORM

Ms. COLLINS. Mr. President, today I introduce the Postal Accountability and Enhancement Act of 2005, a bill designed to help the 225-year-old Postal Service meet the challenges of the 21st century. I originally introduced this bill last May. In June of 2004, the bill was unanimously reported out of the Homeland Security and Governmental Affairs Committee. That bill, S. 2468, had the strong endorsements of the National Rural Letter Carriers Association, the National Association of Letter Carriers, the National Association of Postmasters of the United States, and the Coalition for a 21st Century Postal Service—which represents thousands of the major mailers, employee groups, small business, and other users of the mail. It also had the strong bipartisan support of twenty-two members of the United States Senate. Unfortunately, the 108th Congress expired before my bill passed the Senate.

It has long been acknowledged that the financial and operational problems confronting the Postal Service are serious. At present, the Postal Service has roughly $70 billion to $80 billion in unfunded liabilities and obligations, which include $1.8 billion in debt to the U.S. Treasury, $7.6 billion for workers' compensation claims, $3.5 billion for retirement costs, and as much as $47 billion to cover retiree health care costs. The Government Accountability Office's Comptroller General, David Walker, has pointed to the urgent need for ''fundamental reforms to minimize the risk of a significant taxpayer bailout or dramatic postal rate increases.'' The Postal Service has been on GAO's ''High-Risk'' List since April of 2001. The Postal Service is at risk of a ''death spiral'' of decreasing volume and increasing rates that lead to further decreases in volume.

The Postal Service is the linchpin of a $900-billion mailing industry that employs 9 million Americans in fields as diverse as direct mailing, printing, catalog production, and paper manufacturing. The health of the Postal Service is essential to the vitality of thousands of companies and the millions that they employ.

First and foremost, my bill preserves the basic features of universal service—affordable rates, frequent delivery, and convenient community access to retail postal services. If the Postal Service were no longer to provide universal service and deliver mail to every customer, the affordable communication link upon which many Americans rely would be jeopardized.

This postal reform legislation grants the Postal Service Board of Governors the authority to set rates for competitive products like Express Mail and Parcel Post, as long as these prices do not result in cross subsidy from market-dominant products. It replaces the current lengthy and litigious rate-setting process with a rate cap-based structure for market-dominant products such as first-class mail, periodicals, and library mail. The bill also introduces new safeguards against unfair competition by the Postal Service in competitive markets.

The Postal Accountability and Enhancement Act will greatly improve the financial transparency of the Postal Service. The USPS would be required to file with the Postal Regulatory Commission certain Securities and Exchange Commission financial disclosure forms, along with detailed annual reports on the status of the Postal Service's pension and post-retirement health obligations in order to ensure increased financial transparency.

The legislation repeals a provision of Public Law 108–18 which requires that money owed to the Postal Service due to an overpayment into the Civil Service Retirement System Fund be held in an escrow account, which would essentially ''free up'' $78 billion over a period of 60 years. These savings would be used to not only pay off debt to the U.S. Treasury and to fund health care liabilities, but also to mitigate rate increases. It also returns to the Department of the Treasury the responsibility for funding CSRS pension benefits relating to the military service of postal retirees—a responsibility that the Treasury Department bears for all executive branch departments and agencies.

The bill also converts workers' compensation benefits for total or partial disability to a retirement annuity when the affected employee reaches 65 years of age, and puts into place a 3-day waiting period before an employee is eligible to receive 45 days of continuation of pay. These changes will save the Postal Service approximately $50 million in workers' compensation costs over a 10-year period.

The Postal Service has reached a critical juncture. If we are to save and strengthen this vital service upon which so many Americans rely for communication and their livelihoods, the time to act is now.

I therefore ask the Senior Senator from New Hampshire and chairman of the Senate Budget Committee whether I can count on his assistance and support to help pass this legislation this Congress.

Mr. GREGG. I thank the chairman of the Homeland Security and Governmental Affairs Committee for her question. I do recognize the economic importance of a healthy postal service, and as a Senator from the rural State of New Hampshire, I appreciate the role of a healthy Postal Service in meeting the universal service needs of rural residents. I look forward to reading the bill, reading the CBO cost estimate of the bill, and working with the Senator from Maine to ensure that a true, fiscally responsible postal reform bill is enacted.

Ms. COLLINS. I thank my friend from New Hampshire and look forward to working with him on this important piece of legislation.

By Mr. BINGAMAN (for himself, Mr. THOMAS, Mr. ISAKSON, and Mr. BURNS):

S. 663. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, today my colleague, Senator THOMAS, and I along with Senator ISAKSON are re-introducing the ''Equity for Our Nation's Self-Employed Act of 2005.'' This important legislation corrects an inequity that currently exists in our tax code that forces self-employed workers to pay payroll taxes on the funds used to pay for their health insurance while larger businesses do not. Because of this inequity, health insurance is more expensive for the self-employed. At a time when the uninsured are growing at an alarming rate, we need to find ways to reduce the cost of health insurance. This legislation is a first logical step.

Under current law, the self-employed are allowed an income tax deduction for the amount they pay for health insurance, but must still calculate their payroll taxes as if they were not allowed this income tax deduction. The result is that the self-employed are paying payroll taxes on the amount they pay for health insurance. As previously stated, larger businesses do not include pay payroll taxes on the amount they pay for health insurance. The legislation we are introducing today would stop this inequitable tax treatment and allow the self-employed to deduct the amount they pay for health insurance from their calculation of payroll taxes.

This problem affects all self-employed who provide health insurance to their families. According to the Census Bureau, there are almost 74,000 self-employed workers in New Mexico. While we have no idea how many of these people in New Mexico have health insurance, we do know that roughly 3.6 million working families in the United States paid self-employment tax on their health insurance premiums. Estimates indicate that roughly 60 percent of our Nation's uninsured are either self-employed or work for a small business. According to the Kaiser Family Foundation, self-employed workers spend more than $9,000 per year to provide health insurance for their family. Because they cannot deduct this as an ordinary business expense, those that spend this amount will pay a 15.3 percent tax on their premiums resulting in almost $1,400 of taxes annually.

This problem was identified by the National Taxpayer Advocate in several of her annual reports to Congress and our legislation to correct it is supported by a variety of groups including the National Association for the Self-Employed, the National Small Business Association, the National Federation of Independent Businesses, the U.S. Chamber of Commerce, the U.S. Hispanic Chamber of Commerce, and the Small Business Legislative Council.

I look forward to working with my colleagues to get this important legislation passed.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 663

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 ''Equity for Our Nation's Self Employed Act of 2005''.

SEC. 2. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. DORGAN (for himself, Mr. GRAHAM, and Mr. AKAKA):

S. 665. A bil. to reauthorize and improve the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 to establish a program to commercialize hydrogen and fuel cell technology, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DORGAN. Mr. President, I rise today to introduce a piece of legislation, along with Mr. GRAHAM, that I believe is needed to solve our long-term energy need. It is imperative that our Nation implements a roadmap to achieving our goal of creating a hydrogen fuel-cell economy. I believe this measure is the best way to diversify our energy portfolio and protect our national security interests.

This legislation would invest $7.9 billion over 10 years in hydrogen fuel cell research and deployment. Additionally, the measure would change the current direction of the hydrogen program, allowing each program related to developing hydrogen to build off of each other. Similar to what has been recommended by the National Academies, it realizes a more conscious systems approach to program design.

You see, currently the hydrogen program is like a series of small block grants. We send money to the Department of Energy, DOE, and simply tell them to come up with a program. Under this scenario, with little accountability or direction, the program has not moved as swiftly as we would like.

Changing the structure of the hydrogen program will ensure that the long-term goal is reached and the benefits are reaped. What this legislation does is compartmentalize each program at DoE related to hydrogen development. Instead of sending a chunk of money, the funds will now be targeted to programs that will be the foundation for building and commercializing a hydrogen fuel-cell economy.

Additionally, this measure uses the successful ''learning demonstration'' technique of building institutional relationships among key industries and with the Government that has strong support from both the fuels industry and the auto sector, and applies this as a program design to all large scale systems demonstrations. These demonstrations are then linked to refining the R&D tasks again after the demonstrations complete their early phases, so that concrete learning is integrated directly into a final round of more focused R&D.

This bill enables a more strategic approach to program planning in the formation of a hydrogen economy. It also includes more interaction between R&D and demonstrations—with emphasis on development—that is the key to accelerating commercialization and movement to market.

This measure does not reinvent the wheel. Instead, it takes what we have learned thus far and focuses our efforts for the future. Providing developmental targets and accountability will also allow us to adjust our priorities appropriately.

Introduction of this measure could not come at a more critical time. Today, oil prices are at an all time high of $57.00 a barrel. This increase has directly hit consumers where it hurts most—in their wallets. Today in the State of North Dakota, consumers will spend $330,000 more for gasoline than they did this time last year. This is nothing more than an additional tax on hard working families who have to drive around during the course of their daily lives. It is no longer a question of whether you can afford to sign your children up for extra curricular activities like baseball or ballet; it is now a question of whether you can afford to even take them to these activities.

It shouldn't be this way, especially in America. However, we continue to be beholden to the same generational argument: Where can we dig and drill next? We need to jump over this debate and I believe this measure does that.

Let me describe why I think we ought to do this and why focusing our attention and resources is important. I will harken back to the Apollo program. On May 25, 1961, President John F. Kennedy announced our Nation was establishing a goal of sending a man to the Moon and having a safe return by the end of the decade.

The Apollo project was an enormous undertaking. The NASA annual budget increased from $500 million in 1960 to $5.2 billion in 1965. It represented 5.3 percent of the Federal budget in 1965. Think about that. In today's terms, that would be over $115 billion. NASA engaged private industry, university research, and academia in a massive way and contractor employees increased by a factor of 10, to 376,000 people, in 1965.

When President Kennedy said in 1961 it was his vision to have a man walk on the Moon by the end of the decade, there was no technological capability to do so at that moment and no guarantee it could even be done. During the height of the cold war, the Soviets had an advantage in space flight and that advantage was of great concern to us. They had put up a satellite called Sputnik and the technological barriers facing the U.S. in catching up were very significant. The expense and resolve were daunting, but yet, on July 20, 1969, Neil Armstrong and Buzz Aldrin stood on the surface of the Moon and pantomimed a golf game. In

a single decade, the President and the country set and reached an unthinkable goal.

Now let's talk about another goal, another big idea, one that we ought to establish now for this country and for its future. That is the goal of deciding, as President Bush has suggested, that we move toward a hydrogen economy and fuel-cells for our vehicles. I will describe why I think this is important.

America's energy security is threatened by our dependence on foreign oil. Oil prices are at record highs and America now imports 62 percent of the oil it consumes. Our import level is expected to grow to 68 percent by 2025. Nearly all of our cars and trucks run on gasoline, and they are the main reason America imports so much oil. Two-thirds of the oil Americans use each day is used for transportation; fuel-cell vehicles offer the best hope of dramatically reducing our long-term dependence on foreign oil and protecting our national security interests.

The American economy is and will be held hostage by our ability to find and import oil from outside of our country's borders. Should this cause all of us great concern? Yes. This is a very serious problem. If we wake up tomorrow morning, God forbid, and terrorists have interrupted the supply of oil to this country—and, yes, that could happen—this country's economy will be flat on its back. It will be flat on its back because we rely on oil from sources outside this country, much of it from very troubled parts of the world. And our dependence is only expected to increase.

Whenever we discuss oil, the debate centers around two issues—drilling in ANWR and CAFÉ standards. If it is only those two issues, we lose. We need to move beyond these issues. Yes, we can address them, but it seems to me if these are our only options, every few years we will debate exactly the same issues: Where do we drill next? and, How much more efficient can we make a carburetor, through which we run gasoline?

If our energy strategy for this country's future is simply digging and drilling, then it is a strategy I call 'yesterday forever,' which means it doesn't really change very much. Every few years we can debate the issue of how dependent we are on oil imports and how dangerous it is for us. I think we should have a different debate, one that breaks our normal cycle.

That does not mean we should not dig and drill. We will, we can, and we should. We will always use fossil fuels. But these resources must be used in a sustainable and efficient manner. We will continue to dig and drill, but that cannot be all we do. If it is, we really have not moved the ball forward at all. So what else can we do? I believe we should chart a different course.

First of all, using fuel-cells and hydrogen is twice as efficient in getting power to a wheel as using the internal combustion engine. Second, when we use hydrogen fuel-cells in automobiles or vehicles, we are sending water vapor out the tailpipe. What a wonderful thing for our environment and our economy. We double the efficiency of the energy source, while at the same time eliminating the pollution out of the tailpipe. That makes great sense to me.

In the past I have introduced legislation saying let's move to a different kind of technology, a different kind of energy economy; let's move to a hydrogen economy using fuel-cells. This bill is different from my previous bills because it would not only authorize higher funding levels, but just as importantly, it would change the way the program works.

My point is simple. We need accountability and targets and timetables in all the programs developing hydrogen. While this measure specifically states that we should set a target of 100,000 vehicles on the road by 2010 and 2.5 million by 2020, it also includes developmental milestones within each program, essentially giving us a roadmap of where we need to go and how to get there. If we do not set this out, we will not get there. If we do not have the same resolve towards establishing a hydrogen fuel-cell economy as President Kennedy had in putting a man on the Moon then we are not going to get there. Not without the focus and commitment needed.

Are there issues that need to be resolved? Sure there are, but we will never resolve them unless we implement a plan to do so. That is why I feel this legislation is the best approach. We focus on what is needed, while building on what we have. Instead of having two or more projects moving in different directions, with no connection, we set out a more focused approach where we can see exactly the progress we are making.

This commitment is what is needed and this direction is supported throughout the hydrogen industry. We cannot let this opportunity pass us by. If we sit and do nothing when the price of oil is at its highest, then I fear we will never do anything. This type of commitment and resolve is needed for our economic future, as well as to ensure our national security interests.

If we start now, I have no doubt that hydrogen fueled vehicles will be to our grandchildren what gasoline was to our grandparents.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 665

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 ''Hydrogen and Fuel Cell Technology Act of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Hydrogen and fuel cell technology authorization.
Sec. 3. Public utilities.
Sec. 4. Tax incentives to build the hydrogen economy.

SEC. 2. HYDROGEN AND FUEL CELL TECHNOLOGY AUTHORIZATION.

The Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990.'.

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

''Sec. 1. Short title; table of contents.
''Sec. 2. Definitions.
''Sec. 3. Findings.
''Sec. 4. Purposes.
''TITLE I—HYDROGEN AND FUEL CELLS
''Sec. 101. Hydrogen and fuel cell technology research and development.
''Sec. 102. Task Force.
''Sec. 103. Technology transfer.
''Sec. 104. Authorization of appropriations.
''TITLE II—HYDROGEN AND FUEL CELL DEMONSTRATION
''Sec. 201. Hydrogen supply and fuel cell demonstration program.
''Sec. 202. Authorization of appropriations.
''TITLE III—TRANSITION TO MARKET
''Sec. 301. Federal procurement of fuel cell vehicles and hydrogen energy systems.
''Sec. 302. Federal procurement of stationary and micro fuel cells.
''TITLE IV—REGULATORY MANAGEMENT
''Sec. 401. Codes and standards.
''Sec. 402. Authorization of appropriations.
''TITLE V—REPORTS
''Sec. 501. Deployment of hydrogen technology.
''Sec. 502. Authorization of appropriations.
''TITLE VI—TERMINATION OF AUTHORITY
''Sec. 601. Termination of authority.

"SEC. 2. DEFINITIONS.

''In this Act:

''(1) CARBON FOOTPRINT.—The term 'carbon footprint' means the sum of carbon equivalent emissions from all energy conversion processes occurring from raw material through hydrogen production, distribution, and use.

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

''(3) FUEL CELL.—The term 'fuel cell' means a device that directly converts the chemical energy of a fuel and an oxidant into electricity by electrochemical processes occurring at separate electrodes in the device.

''(4) INFRASTRUCTURE.—The term 'infrastructure' means the equipment, systems, or facilities used to produce, distribute, deliver, or store hydrogen (except for onboard storage).

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(6) STATIONARY; PORTABLE.—The terms 'stationary' and 'portable', when used in reference to a fuel cell, include—

''(A) continuous electric power; and

''(B) backup electric power.

''(7) TASK FORCE.—The term 'Task Force' means the Hydrogen and Fuel Cell Technical Task Force established under section 102(a).

''(8) TECHNICAL ADVISORY COMMITTEE.—The term 'Technical Advisory Committee' means the independent Technical Advisory Committee of the Task Force selected under section 102(d).

''SEC. 3. FINDINGS.

''Congress finds that—

''(1) the United States imports 60 percent of all the oil and products that it consumes, most of it used in transportation;

''(2) there is little fuel diversity in the transportation sector of the United States, making it extremely sensitive to volatile oil supplies;

''(3) rapidly rising energy prices have raised the imported oil bill of the United States to nearly $250,000,000,000 in 2004, which is a direct offshore wealth transfer from the U.S. that could otherwise be invested in a hydrogen economy to create many new jobs;

''(4) although the United States has become a more efficient and cleaner user of energy, total energy use continues to grow as the economy expands, along with total vehicle emissions;

''(5) without dramatic action, 68 percent of oil demand will come from imports by 2025;

''(6) over the next 10 years, oil imports could cost nearly $3,000,000,000,000, while protecting foreign supplies adds even more to that cost;

''(7) hydrogen and fuel cells offer the best hope of realizing more efficient, cleaner means of regaining control of the energy security of the United States, and achieving quality economic growth;

''(8) in the spirit of the Apollo project that put us on the Moon, and the practical vision that built the United States interstate highway system, the U.S. needs to commit sufficient public investment to develop and commercialize hydrogen and fuel cell technologies, in partnership with our private sector; and

''(9) economies must grow to sustain their health, and strong public investments in research and development will harness the skills of our universities, national laboratories, and innovative private industry to create the hydrogen economy.

''SEC. 4. PURPOSES.

''The purposes of this Act are—

''(1) to enable and promote comprehensive development, demonstration, and commercialization of hydrogen and fuel cell technology in partnership with industry;

''(2) to make critical public investments in building strong links to private industry, universities, national laboratories, and research institutions to expand innovation and industrial growth;

''(3) to build a mature hydrogen economy that creates fuel diversity in the massive transportation sector of the United States;

''(4) to sharply decrease the dependency of the United States on imported oil, eliminate most emissions from the transportation sector, and greatly enhance our energy security; and

''(5) to create, strengthen, and protect a sustainable national energy economy.

''TITLE I—HYDROGEN AND FUEL CELLS

''SEC. 101. HYDROGEN AND FUEL CELL TECHNOLOGY RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Secretary, in consultation with other Federal agencies and the private sector, shall conduct a research and development program on technologies relating to the production, purification, distribution, storage, and use of hydrogen energy, fuel cells, and related infrastructure.

''(b) GOAL.—The goal of the program shall be to demonstrate and commercialize the use of hydrogen for transportation (in light and heavy vehicles), utility, industrial, commercial, residential, and defense applications.

''(c) FOCUS.—In carrying out activities under this section, the Secretary shall focus on mutually supportive developmental factors that are common to the development of hydrogen infrastructure and the supply of vehicle and electric power for critical consumer and commercial applications, and that achieve continuous technical evolution and cost reduction, particularly for hydrogen production, the supply of hydrogen, storage of hydrogen, and end uses of hydrogen that—

''(1) steadily increase production, distribution, and end use efficiency and reduce carbon footprints;

''(2) resolve critical problems relating to catalysts, membranes, storage, lightweight materials, electronic controls, and other problems that emerge from research and development;

''(3) enhance sources of renewable fuels and biofuels for hydrogen production; and

''(4) enable widespread use of distributed electricity generation and storage.

''(d) PUBLIC EDUCATION AND RESEARCH.—In carrying out this section, the Secretary shall support enhanced public education and university research in fundamental sciences, application design, and systems concepts (including education and research relating to materials, subsystems, manufacturability, maintenance, and safety) relating to hydrogen and fuel cells.

''(e) FUNDING.—

''(1) IN GENERAL.—The Secretary shall carry out the activities under this section through a competitive, merit-based review process consistent with any generally applicable Federal law (including regulations) that applies to an award of financial assistance, a contract, or another agreement.

''(2) RESEARCH CENTERS.—The Secretary may provide funds to a university-based or Federal laboratory or research center in accordance with paragraph (1) to carry out an activity under this section.

''(f) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of carrying out any project or activity under this section shall be 80 percent.

''(2) WAIVER OF NON-FEDERAL SHARE.—The Secretary may waive the non-Federal share of the cost of carrying out a project or activity under this section if the non-Federal share would otherwise be paid by a small business or an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), as determined by the Secretary.

''SEC. 102. TASK FORCE.

''(a) ESTABLISHMENT.—The Secretary, in cooperation with the Secretary of Defense, the Secretary of Transportation, and the Secretary of Commerce, shall establish an interagency Task Force, to be known as the 'Hydrogen and Fuel Cell Technical Task Force' to advise the Secretary in carrying out programs under this Act.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Task Force shall be comprised of such representatives of the Council on Environmental Quality, the Office of Science and Technology Policy, the Council of Economic Advisors, the Environmental Protection Agency, and the National Security Council, and such other representatives of Federal agencies, conferences of governors, and regional organizations, as the Secretary, Secretary of Defense, Secretary of Transportation, and Secretary of Commerce determine to be appropriate.

''(2) VOTING.—A member of the Task Force that does not represent a Federal agency shall serve on the Task Force only in a nonvoting, advisory capacity.

''(c) DUTIES.—The Task Force shall review and make any necessary recommendations to the Secretary on implementation and conduct of programs under this Act.

''(d) TECHNICAL ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall select such number of members as the Secretary considers to be appropriate to form an independent, nonpolitical Technical Advisory Committee.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—Each member of the Technical Advisory Committee shall have scientific, technical, or industrial expertise, as determined by the Secretary.

''(B) NATIONAL LABORATORIES.—At least 1 member of the Technical Advisory Committee shall represent a national laboratory.

''(3) DUTIES.—The Technical Advisory Committee shall provide technical advice and assistance to the Task Force and the Secretary.

''SEC. 103. TECHNOLOGY TRANSFER.

''In carrying out this Act, the Secretary shall carry out programs that—

''(1) provide for the transfer of critical hydrogen and fuel cell technologies to the private sector;

''(2) accelerate wider application of those technologies in the global market;

''(3) foster the exchange of generic, nonproprietary information; and

''(4) assess technical and commercial viability of technologies relating to the production, distribution, storage, and use of hydrogen energy and fuel cells.

''SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

''(a) HYDROGEN SUPPLY.—There are authorized to be appropriated to carry out projects and activities relating to hydrogen production, storage, distribution and dispensing, transport, education and coordination, and technology transfer under this title—

''(1) $200,000,000 for fiscal year 2006;

''(2) $210,000,000 for fiscal year 2007;

''(3) $220,000,000 for fiscal year 2008;

''(4) $230,000,000 for fiscal year 2009;

''(5) $250,000,000 for fiscal year 2010;

''(6) $240,000,000 for fiscal year 2011;

''(7) $230,000,000 for fiscal year 2012;

''(8) $220,000,000 for fiscal year 2013;

''(9) $180,000,000 for fiscal year 2014; and

''(10) $120,000,000 for fiscal year 2015.

''(b) FUEL CELL TECHNOLOGIES.—There are authorized to be appropriated to carry out projects and activities relating to fuel cell technologies under this title—

''(1) $160,000,000 for fiscal year 2006;

''(2) $170,000,000 for fiscal year 2007;

''(3) $180,000,000 for fiscal year 2008;

''(4) $200,000,000 for fiscal year 2009;

''(5) $210,000,000 for fiscal year 2010;

''(6) $200,000,000 for fiscal year 2011;

''(7) $190,000,000 for fiscal year 2012;

''(8) $170,000,000 for fiscal year 2013;

''(9) $150,000,000 for fiscal year 2014; and

''(10) $100,000,000 for fiscal year 2015.

"TITLE II—HYDROGEN AND FUEL CELL DEMONSTRATION

"SEC. 201. HYDROGEN SUPPLY AND FUEL CELL DEMONSTRATION PROGRAM.

''(a) IN GENERAL.—The Secretary, in consultation with the Task Force and the Technical Advisory Committee, shall carry out a program to demonstrate developmental hydrogen and fuel cell systems for mobile, portable, and stationary uses, using improved versions of the learning demonstrations program concept of the Department, including demonstrations involving—

''(1) light duty vehicles;

''(2) fleet delivery vans;

''(3) heavier duty vehicles;

''(4) specialty industrial and farm vehicles; and

''(5) commercial and residential portable, continuous, and backup electric power generation.

''(b) OTHER DEMONSTRATION PROGRAMS.—To develop widespread hydrogen supply and use options, and assist evolution of technology, the Secretary shall—

''(1) carry out demonstrations of evolving hydrogen and fuel cell technologies in national parks, remote island areas, and on Indian tribal land, as selected by the Secretary;

''(2) in accordance with any code or standards developed in a region, fund prototype, pilot fleet, and infrastructure regional hydrogen supply corridors along the interstate highway system in varied climates across the United States; and

''(3) fund demonstration programs that explore the use of hydrogen blends, hybrid hydrogen, and hydrogen reformed from renewable agricultural fuels, including the use of hydrogen in hybrid electric, heavier duty, and advanced internal combustion-powered vehicles.

''(c) SYSTEM DEMONSTRATIONS.—

''(1) IN GENERAL.—As a component of the demonstration program under this section, the Secretary shall provide grants, on a cost share basis as appropriate, to eligible entities (as determined by the Secretary) for use in—

''(A) devising system design concepts that provide for the use of advanced composite vehicles in programs under title III that—

''(i) have as a primary goal the reduction of drive energy requirements;

''(ii) after 2010, add another research and development phase to the vehicle and infrastructure partnerships developed under the learning demonstrations program concept of the Department; and

''(iii) are managed through an enhanced FreedomCAR program within the Department that encourages involvement in cost-shared projects by domestic and international manufacturers and governments; and

''(B) designing a local distributed energy system that—

''(i) incorporates renewable hydrogen production, off-grid electricity production, and fleet applications in industrial or commercial service;

''(ii) integrates energy or applications described in clause (i), such as stationary, portable, micro, and mobile fuel cells, into a high-density commercial or residential building complex or agricultural community; and

''(iii) is managed in cooperation with industry, State, tribal, and local governments, agricultural organizations, and nonprofit generators and distributors of electricity.

''(2) COST SHARING.—The Federal share of the cost of a project or activity carried out using funds from a grant under paragraph (1) shall not exceed 50% percent, as determined by the Secretary.

''(d) IDENTIFICATION OF NEW RESEARCH AND DEVELOPMENT REQUIREMENTS.—In carrying out the demonstrations under subsection (a), the Secretary, in consultation with the Task Force and the Technical Advisory Committee, shall—

''(1) after 2008 for stationary and portable applications, and after 2010 for vehicles, identify new research and development requirements that refine technological concepts, planning, and applications; and

''(2) during the second phase of the learning demonstrations under subsection (c)(1)(A)(ii), redesign subsequent research and development to incorporate those requirements.

"SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title—

''(1) $185,000,000 for fiscal year 2006;

''(2) $200,000,000 for fiscal year 2007;

''(3) $300,000,000 for fiscal year 2008;

''(4) $350,000,000 for fiscal year 2009;

''(5) $425,000,000 for fiscal year 2010;

''(6) $335,000,000 for fiscal year 2011;

''(7) $310,000,000 for fiscal year 2012;

''(8) $270,000,000 for fiscal year 2013;

''(9) $200,000,000 for fiscal year 2014; and

''(10) $100,000,000 for fiscal year 2015.

"TITLE III—TRANSITION TO MARKET

"SEC. 301. FEDERAL PROCUREMENT OF FUEL CELL VEHICLES AND HYDROGEN ENERGY SYSTEMS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to stimulate acceptance by the market of fuel cell vehicles and hydrogen energy systems;

''(2) to support development of technologies relating to fuel cell vehicles, public refueling stations, and hydrogen energy systems; and

''(3) to require the Federal government, which is the largest single user of energy in the United States, to adopt those technologies as soon as practicable after the technologies are developed, in conjunction with private industry partners.

''(b) FEDERAL LEASES AND PURCHASES.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—Not later than January 1, 2010, the head of any Federal agency that uses a light-duty or heavy-duty vehicle fleet shall lease or purchase fuel cell vehicles and hydrogen energy systems to meet any applicable energy savings goal described in subsection (c).

''(B) LEARNING DEMONSTRATION VEHICLES.—The Secretary may lease or purchase appropriate vehicles developed under the learning demonstrations program concept of the Department under title II to meet the requirement in subparagraph (A).

''(2) COSTS OF LEASES AND PURCHASES.—

''(A) IN GENERAL.—The Secretary, in cooperation with the Task Force and the Technical Advisory Committee, shall pay to Federal agencies (or share the cost under interagency agreements) the difference in cost between—

''(i) the cost to the agencies of leasing or purchasing fuel cell vehicles and hydrogen energy systems under paragraph (1); and

''(ii) the cost to the agencies of a feasible alternative to leasing or purchasing fuel cell vehicles and hydrogen energy systems, as determined by the Secretary.

''(B) COMPETITIVE COSTS AND MANAGEMENT STRUCTURES.—In carrying out subparagraph (A), the Secretary, in consultation with the agency, may use the General Services Administration or any commercial vendor to ensure—

''(i) a cost-effective purchase of a fuel cell vehicle or hydrogen energy system; or

''(ii) a cost-effective management structure of the lease of a fuel cell vehicle or hydrogen energy system.

''(3) EXCEPTION.—

''(A) IN GENERAL.—If the Secretary determines that the head of an agency described in paragraph (1) cannot find an appropriately efficient and reliable fuel cell vehicle or hydrogen energy system in accordance with paragraph (1), that agency shall be excepted from compliance with paragraph (1).

''(B) CONSIDERATION.—In making a determination under subparagraph (A), the Secretary shall consider—

''(i) the needs of the agency; and

''(ii) an evaluation performed by—

''(I) the Task Force; or

''(II) the Technical Advisory Committee.

''(c) ENERGY SAVINGS GOALS.—

''(1) IN GENERAL.—

''(A) REGULATIONS.—Not later than December 31, 2006, the Secretary shall—

''(i) in cooperation with the Task Force, promulgate regulations for the period of 2008 through 2010 that extend and augment energy savings goals for each Federal agency, in accordance with any Executive order issued after March 2000; and

''(ii) promulgate regulations to expand the minimum Federal fleet requirement and credit allowances for fuel cell vehicle systems under section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

''(B) REVIEW, EVALUATION, AND NEW REGULATIONS.—Not later than December 31, 2010, the Secretary shall—

''(i) review the regulations promulgated under subparagraph (A);

''(ii) evaluate any progress made toward achieving energy savings by Federal agencies; and

''(iii) promulgate new regulations for the period of 2011 through 2015 to achieve additional energy savings by Federal agencies relating to technical and cost-performance standards.

''(2) OFFSETTING ENERGY SAVINGS GOALS.—An agency that leases or purchases a fuel cell vehicle or hydrogen energy system in accordance with subsection (b)(1) may use that lease or purchase to count toward an energy savings goal of the agency.

''(3) USE OF ENERGY SAVINGS PERFORMANCE CONTRACTS.—An agency that leases or purchases a fuel cell vehicle or hydrogen energy system in accordance with subsection (b)(1) may use any energy savings performance contract under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) (including a pilot program for mobility uses in an expanded energy savings performance contract) to count toward an energy savings goal of the agency.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2008;

''(2) $15,000,000 for fiscal year 2009;

''(3) $50,000,000 for fiscal year 2010;

''(4) $100,000,000 for fiscal year 2011;

''(5) $150,000,000 for fiscal year 2012;

''(6) $165,000,000 for fiscal year 2013;

''(7) $195,000,000 for fiscal year 2014; and

''(8) $200,000,000 for fiscal year 2015.

"SEC. 302. FEDERAL PROCUREMENT OF STATIONARY, PORTABLE, AND MICRO FUEL CELLS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to stimulate acceptance by the market of stationary, portable, and micro fuel cells; and

''(2) to support development of technologies relating to stationary, portable, and micro fuel cells.

''(b) FEDERAL LEASES AND PURCHASES.—

''(1) IN GENERAL.—Not later than January 1, 2006, the head of any Federal agency that uses electrical power from stationary, portable, or microportable devices shall lease or purchase a stationary, portable, or micro fuel cell to meet any applicable energy savings goal described in subsection (c).

''(2) COSTS OF LEASES AND PURCHASES.—

''(A) IN GENERAL.—The Secretary, in cooperation with the Task Force and the Technical Advisory Committee, shall pay the cost to Federal agencies (or share the cost under interagency agreements) of leasing or purchasing stationary, portable, and micro fuel cells under paragraph (1).

''(B) COMPETITIVE COSTS AND MANAGEMENT STRUCTURES.—In carrying out subparagraph (A), the Secretary, in consultation with the agency, may use the General Services Administration or any commercial vendor to ensure—

''(i) a cost-effective purchase of a stationary, portable, or micro fuel cell; or

''(ii) a cost-effective management structure of the lease of a stationary, portable, or micro fuel cell.

''(3) EXCEPTION.—

''(A) IN GENERAL.—If the Secretary determines that the head of an agency described in paragraph (1) cannot find an appropriately efficient and reliable stationary, portable, or micro fuel cell in accordance with paragraph (1), that agency shall be excepted from compliance with paragraph (1).

''(B) CONSIDERATION.—In making a determination under subparagraph (A), the Secretary shall consider—

''(i) the needs of the agency; and

''(ii) an evaluation performed by—

''(I) the Task Force; or

''(II) the Technical Advisory Committee of the Task Force.

''(c) ENERGY SAVINGS GOALS.—

''(1) OFFSETTING ENERGY SAVINGS GOALS.—An agency that leases or purchases a stationary, portable, or micro fuel cell in accordance with subsection (b)(1) may use that lease or purchase to count toward an energy savings goal described in section 301(c)(1) that is applicable to the agency.

''(2) USE OF ENERGY SAVINGS PERFORMANCE CONTRACTS.—An agency that leases or purchases a stationary, portable, or micro fuel cell in accordance with subsection (b)(1) may use any energy savings performance contract under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) (including a pilot program in an expanded energy savings performance contract) to count toward an energy savings goal of the agency.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

''(1) $20,000,000 for fiscal year 2006;

''(2) $50,000,000 for fiscal year 2007;

''(3) $75,000,000 for fiscal year 2008;

''(4) $100,000,000 for fiscal year 2009;

''(5) $100,000,000 for fiscal year 2010;

''(6) $100,000,000 for fiscal year 2011;

''(7) $55,000,000 for fiscal year 2012;

''(8) $50,000,000 for fiscal year 2013;

''(9) $50,000,000 for fiscal year 2014; and

''(10) $25,000,000 for fiscal year 2015.

''TITLE IV—REGULATORY MANAGEMENT

''SEC. 401. CODES AND STANDARDS.

''(a) IN GENERAL.—The Secretary, in cooperation with the Task Force, shall provide grants to, or offer to enter into contracts with such professional organizations, public service organizations, and government agencies as the Secretary determines appropriate to support timely and extensive development of safety codes and standards relating to fuel cell vehicles, hydrogen energy systems, and stationary, portable, and micro fuel cells.

''(b) EDUCATIONAL EFFORTS.—The Secretary shall support educational efforts by organizations and agencies described in subsection (a) to share information, including information relating to best practices, among those organizations and agencies.

''SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this title—

''(1) $4,000,000 for fiscal year 2006;

''(2) $7,000,000 for fiscal year 2007;

''(3) $8,000,000 for fiscal year 2008;

''(4) $8,000,000 for fiscal year 2009;

''(5) $10,000,000 for fiscal year 2010;

''(6) $9,000,000 for fiscal year 2011; and

''(7) $9,000,000 for fiscal year 2012.

''TITLE V—REPORTS

''SEC. 501. DEPLOYMENT OF HYDROGEN TECHNOLOGY.

''(a) SECRETARY.—Subject to subsection (c), not later than 2 years after the date of enactment of the Hydrogen and Fuel Cell Technology Act of 2005, and biannually thereafter, the Secretary shall submit to Congress—

''(1) a report describing—

''(A) any activity carried out by the Department of Energy under this Act, including a research, development, demonstration, and commercial application program for hydrogen and fuel cell technology;

''(B) measures the Secretary has taken during the preceding 2 years to support the transition of primary industry (or a related industry) to a fully-commercialized hydrogen economy;

''(C) any change made to a research, development, or deployment strategy of the Secretary relating to hydrogen and fuel cell technology to reflect the results of a learning demonstration under title II;

''(D) progress, including progress in infrastructure, made toward achieving the goal of producing and deploying not less than—

''(i) 100,000 hydrogen-fueled vehicles in the United States by 2010; and

''(ii) 2,500,000 hydrogen-fueled vehicles by 2020;

''(E) progress made toward achieving the goal of supplying hydrogen at a sufficient number of fueling stations in the United States by 2010 can be achieved by integrating—

''(i) hydrogen activities; and

''(ii) associated targets and timetables for the development of hydrogen technologies;

''(F) any problem relating to the design, execution, or funding of a program under this Act; and

''(G) progress made toward and goals achieved in carrying out this Act and updates to the developmental roadmap, including the results of the reviews conducted by the National Academy of Sciences under subsection (d) for the fiscal years covered by the report; and

''(2) a strategic plan describing—

''(A) a remedy for any problems described in paragraph (1)(D); and

''(B) any approach by which the Secretary could achieve a substantial decrease in the dependence on and consumption of natural gas and imported oil by the Federal Government, including by increasing the use of fuel cell vehicles, stationary and portable fuel cells, and hydrogen energy systems described in title III.

''(b) TASK FORCE.—Subject to subsection (c), not later than 3 years after the date of enactment of the Hydrogen and Fuel Cell Technology Act of 2005, and triennially thereafter, the Task Force shall submit to Congress a report describing—

''(1) the degree of success of each program under this Act; and

''(2) the degree to which the success of programs under this Act has led to evolution of a hydrogen economy and improved potential for economic growth.

''(c) COMBINATION OF REPORTS.—

''(1) IN GENERAL.—The Secretary may decide to combine the reports under subsections (a) and (b) before the reports are submitted to Congress, as the Secretary determines appropriate.

''(2) REQUIREMENTS.—If the Secretary decides to combine the reports under paragraph (1), the Secretary shall—

''(A) not later than 2 years after the date of enactment of the Hydrogen and Fuel Cell Technology Act of 2005, provide notice of the decision to the Task Force; and

''(B) not later than 3 years after the date of enactment of the Hydrogen and Fuel Cell Technology Act of 2005, and triennially thereafter, submit the combined reports to Congress.

''(3) TASK FORCE.—Not later than 180 days after receiving notice from the Secretary under paragraph (2)(A), and triennially thereafter, the Task Force shall submit to the Secretary a report in accordance with subsection (b).

''(d) NATIONAL ACADEMY OF SCIENCES.—

''(1) IN GENERAL.—Not later than September 30, 2007, and triennially thereafter, the National Academy of Sciences shall conduct and submit to the Secretary—

''(A) the results of a review of the projects and activities carried out under this Act; and

''(B) recommendations for any new authorities or resources needed to achieve strategic goals.

''(2) REAUTHORIZATION.—The Secretary shall use the results of reviews conducted under paragraph (1) in proposing to Congress any legislative changes relating to reauthorization of this Act.

''SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this title $900,000 for each of fiscal years 2006 through 2015.

''TITLE VI—TERMINATION OF AUTHORITY

''SEC. 601. TERMINATION OF AUTHORITY.

''This Act and the authority provided by this Act terminate on September 30, 2015.''.

SEC. 3. TAX INCENTIVES TO BUILD THE HYDROGEN ECONOMY.

It is the sense of the Senate that Congress should provide any necessary tax incentives to encourage investment in and production and use of hydrogen and fuel cell systems during critical stages of market growth, including—

(1) a hydrogen fuel cell motor vehicle credit;

(2) a credit for the installation of hydrogen fuel cell motor vehicle fueling stations;

(3) a credit for residential fuel cell property; and

(4) a credit for business installation of qualified fuel cells.

THE HYDROGEN AND FUEL CELL TECHNOLOGY ACT OF 2005

Mr. AKAKA. Mr. President, I rise today in support of the Hydrogen and Fuel Cell Technology Act of 2005, a bill to amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990. A reauthorization of the Matsunaga Act is badly needed. I have introduced bills in the 106th Congress, in the 107th Congress jointly with my friend Senator HARKIN, and in the 108th Congress to reauthorize the essential hydrogen research and development programs in the Department of Energy. The core provisions of these bills were included in each of the omnibus energy bills, whether we were in the majority or in the minority, suggesting widespread, bipartisan agreement that we need a robust hydrogen program for the future.

As a founding member of the Senate's Hydrogen and Fuel Cell Caucus, I have worked with my colleagues to draft this bill and am pleased to be an original cosponsor. The caucus has heard from a wide variety of interest groups, engineers, and scientists providing input on the potential for a ''hydrogen economy.'' The caucus, under the able coleadership of my colleagues Senator DORGAN and Senator GRAHAM, has actively solicited input from fuel cell producers anti councils, automobile manufacturers, oil and gas companies, utilities, university research institutes, the Department of Energy, and national associations. The recommendations of the National Commission on Energy Policy and the National Academy of Sciences were instrumental in developing this bill.

I am more convinced than ever that we need to move now to reauthorize the Matsunaga Act and to refine and enhance the Department of Energy's responsibilities while maintaining strong oversight over the progress of the activities. We cannot delay the move to a ''hydrogen economy.''

This bill does several things that are important for the management of hydrogen programs in the Department of Energy and will help move the nation toward using hydrogen as an energy source in our daily lives. It provides greater focus for the hydrogen fuel cell technology research and development programs without losing the focus on renewable sources of hydrogen. It emphasizes factors that are critical to the development of hydrogen infrastructure and the supply of vehicles and electric power. It directs the Secretary to carry out activities to improve technology with the goal of cost reduction, particularly for hydrogen production, the supply of hydrogen, storage of hydrogen, and the end uses of hydrogen. The bill authorizes $200 million for hydrogen supply and $160 million for fuel cell technologies in fiscal year 2006. It emphasizes the importance of enhancing sources of renewable fuels and biofuels for hydrogen production, a factor that is critical to remote areas and island states such as Hawaii where we need local sources of energy.

This bill is a realistic one, providing specific footpaths to the hydrogen economy domestically and internationally. The bill acknowledges that transportation and the availability of reasonably priced cars may be the first market break through for the hydrogen economy.

Title II authorizes demonstration programs through the Department of Energy for fuel cell systems for mobile, portable, and stationary uses. Demonstrations are a critical component of moving a product to market. Title III of the bill, ''Transition to Market,'' succinctly states the goal of this section. Section 301 authorizes Federal procurement of fuel cell vehicles and hydrogen energy systems. This provision is intended to stimulate the market by requiring the Federal Government, the largest single user of energy in the United States, to adopt hydrogen technologies as soon as practicable. Energy savings are an important part of this title. The Department is required to collect data on energy savings as a result of this program and to evaluate whether the program is achieving energy savings.

Lastly, this bill provides important directions to the Secretary to address the development of safety codes and standards relating to fuel cell vehicles, hydrogen energy systems, and stationary, portable, and micro fuel cells. This provision recognizes the importance of public acceptance of hydrogen as a safe and secure energy source; and it recognizes the industry's needs for standards of safety codes and standards for hydrogen energy systems whether stationary, mobile, or portable. The bill does not require the standards to be developed ''in-house'' within the Department of Energy, but importantly authorizes the Secretary of Energy to enter into cooperative agreements, grants, and contracts with industry groups and with the cooperation of the Federal interagency Hydrogen and Fuel Cell Technical Task Force.

Mr. President, I urge my colleagues in the Senate to support this bill.

By Mr. DEWINE (for himself, Mr. KENNEDY, Mr. LUGAR, Mr. HARKIN, Ms. COLLINS, Mr. DURBIN, Mr. SMITH, Mr. DODD, Mr. CORNYN, Mr. LAUTENBERG, Mr. MCCAIN, Mr. REED, Ms. SNOWE, Ms. MURKOWSKI, Mr. CHAFEE, and Mr. SPECTER):

S. 666. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, today I join our colleagues Senators KENNEDY, LUGAR, COLLINS, SMITH, CORNYN, MCCAIN, SNOWE, HARKIN, DURBIN, DODD, LAUTENBERG, REED, MURKOWSKI, CHAFEE and SPECTER to introduce a bill designed to help protect consumers—especially children—from the dangers of tobacco. Simply, our bill would finally give the Food and Drug Administration (FDA) the authority it needs to effectively regulate the manufacture and sale of tobacco products.

I say finally, because there are some tobacco proponents who would have you believe that the Master Settlement Agreement, which was signed in 1998 by 46 states, resolved the issue of tobacco use by imposing advertising restrictions.

I say finally, because my colleagues—first Senator MCCAIN, then Senator FRIST, then Senator GREGG, and then Senator KENNEDY and I—have been seeking FDA regulation of tobacco products since the mid- to late-1990's.

And, I say finally, because the bill that we are introducing today is the product of long and hard discussions and negotiations that I have had with Senator KENNEDY and public interest groups and industry. Our bill has the support of the Campaign for Tobacco Free Kids, Philip Morris, the American Heart Association, the American Lung Association, and the American Cancer Association. It is a bill that I am proud of—one that is worthy of the Senate's consideration, and one that will provide the FDA—finally—with strong and effective authority over the regulation of tobacco products.

The introduction of this bill couldn't come at a better time. The budget is on the Floor, and people anticipate the slowed-spending in Medicaid, and the economic burden of cigarettes is enormous. According to the 2004 Surgeon General's Report entitled The Health Consequences of Smoking, from 1995 to 1999, smoking-related costs totaled $157.7 billion each year. This figure includes more than $75 billion in direct medical costs for adults (things like ambulatory care, hospital care, prescription drugs, nursing homes, and other care), about $82 billion in indirect costs from lost productivity, and $366 million for neonatal care. This equals an estimated $3,000 per smoker, per year.

In a budget year when Congress is looking to find savings in Medicaid—in the ballpark of $15 billion over 5 years—Congress should look at the cost savings that would be made possible by FDA regulation of tobacco. We already know that doing nothing costs our country, our taxpayers, and our employers and employees $157 billion a year. Isn't it time that the federal government consider that it has a responsibility to find savings through the regulation of tobacco?

Not having access to all the information about this deadly product makes no sense and it is something that needs

to change. By introducing this bill, we are saying that. we are not going to let tobacco manufacturers have free reign over their markets and consumers any more. We are taking a step toward making sure the public gets adequate information about whether to continue to smoke or even to start smoking in the first place. With this bill, we are not just saying ''buyer beware.'' We are saying ''tobacco companies be honest.'' We are saying ''tobacco companies stop marketing to innocent children and tell consumers about what they are really buying.''

Ultimately, our bill would give consumers the information they need to make healthier and better choices about tobacco use. I have faith that informed consumers make better choices, and those choices could lead to cost-savings for the society overall.

Our bill would give the FDA the authority to regulate a product that has gone unregulated for far too long—a product that for the past century has not revealed its ingredients to the consumer—a product whose manufacturing facilities are not inspected or accountable for following good manufacturing practices—a product that is never reviewed or approved before reaching the hands of 40 million consumers, many of whom are just children. Mr. President, Congress should put an end to this. Congress should put an end to the marketing of tobacco products to our children. Congress should put an end to the ability of tobacco companies to make claims, whether they are implied claims or direct claims, about their products. Congress should put an end to tobacco companies putting any ingredient they want into their products without disclosing it to the consumer. It is time Congress gives the FDA authority to it needs to fix these problems.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 666

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 ''Family Smoking Prevention and Tobacco Control Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Scope and effect.
Sec. 5. Severability.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

Sec. 101. Amendment of Federal Food, Drug, and Cosmetic act.
Sec. 102. Interim final rule.
Sec. 103. Conforming and other amendments to general provisions.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

Sec. 201. Cigarette label and advertising warnings.
Sec. 202. Authority to revise cigarette warning label statements.
Sec. 203. State regulation of cigarette advertising and promotion.
Sec. 204. Smokeless tobacco labels and advertising warnings.
Sec. 205. Authority to revise smokeless tobacco product warning label statements.
Sec. 206. Tar, nicotine, and other smoke constituent disclosure to the public.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

Sec. 301. Labeling, recordkeeping, records inspection.
Sec. 302. Study and report.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation's children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

(6) Because past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.

(7) Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

(8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.

(9) Under article I, section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation's economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year and approximately 8,600,000 Americans have chronic illnesses related to smoking.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today's children from becoming regular, daily smokers, saving over 3,000,000 of them from premature death due to tobacco induced disease. Such a reduction in youth smoking would also result in approximately $75,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products and these efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have not been successful in adequately preventing such increased use.

(16) In 2002, the tobacco industry spent more than $12,466,000,000 to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly seen by persons under the age of 18, and persons under the age of 18 are regularly exposed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sports and the healthy lifestyle associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to overestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco advertising than adults, they smoke the most advertised brands.

(24) Tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market. Children, who tend to be more price-sensitive than adults, are influenced by advertising and promotion practices that result in drastically reduced cigarette prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education about tobacco use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and young people's use than weaker or less comprehensive ones.

(28) Text only requirements, although not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615–44618) for inclusion as part 897 of title 21, Code of Federal Regulations, are consistent with the First Amendment to the United States Constitution and with the standards set forth in the amendments made by this subtitle for the regulation of tobacco products by the Food and Drug Administration and the restriction on the sale and distribution, including access to and the advertising and promotion of, tobacco products contained in such regulations are substantially related to accomplishing the public health goals of this Act.

(31) The regulations described in paragraph (30) will directly and materially advance the Federal Government's substantial interest in reducing the number of children and adolescents who use cigarettes and smokeless tobacco and in preventing the life-threatening health consequences associated with tobacco use. An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those products before reaching the age of 18. Tobacco advertising and promotion plays a crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(32) The regulations described in paragraph (30) impose no more extensive restrictions on communication by tobacco manufacturers and sellers than are necessary to reduce the number of children and adolescents who use cigarettes and smokeless tobacco and to prevent the life-threatening health consequences associated with tobacco use. Such regulations are narrowly tailored to restrict those advertising and promotional practices which are most likely to be seen or heard by youth and most likely to entice them into tobacco use, while affording tobacco manufacturers and sellers ample opportunity to convey information about their products to adult consumers.

(33) Tobacco dependence is a chronic disease, one that typically requires repeated interventions to achieve long-term or permanent abstinence.

(34) Because the only known safe alternative to smoking is cessation, interventions should target all smokers to help them quit completely.

(35) Tobacco products have been used to facilitate and finance criminal activities both domestically and internationally. Illicit trade of tobacco products has been linked to organized crime and terrorist groups.

(36) It is essential that the Food and Drug Administration review products sold or distributed for use to reduce risks or exposures associated with tobacco products and that it be empowered to review any advertising and labeling for such products. It is also essential that manufacturers, prior to marketing such products, be required to demonstrate that such products will meet a series of rigorous criteria, and will benefit the health of the population as a whole, taking into account both users of tobacco products and persons who do not currently use tobacco products.

(37) Unless tobacco products that purport to reduce the risks to the public of tobacco use actually reduce such risks, those products can cause substantial harm to the public health to the extent that the individuals, who would otherwise not consume tobacco products or would consume such products less, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products that do not in fact reduce risk, rather than quitting or reducing their use of tobacco products, have a substantially increased likelihood of suffering disability and premature death. The costs to society of the widespread use of products sold or distributed as modified risk products that do not in fact reduce risk or that increase risk include thousands of unnecessary deaths and injuries and huge costs to our health care system.

(38) As the National Cancer Institute has found, many smokers mistakenly believe that ''low tar'' and ''light'' cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mistaken beliefs about the health consequences of smoking ''low tar'' and ''light'' cigarettes can reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(39) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from ''low tar'' and ''light'' cigarettes and such products may actually increase the risk of tobacco use.

(40) The dangers of products sold or distributed as modified risk tobacco products that do not in fact reduce risk are so high that there is a compelling governmental interest in insuring that statements about modified risk tobacco products are complete, accurate, and relate to the overall disease risk of the product.

(41) As the Federal Trade Commission has found, consumers have misinterpreted advertisements in which one product is claimed to be less harmful than a comparable product, even in the presence of disclosures and advisories intended to provide clarification.

(42) Permitting manufacturers to make unsubstantiated statements concerning modified risk tobacco products, whether express or implied, even if accompanied by disclaimers would be detrimental to the public health.

(43) The only way to effectively protect the public health from the dangers of unsubstantiated modified risk tobacco products is to empower the Food and Drug Administration to require that products that tobacco manufacturers sold or distributed for risk reduction be approved in advance of marketing, and to require that the evidence relied on to support approval of these products is rigorous.

SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products;

(2) to ensure that the Food and Drug Administration has the authority to address issues of particular concern to public health officials, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Food and Drug Administration to set national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry's efforts to develop, introduce, and promote less harmful tobacco products;

(5) to vest the Food and Drug Administration with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) in order to ensure that consumers are better informed, to require tobacco product manufacturers to disclose research which has not previously been made available, as well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(7) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers;

(8) to impose appropriate regulatory controls on the tobacco industry;

(9) to promote cessation to reduce disease risk and the social costs associated with tobacco related diseases; and

(10) to strengthen legislation against illicit trade in tobacco products.

SEC. 4. SCOPE AND EFFECT.

(a) INTENDED EFFECT.—Nothing in this Act (or an amendment made by this Act) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in Federal, State, or Tribal court, or any agreement, consent decree, or contract of any kind.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Secretary to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

SEC. 5. SEVERABILITY.

If any provision of this Act, the amendments made by this Act, or the application of any provision of this Act to any person or circumstance is held to be invalid, the remainder of this Act, the amendments made by this Act, and the application of the provisions of this Act to any other person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

SEC. 101. AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITION OF TOBACCO PRODUCTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(nn)(1) The term 'tobacco product' means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).

''(2) The term 'tobacco product' does not mean—

''(A) a product in the form of conventional food (including water and chewing gum), a product represented for use as or for use in a conventional food, or a product that is intended for ingestion in capsule, tablet, softgel, or liquid form; or

''(B) an article that is approved or is regulated as a drug by the Food and Drug Administration.

''(3) The products described in paragraph (2)(A) shall be subject to chapter IV or chapter V of this Act and the articles described in paragraph (2)(B) shall be subject to chapter V of this Act.

''(4) A tobacco product may not be marketed in combination with any other article or product regulated under this Act (including a drug, biologic, food, cosmetics, medical device, or a dietary supplement).''.

(b) FDA AUTHORITY OVER TOBACCO PRODUCTS.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) by redesignating chapter IX as chapter X;

(2) by redesignating sections 901 through 907 as sections 1001 through 1007; and

(3) by inserting after section 803 the following:

''CHAPTER IX—TOBACCO PRODUCTS

''SEC. 900. DEFINITIONS.

''In this chapter:

''(1) ADDITIVE.—The term 'additive' means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristic of any tobacco product (including any substances intended for use as a flavoring, coloring or in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding), except that such term does not include tobacco or a pesticide chemical residue in or on raw tobacco or a pesticide chemical.

''(2) BRAND.—The term 'brand' means a variety of tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, or packaging, logo, registered trademark or brand name, identifiable pattern of colors, or any combination of such attributes.

''(3) CIGARETTE.—The term 'cigarette' has the meaning given that term by section 3(1) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(1)), but also includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

''(4) CIGARETTE TOBACCO.—The term 'cigarette tobacco' means any product that consists of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements for cigarettes shall also apply to cigarette tobacco.

''(5) COMMERCE.—The term 'commerce' has the meaning given that term by section 3(2) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(2)).

''(6) COUNTERFEIT TOBACCO PRODUCT.—The term 'counterfeit tobacco product' means a tobacco product (or the container or labeling of such a product) that, without authorization, bears the trademark, trade name, or other identifying mark, imprint or device, or any likeness thereof, of a tobacco product listed in a registration under section 905(i)(1).

''(7) DISTRIBUTOR.—The term 'distributor' as regards a tobacco product means any person who furthers the distribution of a tobacco product, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this chapter.

''(8) ILLICIT TRADE.—The term 'illicit trade' means any practice or conduct prohibited by law which relates to production, shipment, receipt, possession, distribution, sale, or purchase of tobacco products including any practice or conduct intended to facilitate such activity.

''(9) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term in section 4(e) of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b(e)).

''(10) LITTLE CIGAR.—The term 'little cigar' has the meaning given that term by section 3(7) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(7)).

''(11) NICOTINE.—The term 'nicotine' means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl) pyridine or C[10]H[14]N[2], including any salt or complex of nicotine.

''(12) PACKAGE.—The term 'package' means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane), in which a tobacco product is offered for sale, sold, or otherwise distributed to consumers.

''(13) RETAILER.—The term 'retailer' means any person who sells tobacco products to individuals for personal consumption, or who operates a facility where self-service displays of tobacco products are permitted.

''(14) ROLL-YOUR-OWN TOBACCO.—The term 'roll-your-own tobacco' means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

''(15) SMOKE CONSTITUENT.—The term 'smoke constituent' means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the cigarette to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of the tobacco product.

''(16) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

''(17) STATE.—The term 'State' means any State of the United States and, for purposes of this chapter, includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

''(18) TOBACCO PRODUCT MANUFACTURER.—Term 'tobacco product manufacturer' means any person, including any repacker or relabeler, who—

''(A) manufactures, fabricates, assembles, processes, or labels a tobacco product; or

''(B) imports a finished cigarette or smokeless tobacco product for sale or distribution in the United States.

''(19) UNITED STATES.—The term 'United States' means the 50 States of the United States of America and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

''SEC. 901. FDA AUTHORITY OVER TOBACCO PRODUCTS.

''(a) IN GENERAL.—Tobacco products shall be regulated by the Secretary under this chapter and shall not be subject to the provisions of chapter V, unless—

''(1) such products are intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease (within the meaning of section 201(g)(1)(B) or section 201(h)(2)); or

''(2) a claim is made for such products under section 201(g)(1)(C) or 201(h)(3);

other than modified risk tobacco products approved in accordance with section 911.

''(b) APPLICABILITY.—This chapter shall apply to all tobacco products subject to the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, and to any other tobacco products that the Secretary by regulation deems to be subject to this chapter.

''(c) SCOPE.—

''(1) IN GENERAL.—Nothing in this chapter, or any policy issued or regulation promulgated thereunder, or the Family Smoking Prevention and Tobacco Control Act, shall be construed to affect the Secretary's authority over, or the regulation of, products under this Act that are not tobacco products under chapter V or any other chapter.

''(2) LIMITATION OF AUTHORITY.—

''(A) IN GENERAL.—The provisions of this chapter shall not apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the producers of tobacco leaf, including tobacco growers, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

''(B) EXCEPTION.—Notwithstanding any other provision of this subparagraph, if a producer of tobacco leaf is also a tobacco product manufacturer or controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the producer's capacity as a manufacturer.

''(C) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting production.

''SEC. 902. ADULTERATED TOBACCO PRODUCTS.

''A tobacco product shall be deemed to be adulterated if—

''(1) it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any added poisonous or added deleterious substance that may render the product injurious to health;

''(2) it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

''(3) its package is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

''(4) it is, or purports to be or is represented as, a tobacco product which is subject to a tobacco product standard established under section 907 unless such tobacco product is in all respects in conformity with such standard;

''(5)(A) it is required by section 910(a) to have premarket approval and does not have an approved application in effect; or

''(B) it is in violation of the order approving such an application;

''(6) the methods used in, or the facilities or controls used for, its manufacture, packing or storage are not in conformity with applicable requirements under section 906(e)(1) or an applicable condition prescribed by an order under section 906(e)(2); or

''(7) it is in violation of section 911.

"SEC. 903. MISBRANDED TOBACCO PRODUCTS.

''(a) IN GENERAL.—A tobacco product shall be deemed to be misbranded—

''(1) if its labeling is false or misleading in any particular;

''(2) if in package form unless it bears a label containing—

''(A) the name and place of business of the tobacco product manufacturer, packer, or distributor;

''(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;

''(C) an accurate statement of the percentage of the tobacco used in the product that is domestically grown tobacco and the percentage that is foreign grown tobacco; and

''(D) the statement required under section 921(a),

except that under subparagraph (B) reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary;

''(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

''(4) if it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name prominently printed in type as required by the Secretary by regulation;

''(5) if the Secretary has issued regulations requiring that its labeling bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless its labeling conforms in all respects to such regulations;

''(6) if it was manufactured, prepared, propagated, compounded, or processed in any State in an establishment not duly registered under section 905(b), 905(c), 905(d), or 905(h), if it was not included in a list required by section 905(i), if a notice or other information respecting it was not provided as required by such section or section 905(j), or if it does not bear such symbols from the uniform system for identification of tobacco products prescribed under section 905(e) as the Secretary by regulation requires;

''(7) if, in the case of any tobacco product distributed or offered for sale in any State—

''(A) its advertising is false or misleading in any particular; or

''(B) it is sold or distributed in violation of regulations prescribed under section 906(d);

''(8) unless, in the case of any tobacco product distributed or offered for sale in any State, the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that tobacco product—

''(A) a true statement of the tobacco product's established name as described in paragraph (4), printed prominently; and

''(B) a brief statement of—

''(i) the uses of the tobacco product and relevant warnings, precautions, side effects, and contraindications; and

''(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is appropriate to protect the public health, a full description of the components of such tobacco product or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be issued by the Secretary after an opportunity for a hearing;

''(9) if it is a tobacco product subject to a tobacco product standard established under section 907, unless it bears such labeling as may be prescribed in such tobacco product standard; or

''(10) if there was a failure or refusal—

''(A) to comply with any requirement prescribed under section 904 or 908; or

''(B) to furnish any material or information required under section 909.

''(b) PRIOR APPROVAL OF LABEL STATEMENTS.—The Secretary may, by regulation, require prior approval of statements made on the label of a tobacco product. No regulation issued under this subsection may require prior approval by the Secretary of the content of any advertisement, except for modified risk tobacco products as provided in section 911. No advertisement of a tobacco product published after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall, with respect to the language of label statements as prescribed under section 4 of the Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 or the regulations issued under such sections, be subject to the provisions of sections 12 through 15 of the Federal Trade Commission Act (15 U.S.C. 52 through 55).

"SEC. 904. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.

''(a) REQUIREMENT.—Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, each tobacco product manufacturer or importer, or agents thereof, shall submit to the Secretary the following information:

''(1) A listing of all ingredients, including tobacco, substances, compounds, and additives that are, as of such date, added by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand and by quantity in each brand and subbrand.

''(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine in accordance with regulations promulgated by the Secretary in accordance with section 4(a)(4) of the Federal Cigarette Labeling and Advertising Act.

''(3) A listing of all constituents, including smoke constituents as applicable, identified by the Secretary as harmful or potentially harmful to health in each tobacco product, and as applicable in the smoke of each tobacco product, by brand and by quantity in each brand and subbrand. Effective beginning 2 years after the date of enactment of this chapter, the manufacturer, importer, or agent shall comply with regulations promulgated under section 916 in reporting information under this paragraph, where applicable.

''(4) All documents developed after the date of enactment of the Family Smoking Prevention and Tobacco Control Act that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives.

''(b) DATA SUBMISSION.—At the request of the Secretary, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit the following:

''(1) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, toxicological, behavioral, or physiologic effects of tobacco products and their constituents (including smoke constituents), ingredients, components, and additives.

''(2) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) that relate to the issue of whether a reduction in risk to health from tobacco products can occur upon the employment of technology available or known to the manufacturer.

''(3) Any or all documents (including underlying scientific or financial information) relating to marketing research involving the use of tobacco products or marketing practices and the effectiveness of such practices used by tobacco manufacturers and distributors.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

''(c) TIME FOR SUBMISSION.—

''(1) IN GENERAL.—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the manufacturer of such product shall provide the information required under subsection (a).

''(2) DISCLOSURE OF ADDITIVE.—If at any time a tobacco product manufacturer adds to its tobacco products a new tobacco additive or increases the quantity of an existing tobacco additive, the manufacturer shall, except as provided in paragraph (3), at least 90 days prior to such action so advise the Secretary in writing.

''(3) DISCLOSURE OF OTHER ACTIONS.—If at any time a tobacco product manufacturer eliminates or decreases an existing additive, or adds or increases an additive that has by regulation been designated by the Secretary as an additive that is not a human or animal carcinogen, or otherwise harmful to health under intended conditions of use, the manufacturer shall within 60 days of such action so advise the Secretary in writing.

''(d) DATA LIST.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall publish in a format that is understandable and not misleading to a lay person, and place on public display (in a manner determined by the Secretary) the list established under subsection (e).

''(2) CONSUMER RESEARCH.—The Secretary shall conduct periodic consumer research to ensure that the list published under paragraph (1) is not misleading to lay persons. Not later than 5 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or modified.

''(e) DATA COLLECTION.—Not later than 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a list of harmful and potentially harmful constituents, including smoke constituents, to health in each tobacco product by brand and by quantity in each brand and subbrand. The

Secretary shall publish a public notice requesting the submission by interested persons of scientific and other information concerning the harmful and potentially harmful constituents in tobacco products and tobacco smoke.

"SEC. 905. ANNUAL REGISTRATION.

''(a) DEFINITIONS.—In this section:

''(1) MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.—The term 'manufacture, preparation, compounding, or processing' shall include repackaging or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user.

''(2) NAME.—The term 'name' shall include in the case of a partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation.

''(b) REGISTRATION BY OWNERS AND OPERATORS.—On or before December 31 of each year every person who owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of that person.

''(c) REGISTRATION OF NEW OWNERS AND OPERATORS.—Every person upon first engaging in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products in any establishment owned or operated in any State by that person shall immediately register with the Secretary that person's name, place of business, and such establishment.

''(d) REGISTRATION OF ADDED ESTABLISHMENTS.—Every person required to register under subsection (b) or (c) shall immediately register with the Secretary any additional establishment which that person owns or operates in any State and in which that person begins the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products.

''(e) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary may by regulation prescribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.

''(f) PUBLIC ACCESS TO REGISTRATION INFORMATION.—The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

''(g) BIENNIAL INSPECTION OF REGISTERED ESTABLISHMENTS.—Every establishment in any State registered with the Secretary under this section shall be subject to inspection under section 704, and every such establishment engaged in the manufacture, compounding, or processing of a tobacco product or tobacco products shall be so inspected by 1 or more officers or employees duly designated by the Secretary at least once in the 2-year period beginning with the date of registration of such establishment under this section and at least once in every successive 2-year period thereafter.

''(h) FOREIGN ESTABLISHMENTS SHALL REGISTER.—Any establishment within any foreign country engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products, shall register under this section under regulations promulgated by the Secretary. Such regulations shall require such establishment to provide the information required by subsection (i) of this section and shall include provisions for registration of any such establishment upon condition that adequate and effective means are available, by arrangement with the government of such foreign country or otherwise, to enable the Secretary to determine from time to time whether tobacco products manufactured, prepared, compounded, or processed in such establishment, if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).

''(i) REGISTRATION INFORMATION.—

''(1) PRODUCT LIST.—Every person who registers with the Secretary under subsection (b), (c), (d), or (h) shall, at the time of registration under any such subsection, file with the Secretary a list of all tobacco products which are being manufactured, prepared, compounded, or processed by that person for commercial distribution and which has not been included in any list of tobacco products filed by that person with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

''(A) in the case of a tobacco product contained in the applicable list with respect to which a tobacco product standard has been established under section 907 or which is subject to section 910, a reference to the authority for the marketing of such tobacco product and a copy of all labeling for such tobacco product;

''(B) in the case of any other tobacco product contained in an applicable list, a copy of all consumer information and other labeling for such tobacco product, a representative sampling of advertisements for such tobacco product, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product; and

''(C) if the registrant filing a list has determined that a tobacco product contained in such list is not subject to a tobacco product standard established under section 907, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular tobacco product.

''(2) BIANNUAL REPORT OF ANY CHANGE IN PRODUCT LIST.—Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following:

''(A) A list of each tobacco product introduced by the registrant for commercial distribution which has not been included in any list previously filed by that person with the Secretary under this subparagraph or paragraph (1). A list under this subparagraph shall list a tobacco product by its established name and shall be accompanied by the other information required by paragraph (1).

''(B) If since the date the registrant last made a report under this paragraph that person has discontinued the manufacture, preparation, compounding, or processing for commercial distribution of a tobacco product included in a list filed under subparagraph (A) or paragraph (1), notice of such discontinuance, the date of such discontinuance, and the identity of its established name.

''(C) If since the date the registrant reported under subparagraph (B) a notice of discontinuance that person has resumed the manufacture, preparation, compounding, or processing for commercial distribution of the tobacco product with respect to which such notice of discontinuance was reported, notice of such resumption, the date of such resumption, the identity of such tobacco product by established name, and other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary under this subparagraph.

''(D) Any material change in any information previously submitted under this paragraph or paragraph (1).

''(j) REPORT PRECEDING INTRODUCTION OF CERTAIN SUBSTANTIALLY-EQUIVALENT PRODUCTS INTO INTERSTATE COMMERCE.—

''(1) IN GENERAL.—Each person who is required to register under this section and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a tobacco product intended for human use that was not commercially marketed (other than for test marketing) in the United States as of June 1, 2003, shall, at least 90 days prior to making such introduction or delivery, report to the Secretary (in such form and manner as the Secretary shall prescribe)—

''(A) the basis for such person's determination that the tobacco product is substantially equivalent, within the meaning of section 910, to a tobacco product commercially marketed (other than for test marketing) in the United States as of June 1, 2003, that is in compliance with the requirements of this Act; and

''(B) action taken by such person to comply with the requirements under section 907 that are applicable to the tobacco product.

''(2) APPLICATION TO CERTAIN POST JUNE 1, 2003 PRODUCTS.—A report under this subsection for a tobacco product that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after June 1, 2003, and prior to the date that is 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall be submitted to the Secretary not later than 15 months after such date of enactment.

''(3) EXEMPTIONS.—

''(A) IN GENERAL.—The Secretary may by regulation, exempt from the requirements of this subsection tobacco products that are modified by adding or deleting a tobacco additive, or increasing or decreasing the quantity of an existing tobacco additive, if the Secretary determines that—

''(i) such modification would be a minor modification of a tobacco product authorized for sale under this Act;

''(ii) a report under this subsection is not necessary to ensure that permitting the tobacco product to be marketed would be appropriate for protection of the public health; and

''(iii) an exemption is otherwise appropriate.

''(B) REGULATIONS.—Not later than 9 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations to implement this paragraph.

"SEC. 906. GENERAL PROVISIONS RESPECTING CONTROL OF TOBACCO PRODUCTS.

''(a) IN GENERAL.—Any requirement established by or under section 902, 903, 905, or 909 applicable to a tobacco product shall apply to such tobacco product until the applicability of the requirement to the tobacco product has been changed by action taken under section 907, section 910, section 911, or subsection (d) of this section, and any requirement established by or under section

902, 903, 905, or 909 which is inconsistent with a requirement imposed on such tobacco product under section 907, section 910, section 911, or subsection (d) of this section shall not apply to such tobacco product.

''(b) INFORMATION ON PUBLIC ACCESS AND COMMENT.—Each notice of proposed rulemaking under section 907, 908, 909, 910, or 911 or under this section, any other notice which is published in the Federal Register with respect to any other action taken under any such section and which states the reasons for such action, and each publication of findings required to be made in connection with rulemaking under any such section shall set forth—

''(1) the manner in which interested persons may examine data and other information on which the notice or findings is based; and

''(2) the period within which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days unless the time is extended by the Secretary by a notice published in the Federal Register stating good cause therefore.

''(c) LIMITED CONFIDENTIALITY OF INFORMATION.—Any information reported to or otherwise obtained by the Secretary or the Secretary's representative under section 903, 904, 907, 908, 909, 910, 911, or 704, or under subsection (e) or (f) of this section, which is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that the information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter.

''(d) RESTRICTIONS.—

''(1) IN GENERAL.—The Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, the tobacco product, if the Secretary determines that such regulation would be appropriate for the protection of the public health. The Secretary may by regulation impose restrictions on the advertising and promotion of a tobacco product consistent with and to full extent permitted by the first amendment to the Constitution. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and non-users of the tobacco product, and taking into account—

''(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

''(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

No such regulation may require that the sale or distribution of a tobacco product be limited to the written or oral authorization of a practitioner licensed by law to prescribe medical products.

''(2) LABEL STATEMENTS.—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Secretary may in such regulation prescribe.

''(3) LIMITATIONS.—

''(A) IN GENERAL.—No restrictions under paragraph (1) may—

''(i) prohibit the sale of any tobacco product in face-to-face transactions by a specific category of retail outlets; or

''(ii) establish a minimum age of sale of tobacco products to any person older than 18 years of age.

''(B) MATCHBOOKS.—For purposes of any regulations issued by the Secretary, matchbooks of conventional size containing not more than 20 paper matches, and which are customarily given away for free with the purchase of tobacco products shall be considered as adult written publications which shall be permitted to contain advertising. Notwithstanding the preceding sentence, if the Secretary finds that such treatment of matchbooks is not appropriate for the protection of the public health, the Secretary may determine by regulation that matchbooks shall not be considered adult written publications.

''(e) GOOD MANUFACTURING PRACTICE REQUIREMENTS.—

''(1) METHODS, FACILITIES, AND CONTROLS TO CONFORM.—

''(A) IN GENERAL.—The Secretary may, in accordance with subparagraph (B), prescribe regulations (which may differ based on the type of tobacco product involved) requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a tobacco product), packing and storage of a tobacco product, conform to current good manufacturing practice, as prescribed in such regulations, to assure that the public health is protected and that the tobacco product is in compliance with this chapter. Good manufacturing practices may include the testing of raw tobacco for pesticide chemical residues regardless of whether a tolerance for such chemical residues has been established.

''(B) REQUIREMENTS.—The Secretary shall—

''(i) before promulgating any regulation under subparagraph (A), afford the Tobacco Products Scientific Advisory Committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated;

''(ii) before promulgating any regulation under subparagraph (A), afford opportunity for an oral hearing;

''(iii) provide the advisory committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A); and

''(iv) in establishing the effective date of a regulation promulgated under this subsection, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources of the different tobacco product manufacturers, and the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to good manufacturing practices.

''(2) EXEMPTIONS; VARIANCES.—

''(A) PETITION.—Any person subject to any requirement prescribed under paragraph (1) may petition the Secretary for a permanent or temporary exemption or variance from such requirement. Such a petition shall be submitted to the Secretary in such form and manner as the Secretary shall prescribe and shall—

''(i) in the case of a petition for an exemption from a requirement, set forth the basis for the petitioner's determination that compliance with the requirement is not required to assure that the tobacco product will be in compliance with this chapter;

''(ii) in the case of a petition for a variance from a requirement, set forth the methods proposed to be used in, and the facilities and controls proposed to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement; and

''(iii) contain such other information as the Secretary shall prescribe.

''(B) REFERRAL TO THE TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—The Secretary may refer to the Tobacco Products Scientific Advisory Committee any petition submitted under subparagraph (A). The Tobacco Products Scientific Advisory Committee shall report its recommendations to the Secretary with respect to a petition referred to it within 60 days after the date of the petition's referral. Within 60 days after—

''(i) the date the petition was submitted to the Secretary under subparagraph (A); or

''(ii) the day after the petition was referred to the Tobacco Products Scientific Advisory Committee,

whichever occurs later, the Secretary shall by order either deny the petition or approve it.

''(C) APPROVAL.—The Secretary may approve—

''(i) a petition for an exemption for a tobacco product from a requirement if the Secretary determines that compliance with such requirement is not required to assure that the tobacco product will be in compliance with this chapter; and

''(ii) a petition for a variance for a tobacco product from a requirement if the Secretary determines that the methods to be used in, and the facilities and controls to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, controls, and facilities prescribed by the requirement are sufficient to assure that the tobacco product will be in compliance with this chapter.

''(D) CONDITIONS.—An order of the Secretary approving a petition for a variance shall prescribe such conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this chapter.

''(E) HEARING.—After the issuance of an order under subparagraph (B) respecting a petition, the petitioner shall have an opportunity for an informal hearing on such order.

''(3) COMPLIANCE.—Compliance with requirements under this subsection shall not be required before the period ending 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

''(f) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes without regard to section 3324(a) and (b) of title 31, United States Code, and section 5 of title 41, United States Code.

''SEC. 907. TOBACCO PRODUCT STANDARDS.

''(a) IN GENERAL.—

''(1) SPECIAL RULE FOR CIGARETTES.—A cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke.

Nothing in this subparagraph shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol or any artificial or natural flavor, herb, or spice not specified in this paragraph.

''(2) REVISION OF TOBACCO PRODUCT STANDARDS.—The Secretary may revise the tobacco product standards in paragraph (1) in accordance with subsection (b).

''(3) TOBACCO PRODUCT STANDARDS.—The Secretary may adopt tobacco product standards in addition to those in paragraph (1) if the Secretary finds that a tobacco product standard is appropriate for the protection of the public health. This finding shall be determined with respect to the risks and benefits to the population as a whole, including users and non-users of the tobacco product, and taking into account—

''(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

''(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

''(4) CONTENT OF TOBACCO PRODUCT STANDARDS.—A tobacco product standard established under this section for a tobacco product—

''(A) shall include provisions that are appropriate for the protection of the public health, including provisions, where appropriate—

''(i) for the reduction of nicotine yields of the product;

''(ii) for the reduction or elimination of other constituents, including smoke constituents, or harmful components of the product; or

''(iii) relating to any other requirement under (B);

''(B) shall, where appropriate for the protection of the public health, include—

''(i) provisions respecting the construction, components, ingredients, additives, constituents, including smoke constituents, and properties of the tobacco product;

''(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the tobacco product;

''(iii) provisions for the measurement of the tobacco product characteristics of the tobacco product;

''(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) show that the tobacco product is in conformity with the portions of the standard for which the test or tests were required; and

''(v) a provision requiring that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d); and

''(C) shall, where appropriate, require the use and prescribe the form and content of labeling for the proper use of the tobacco product.

''(5) PERIODIC RE-EVALUATION OF TOBACCO PRODUCT STANDARDS.—The Secretary shall provide for periodic evaluation of tobacco product standards established under this section to determine whether such standards should be changed to reflect new medical, scientific, or other technological data. The Secretary may provide for testing under paragraph (4)(B) by any person.

''(6) INVOLVEMENT OF OTHER AGENCIES; INFORMED PERSONS.—In carrying out duties under this section, the Secretary shall endeavor to—

''(A) use personnel, facilities, and other technical support available in other Federal agencies;

''(B) consult with other Federal agencies concerned with standard-setting and other nationally or internationally recognized standard-setting entities; and

''(C) invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, agricultural, or consumer organizations who in the Secretary's judgment can make a significant contribution.

''(b) ESTABLISHMENT OF STANDARDS.—

''(1) NOTICE.—

''(A) IN GENERAL.—The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any tobacco product standard.

''(B) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a tobacco product standard for a tobacco product shall—

''(i) set forth a finding with supporting justification that the tobacco product standard is appropriate for the protection of the public health;

''(ii) set forth proposed findings with respect to the risk of illness or injury that the tobacco product standard is intended to reduce or eliminate; and

''(iii) invite interested persons to submit an existing tobacco product standard for the tobacco product, including a draft or proposed tobacco product standard, for consideration by the Secretary.

''(C) STANDARD.—Upon a determination by the Secretary that an additive, constituent (including smoke constituent), or other component of the product that is the subject of the proposed tobacco product standard is harmful, it shall be the burden of any party challenging the proposed standard to prove that the proposed standard will not reduce or eliminate the risk of illness or injury.

''(D) FINDING.—A notice of proposed rulemaking for the revocation of a tobacco product standard shall set forth a finding with supporting justification that the tobacco product standard is no longer appropriate for the protection of the public health.

''(E) CONSIDERATION BY SECRETARY.—The Secretary shall consider all information submitted in connection with a proposed standard, including information concerning the countervailing effects of the tobacco product standard on the health of adolescent tobacco users, adult tobacco users, or non-tobacco users, such as the creation of a significant demand for contraband or other tobacco products that do not meet the requirements of this chapter and the significance of such demand, and shall issue the standard if the Secretary determines that the standard would be appropriate for the protection of the public health.

''(F) COMMENT.—The Secretary shall provide for a comment period of not less than 60 days.

''(2) PROMULGATION.—

''(A) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published under paragraph (1) respecting a tobacco product standard and after consideration of such comments and any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

''(i) promulgate a regulation establishing a tobacco product standard and publish in the Federal Register findings on the matters referred to in paragraph (1); or

''(ii) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

''(B) EFFECTIVE DATE.—A regulation establishing a tobacco product standard shall set forth the date or dates upon which the standard shall take effect, but no such regulation may take effect before 1 year after the date of its publication unless the Secretary determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established so as to minimize, consistent with the public health, economic loss to, and disruption or dislocation of, domestic and international trade.

''(3) POWER RESERVED TO CONGRESS.—Because of the importance of a decision of the Secretary to issue a regulation establishing a tobacco product standard—

''(A) banning all cigarettes, all smokeless tobacco products, all little cigars, all cigars other than little cigars, all pipe tobacco, or all roll your own tobacco products; or

''(B) requiring the reduction of nicotine yields of a tobacco product to zero,

Congress expressly reserves to itself such power.

''(4) AMENDMENT; REVOCATION.—

''(A) AUTHORITY.—The Secretary, upon the Secretary's own initiative or upon petition of an interested person may by a regulation, promulgated in accordance with the requirements of paragraphs (1) and (2)(B), amend or revoke a tobacco product standard.

''(B) EFFECTIVE DATE.—The Secretary may declare a proposed amendment of a tobacco product standard to be effective on and after its publication in the Federal Register and until the effective date of any final action taken on such amendment if the Secretary determines that making it so effective is in the public interest.

''(5) REFERENCE TO ADVISORY COMMITTEE.—The Secretary may—

''(A) on the Secretary's own initiative, refer a proposed regulation for the establishment, amendment, or revocation of a tobacco product standard; or

''(B) upon the request of an interested person which demonstrates good cause for referral and which is made before the expiration of the period for submission of comments on such proposed regulation,

refer such proposed regulation to the Tobacco Products Scientific Advisory Committee, for a report and recommendation with respect to any matter involved in the proposed regulation which requires the exercise of scientific judgment. If a proposed regulation is referred under this paragraph to the Tobacco Products Scientific Advisory Committee, the Secretary shall provide the advisory committee with the data and information on which such proposed regulation is based. The Tobacco Products Scientific Advisory Committee shall, within 60 days after the referral of a proposed regulation and after independent study of the data and information furnished to it by the Secretary and other data and information before it, submit to the Secretary a report and recommendation respecting such regulation, together with all underlying data and information and a statement of the reason or basis for the recommendation. A copy of such report and recommendation shall be made public by the Secretary.

"SEC. 908. NOTIFICATION AND OTHER REMEDIES.

''(a) NOTIFICATION.—If the Secretary determines that—

''(1) a tobacco product which is introduced or delivered for introduction into interstate

commerce for commercial distribution presents an unreasonable risk of substantial harm to the public health; and

''(2) notification under this subsection is necessary to eliminate the unreasonable risk of such harm and no more practicable means is available under the provisions of this chapter (other than this section) to eliminate such risk,

the Secretary may issue such order as may be necessary to assure that adequate notification is provided in an appropriate form, by the persons and means best suited under the circumstances involved, to all persons who should properly receive such notification in order to eliminate such risk. The Secretary may order notification by any appropriate means, including public service announcements. Before issuing an order under this subsection, the Secretary shall consult with the persons who are to give notice under the order.

''(b) NO EXEMPTION FROM OTHER LIABILITY.—Compliance with an order issued under this section shall not relieve any person from liability under Federal or State law. In awarding damages for economic loss in an action brought for the enforcement of any such liability, the value to the plaintiff in such action of any remedy provided under such order shall be taken into account.

''(c) RECALL AUTHORITY.—

''(1) IN GENERAL.—If the Secretary finds that there is a reasonable probability that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, adverse health consequences or death, the Secretary shall issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of such tobacco product. The order shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require a recall of such tobacco product. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(2) AMENDMENT OF ORDER TO REQUIRE RECALL.—

''(A) IN GENERAL.—If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of the tobacco product with respect to which the order was issued, the Secretary shall, except as provided in subparagraph (B), amend the order to require a recall. The Secretary shall specify a timetable in which the tobacco product recall will occur and shall require periodic reports to the Secretary describing the progress of the recall.

''(B) NOTICE.—An amended order under subparagraph (A)—

''(i) shall not include recall of a tobacco product from individuals; and

''(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Secretary may use the assistance of retailers and other persons who distributed such tobacco product. If a significant number of such persons cannot be identified, the Secretary shall notify such persons under section 705(b).

''(3) REMEDY NOT EXCLUSIVE.—The remedy provided by this subsection shall be in addition to remedies provided by subsection (a) of this section.

''SEC. 909. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

''(a) IN GENERAL.—Every person who is a tobacco product manufacturer or importer of a tobacco product shall establish and maintain such records, make such reports, and provide such information, as the Secretary may by regulation reasonably require to assure that such tobacco product is not adulterated or misbranded and to otherwise protect public health. Regulations prescribed under the preceding sentence—

''(1) may require a tobacco product manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, expected adverse product experience;

''(2) shall require reporting of other significant adverse tobacco product experiences as determined by the Secretary to be necessary to be reported;

''(3) shall not impose requirements unduly burdensome to a tobacco product manufacturer or importer, taking into account the cost of complying with such requirements and the need for the protection of the public health and the implementation of this chapter;

''(4) when prescribing the procedure for making requests for reports or information, shall require that each request made under such regulations for submission of a report or information to the Secretary state the reason or purpose for such request and identify to the fullest extent practicable such report or information;

''(5) when requiring submission of a report or information to the Secretary, shall state the reason or purpose for the submission of such report or information and identify to the fullest extent practicable such report or information; and

''(6) may not require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information submitted under this chapter.

In prescribing regulations under this subsection, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The prohibitions of paragraph (6) continue to apply to records, reports, and information concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

''(b) REPORTS OF REMOVALS AND CORRECTIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall by regulation require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken or removal from the market of a tobacco product undertaken by such manufacturer or importer if the removal or correction was undertaken—

''(A) to reduce a risk to health posed by the tobacco product; or

''(B) to remedy a violation of this chapter caused by the tobacco product which may present a risk to health.

A tobacco product manufacturer or importer of a tobacco product who undertakes a corrective action or removal from the market of a tobacco product which is not required to be reported under this subsection shall keep a record of such correction or removal.

''(2) EXCEPTION.—No report of the corrective action or removal of a tobacco product may be required under paragraph (1) if a report of the corrective action or removal is required and has been submitted under subsection (a).

''SEC. 910. APPLICATION FOR REVIEW OF CERTAIN TOBACCO PRODUCTS.

''(a) IN GENERAL.—

''(1) NEW TOBACCO PRODUCT DEFINED.—For purposes of this section the term 'new tobacco product' means—

''(A) any tobacco product (including those products in test markets) that was not commercially marketed in the United States as of June 1, 2003; or

''(B) any modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in the content, delivery or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after June 1, 2003.

''(2) PREMARKET APPROVAL REQUIRED.—

''(A) NEW PRODUCTS.—Approval under this section of an application for premarket approval for any new tobacco product is required unless—

''(i) the manufacturer has submitted a report under section 905(j); and

''(ii) the Secretary has issued an order that the tobacco product—

''(I) is substantially equivalent to a tobacco product commercially marketed (other than for test marketing) in the United States as of June 1, 2003; and

''(II)(aa) is in compliance with the requirements of this Act; or

''(bb) is exempt from the requirements of section 905(j) pursuant to a regulation issued under section 905(j)(3).

''(B) APPLICATION TO CERTAIN POST JUNE 1, 2003 PRODUCTS.—Subparagraph (A) shall not apply to a tobacco product—

''(i) that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after June 1, 2003, and prior to the date that is 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act; and

''(ii) for which a report was submitted under section 905(j) within such 15-month period, until the Secretary issues an order that the tobacco product is not substantially equivalent.

''(3) SUBSTANTIALLY EQUIVALENT DEFINED.—

''(A) IN GENERAL.—In this section and section 905(j), the terms 'substantially equivalent' or 'substantial equivalence' mean, with respect to the tobacco product being compared to the predicate tobacco product, that the Secretary by order has found that the tobacco product—

''(i) has the same characteristics as the predicate tobacco product; or

''(ii) has different characteristics and the information submitted contains information, including clinical data if deemed necessary by the Secretary, that demonstrates that it is not appropriate to regulate the product under this section because the product does not raise different questions of public health.

''(B) CHARACTERISTICS.—In subparagraph (A), the term 'characteristics' means the materials, ingredients, design, composition, heating source, or other features of a tobacco product.

''(C) LIMITATION.—A tobacco product may not be found to be substantially equivalent

to a predicate tobacco product that has been removed from the market at the initiative of the Secretary or that has been determined by a judicial order to be misbranded or adulterated.

''(4) HEALTH INFORMATION.—

''(A) SUMMARY.—As part of a submission under section 905(j) respecting a tobacco product, the person required to file a premarket notification under such section shall provide an adequate summary of any health information related to the tobacco product or state that such information will be made available upon request by any person.

''(B) REQUIRED INFORMATION.—Any summary under subparagraph (A) respecting a tobacco product shall contain detailed information regarding data concerning adverse health effects and shall be made available to the public by the Secretary within 30 days of the issuance of a determination that such tobacco product is substantially equivalent to another tobacco product.

''(b) APPLICATION.—

''(1) CONTENTS.—An application for premarket approval shall contain—

''(A) full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products;

''(B) a full statement of the components, ingredients, additives, and properties, and of the principle or principles of operation, of such tobacco product;

''(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of, such tobacco product;

''(D) an identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such tobacco product standard or adequate information to justify any deviation from such standard;

''(E) such samples of such tobacco product and of components thereof as the Secretary may reasonably require;

''(F) specimens of the labeling proposed to be used for such tobacco product; and

''(G) such other information relevant to the subject matter of the application as the Secretary may require.

''(2) REFERENCE TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary—

''(A) may, on the Secretary's own initiative; or

''(B) may, upon the request of an applicant, refer such application to the Tobacco Products Scientific Advisory Committee for reference and for submission (within such period as the Secretary may establish) of a report and recommendation respecting approval of the application, together with all underlying data and the reasons or basis for the recommendation.

''(c) ACTION ON APPLICATION.—

''(1) DEADLINE.—

''(A) IN GENERAL.—As promptly as possible, but in no event later than 180 days after the receipt of an application under subsection (b), the Secretary, after considering the report and recommendation submitted under paragraph (2) of such subsection, shall—

''(i) issue an order approving the application if the Secretary finds that none of the grounds for denying approval specified in paragraph (2) of this subsection applies; or

''(ii) deny approval of the application if the Secretary finds (and sets forth the basis for such finding as part of or accompanying such denial) that 1 or more grounds for denial specified in paragraph (2) of this subsection apply.

''(B) RESTRICTIONS ON SALE AND DISTRIBUTION.—An order approving an application for a tobacco product may require as a condition to such approval that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d).

''(2) DENIAL OF APPROVAL.—The Secretary shall deny approval of an application for a tobacco product if, upon the basis of the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

''(A) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of the public health;

''(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packing of such tobacco product do not conform to the requirements of section 906(e);

''(C) based on a fair evaluation of all material facts, the proposed labeling is false or misleading in any particular; or

''(D) such tobacco product is not shown to conform in all respects to a tobacco product standard in effect under section 907, compliance with which is a condition to approval of the application, and there is a lack of adequate information to justify the deviation from such standard.

''(3) DENIAL INFORMATION.—Any denial of an application shall, insofar as the Secretary determines to be practicable, be accompanied by a statement informing the applicant of the measures required to place such application in approvable form (which measures may include further research by the applicant in accordance with 1 or more protocols prescribed by the Secretary).

''(4) BASIS FOR FINDING.—For purposes of this section, the finding as to whether approval of a tobacco product is appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

''(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

''(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

''(5) BASIS FOR ACTION.—

''(A) INVESTIGATIONS.—For purposes of paragraph (2)(A), whether permitting a tobacco product to be marketed would be appropriate for the protection of the public health shall, when appropriate, be determined on the basis of well-controlled investigations, which may include 1 or more clinical investigations by experts qualified by training and experience to evaluate the tobacco product.

''(B) OTHER EVIDENCE.—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)) which is sufficient to evaluate the tobacco product the Secretary may authorize that the determination for purposes of paragraph (2)(A) be made on the basis of such evidence.

''(d) WITHDRAWAL AND TEMPORARY SUSPENSION.—

''(1) IN GENERAL.—The Secretary shall, upon obtaining, where appropriate, advice on scientific matters from an advisory committee, and after due notice and opportunity for informal hearing to the holder of an approved application for a tobacco product, issue an order withdrawing approval of the application if the Secretary finds—

''(A) that the continued marketing of such tobacco product no longer is appropriate for the protection of the public health;

''(B) that the application contained or was accompanied by an untrue statement of a material fact;

''(C) that the applicant—

''(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 909;

''(ii) has refused to permit access to, or copying or verification of, such records as required by section 704; or

''(iii) has not complied with the requirements of section 905;

''(D) on the basis of new information before the Secretary with respect to such tobacco product, evaluated together with the evidence before the Secretary when the application was approved, that the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or installation of such tobacco product do not conform with the requirements of section 906(e) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary of nonconformity;

''(E) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was approved, that the labeling of such tobacco product, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary of such fact; or

''(F) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was approved, that such tobacco product is not shown to conform in all respects to a tobacco product standard which is in effect under section 907, compliance with which was a condition to approval of the application, and that there is a lack of adequate information to justify the deviation from such standard.

''(2) APPEAL.—The holder of an application subject to an order issued under paragraph (1) withdrawing approval of the application may, by petition filed on or before the 30th day after the date upon which such holder receives notice of such withdrawal, obtain review thereof in accordance with subsection (e).

''(3) TEMPORARY SUSPENSION.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continuation of distribution of a tobacco product under an approved application would cause serious, adverse health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the approval of the application approved under this section. If the Secretary issues such an order, the Secretary shall proceed expeditiously under paragraph (1) to withdraw such application.

''(e) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—

''(1) in person by any officer or employee of the department designated by the Secretary; or

''(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant's last known address in the records of the Secretary.

''(f) RECORDS.—

''(1) ADDITIONAL INFORMATION.—In the case of any tobacco product for which an approval of an application filed under subsection (b) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, as the Secretary may by regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination of, whether there is or may be grounds for withdrawing or temporarily suspending such approval.

''(2) ACCESS TO RECORDS.—Each person required under this section to maintain records, and each person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

''(g) INVESTIGATIONAL TOBACCO PRODUCT EXEMPTION FOR INVESTIGATIONAL USE.—The Secretary may exempt tobacco products intended for investigational use from the provisions of this chapter under such conditions as the Secretary may by regulation prescribe.

''SEC. 911. MODIFIED RISK TOBACCO PRODUCTS.

''(a) IN GENERAL.—No person may introduce or deliver for introduction into interstate commerce any modified risk tobacco product unless approval of an application filed pursuant to subsection (d) is effective with respect to such product.

''(b) DEFINITIONS.—In this section:

''(1) MODIFIED RISK TOBACCO PRODUCT.—The term 'modified risk tobacco product' means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

''(2) SOLD OR DISTRIBUTED.—

''(A) IN GENERAL.—With respect to a tobacco product, the term 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products' means a tobacco product—

''(i) the label, labeling, or advertising of which represents explicitly or implicitly that—

''(I) the tobacco product presents a lower risk of tobacco-related disease or is less harmful than one or more other commercially marketed tobacco products;

''(II) the tobacco product or its smoke contains a reduced level of a substance or presents a reduced exposure to a substance; or

''(III) the tobacco product or its smoke does not contain or is free of a substance;

''(ii) the label, labeling, or advertising of which uses the descriptors 'light', 'mild', or 'low' or similar descriptors; or

''(iii) the tobacco product manufacturer of which has taken any action directed to consumers through the media or otherwise, other than by means of the tobacco product's label, labeling or advertising, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, respecting the product that would be reasonably expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

''(B) LIMITATION.—No tobacco product shall be considered to be 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products', except as described in subparagraph (A).

''(c) TOBACCO DEPENDENCE PRODUCTS.—A product that is intended to be used for the treatment of tobacco dependence, including smoking cessation, is not a modified risk tobacco product under this section and is subject to the requirements of chapter V.

''(d) FILING.—Any person may file with the Secretary an application for a modified risk tobacco product. Such application shall include—

''(1) a description of the proposed product and any proposed advertising and labeling;

''(2) the conditions for using the product;

''(3) the formulation of the product;

''(4) sample product labels and labeling;

''(5) all documents (including underlying scientific information) relating to research findings conducted, supported, or possessed by the tobacco product manufacturer relating to the effect of the product on tobacco-related diseases and health-related conditions, including information both favorable and unfavorable to the ability of the product to reduce risk or exposure and relating to human health;

''(6) data and information on how consumers actually use the tobacco product; and

''(7) such other information as the Secretary may require.

''(e) PUBLIC AVAILABILITY.—The Secretary shall make the application described in subsection (d) publicly available (except matters in the application which are trade secrets or otherwise confidential, commercial information) and shall request comments by interested persons on the information contained in the application and on the label, labeling, and advertising accompanying such application.

''(f) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall refer to an advisory committee any application submitted under this subsection.

''(2) RECOMMENDATIONS.—Not later than 60 days after the date an application is referred to an advisory committee under paragraph (1), the advisory committee shall report its recommendations on the application to the Secretary.

''(g) APPROVAL.—

''(1) MODIFIED RISK PRODUCTS.—Except as provided in paragraph (2), the Secretary shall approve an application for a modified risk tobacco product filed under this section only if the Secretary determines that the applicant has demonstrated that such product, as it is actually used by consumers, will—

''(A) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users; and

''(B) benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

''(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—

''(A) IN GENERAL.—The Secretary may approve an application for a tobacco product that has not been approved as a modified risk tobacco product pursuant to paragraph (1) if the Secretary makes the findings required under this paragraph and determines that the applicant has demonstrated that—

''(i) the approval of the application would be appropriate to promote the public health;

''(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b)(2) is limited to an explicit or implicit representation that such tobacco product or its smoke contains or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

''(iii) scientific evidence is not available and, using the best available scientific methods, cannot be made available without conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

''(iv) the scientific evidence that is available without conducting long-term epidemiological studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is anticipated in subsequent studies.

''(B) ADDITIONAL FINDINGS REQUIRED.—In order to approve an application under subparagraph (A) the Secretary must also find that the applicant has demonstrated that—

''(i) the magnitude of the overall reductions in exposure to the substance or substances which are the subject of the application is substantial, such substance or substances are harmful, and the product as actually used exposes consumers to the specified reduced level of the substance or substances;

''(ii) the product as actually used by consumers will not expose them to higher levels of other harmful substances compared to the similar types of tobacco products then on the market unless such increases are minimal and the anticipated overall impact of use of the product remains a substantial and measurable reduction in overall morbidity and mortality among individual tobacco users;

''(iii) testing of actual consumer perception shows that, as the applicant proposes to label and market the product, consumers will not be misled into believing that the product—

''(I) is or has been demonstrated to be less harmful; or

''(II) presents or has been demonstrated to present less of a risk of disease than 1 or more other commercially marketed tobacco products; and

''(iv) approval of the application is expected to benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

''(C) CONDITIONS OF APPROVAL.—

''(i) IN GENERAL.—Applications approved under this paragraph shall be limited to a term of not more than 5 years, but may be renewed upon a finding by the Secretary that the requirements of this paragraph continue to be satisfied based on the filing of a new application.

''(ii) AGREEMENTS BY APPLICANT.—Applications approved under this paragraph shall be conditioned on the applicant's agreement to conduct post-market surveillance and studies and to submit to the Secretary the results of such surveillance and studies to determine the impact of the application approval on consumer perception, behavior, and health and to enable the Secretary to review the accuracy of the determinations upon which the approval was based in accordance with a protocol approved by the Secretary.

''(iii) ANNUAL SUBMISSION.—The results of such post-market surveillance and studies

described in clause (ii) shall be submitted annually.

''(3) BASIS.—The determinations under paragraphs (1) and (2) shall be based on—

''(A) the scientific evidence submitted by the applicant; and

''(B) scientific evidence and other information that is available to the Secretary.

''(4) BENEFIT TO HEALTH OF INDIVIDUALS AND OF POPULATION AS A WHOLE.—In making the determinations under paragraphs (1) and (2), the Secretary shall take into account—

''(A) the relative health risks to individuals of the tobacco product that is the subject of the application;

''(B) the increased or decreased likelihood that existing users of tobacco products who would otherwise stop using such products will switch to the tobacco product that is the subject of the application;

''(C) the increased or decreased likelihood that persons who do not use tobacco products will start using the tobacco product that is the subject of the application;

''(D) the risks and benefits to persons from the use of the tobacco product that is the subject of the application as compared to the use of products for smoking cessation approved under chapter V to treat nicotine dependence; and

''(E) comments, data, and information submitted by interested persons.

''(h) ADDITIONAL CONDITIONS FOR APPROVAL.—

''(1) MODIFIED RISK PRODUCTS.—The Secretary shall require for the approval of an application under this section that any advertising or labeling concerning modified risk products enable the public to comprehend the information concerning modified risk and to understand the relative significance of such information in the context of total health and in relation to all of the diseases and health-related conditions associated with the use of tobacco products.

''(2) COMPARATIVE CLAIMS.—

''(A) IN GENERAL.—The Secretary may require for the approval of an application under this subsection that a claim comparing a tobacco product to 1 or more other commercially marketed tobacco products shall compare the tobacco product to a commercially marketed tobacco product that is representative of that type of tobacco product on the market (for example the average value of the top 3 brands of an established regular tobacco product).

''(B) QUANTITATIVE COMPARISONS.—The Secretary may also require, for purposes of subparagraph (A), that the percent (or fraction) of change and identity of the reference tobacco product and a quantitative comparison of the amount of the substance claimed to be reduced shall be stated in immediate proximity to the most prominent claim.

''(3) LABEL DISCLOSURE.—

''(A) IN GENERAL.—The Secretary may require the disclosure on the label of other substances in the tobacco product, or substances that may be produced by the consumption of that tobacco product, that may affect a disease or health-related condition or may increase the risk of other diseases or health-related conditions associated with the use of tobacco products.

''(B) CONDITIONS OF USE.—If the conditions of use of the tobacco product may affect the risk of the product to human health, the Secretary may require the labeling of conditions of use.

''(4) TIME.—The Secretary shall limit an approval under subsection (g)(1) for a specified period of time.

''(5) ADVERTISING.—The Secretary may require that an applicant, whose application has been approved under this subsection, comply with requirements relating to advertising and promotion of the tobacco product.

''(i) POSTMARKET SURVEILLANCE AND STUDIES.—

''(1) IN GENERAL.—The Secretary shall require that an applicant under subsection (g)(1) conduct post market surveillance and studies for a tobacco product for which an application has been approved to determine the impact of the application approval on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the approval was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of post-market surveillance and studies shall be submitted to the Secretary on an annual basis.

''(2) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days after receiving notice that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance and if such protocol will result in collection of the data or other information designated by the Secretary as necessary to protect the public health.

''(j) WITHDRAWAL OF APPROVAL.—The Secretary, after an opportunity for an informal hearing, shall withdraw the approval of an application under this section if the Secretary determines that—

''(1) the applicant, based on new information, can no longer make the demonstrations required under subsection (g), or the Secretary can no longer make the determinations required under subsection (g);

''(2) the application failed to include material information or included any untrue statement of material fact;

''(3) any explicit or implicit representation that the product reduces risk or exposure is no longer valid, including if—

''(A) a tobacco product standard is established pursuant to section 907;

''(B) an action is taken that affects the risks presented by other commercially marketed tobacco products that were compared to the product that is the subject of the application; or

''(C) any postmarket surveillance or studies reveal that the approval of the application is no longer consistent with the protection of the public health;

''(4) the applicant failed to conduct or submit the postmarket surveillance and studies required under subsection (g)(2)(C)(ii) or (i); or

''(5) the applicant failed to meet a condition imposed under subsection (h).

''(k) CHAPTER IV OR V.—A product approved in accordance with this section shall not be subject to chapter IV or V.

''(l) IMPLEMENTING REGULATIONS OR GUIDANCE.—

''(1) SCIENTIFIC EVIDENCE.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations or guidance (or any combination thereof) on the scientific evidence required for assessment and ongoing review of modified risk tobacco products. Such regulations or guidance shall—

''(A) establish minimum standards for scientific studies needed prior to approval to show that a substantial reduction in morbidity or mortality among individual tobacco users is likely;

''(B) include validated biomarkers, intermediate clinical endpoints, and other feasible outcome measures, as appropriate;

''(C) establish minimum standards for post market studies, that shall include regular and long-term assessments of health outcomes and mortality, intermediate clinical endpoints, consumer perception of harm reduction, and the impact on quitting behavior and new use of tobacco products, as appropriate;

''(D) establish minimum standards for required postmarket surveillance, including ongoing assessments of consumer perception; and

''(E) require that data from the required studies and surveillance be made available to the Secretary prior to the decision on renewal of a modified risk tobacco product.

''(2) CONSULTATION.—The regulations or guidance issued under paragraph (1) shall be developed in consultation with the Institute of Medicine, and with the input of other appropriate scientific and medical experts, on the design and conduct of such studies and surveillance.

''(3) REVISION.—The regulations or guidance under paragraph (1) shall be revised on a regular basis as new scientific information becomes available.

''(4) NEW TOBACCO PRODUCTS.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue a regulation or guidance that permits the filing of a single application for any tobacco product that is a new tobacco product under section 910 and for which the applicant seeks approval as a modified risk tobacco product under this section.

''(m) DISTRIBUTORS.—No distributor may take any action, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, with respect to a tobacco product that would reasonably be expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

''SEC. 912. JUDICIAL REVIEW.

''(a) RIGHT TO REVIEW.—

''(1) IN GENERAL.—Not later than 30 days after—

''(A) the promulgation of a regulation under section 907 establishing, amending, or revoking a tobacco product standard; or

''(B) a denial of an application for approval under section 910(c),

any person adversely affected by such regulation or denial may file a petition for judicial review of such regulation or denial with the United States Court of Appeals for the District of Columbia or for the circuit in which such person resides or has their principal place of business.

''(2) REQUIREMENTS.—

''(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court involved to the Secretary.

''(B) RECORD OF PROCEEDINGS.—On receipt of a petition under subparagraph (A), the Secretary shall file in the court in which such petition was filed—

''(i) the record of the proceedings on which the regulation or order was based; and

''(ii) a statement of the reasons for the issuance of such a regulation or order.

''(C) DEFINITION OF RECORD.—In this section, the term 'record' means—

''(i) all notices and other matter published in the Federal Register with respect to the regulation or order reviewed;

''(ii) all information submitted to the Secretary with respect to such regulation or order;

''(iii) proceedings of any panel or advisory committee with respect to such regulation or order;

''(iv) any hearing held with respect to such regulation or order; and

''(v) any other information identified by the Secretary, in the administrative proceeding held with respect to such regulation or order, as being relevant to such regulation or order.

''(b) STANDARD OF REVIEW.—Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided for in such chapter. A regulation or denial described in subsection (a) shall be reviewed in accordance with section 706(2)(A) of title 5, United States Code.

''(c) FINALITY OF JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or order shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

''(d) OTHER REMEDIES.—The remedies provided for in this section shall be in addition to, and not in lieu of, any other remedies provided by law.

''(e) REGULATIONS AND ORDERS MUST RECITE BASIS IN RECORD.—To facilitate judicial review, a regulation or order issued under section 906, 907, 908, 909, 910, or 916 shall contain a statement of the reasons for the issuance of such regulation or order in the record of the proceedings held in connection with its issuance.

''SEC. 913. EQUAL TREATMENT OF RETAIL OUTLETS.

''The Secretary shall issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

''SEC. 914. JURISDICTION OF AND COORDINATION WITH THE FEDERAL TRADE COMMISSION.

''(a) JURISDICTION.—

''(1) IN GENERAL.—Except where expressly provided in this chapter, nothing in this chapter shall be construed as limiting or diminishing the authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

''(2) ENFORCEMENT.—Any advertising that violates this chapter or a provision of the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, is an unfair or deceptive act or practice under section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) and shall be considered a violation of a rule promulgated under section 18 of that Act (15 U.S.C. 57a).

''(b) COORDINATION.—With respect to the requirements of section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402)—

''(1) the Chairman of the Federal Trade Commission shall coordinate with the Secretary concerning the enforcement of such Act as such enforcement relates to unfair or deceptive acts or practices in the advertising of cigarettes or smokeless tobacco; and

''(2) the Secretary shall consult with the Chairman of such Commission in revising the label statements and requirements under such sections.

''SEC. 915. CONGRESSIONAL REVIEW PROVISIONS.

''In accordance with section 801 of title 5, United States Code, Congress shall review, and may disapprove, any rule under this chapter that is subject to section 801. This section and section 801 do not apply to the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act.

''SEC. 916. REGULATION REQUIREMENT.

''(a) TESTING, REPORTING, AND DISCLOSURE.—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary, acting through the Commissioner of the Food and Drug Administration, shall promulgate regulations under this Act that meet the requirements of subsection (b).

''(b) CONTENTS OF RULES.—The regulations promulgated under subsection (a) shall require testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, by brand and sub-brand that the Secretary determines should be tested to protect the public health. The regulations may require that tobacco product manufacturers, packagers, or importers make disclosures relating to the results of the testing of tar and nicotine through labels or advertising or other appropriate means, and make disclosures regarding the results of the testing of other constituents, including smoke constituents, ingredients, or additives, that the Secretary determines should be disclosed to the public to protect the public health and will not mislead consumers about the risk of tobacco related disease.

''(c) AUTHORITY.—The Food and Drug Administration shall have the authority under this chapter to conduct or to require the testing, reporting, or disclosure of tobacco product constituents, including smoke constituents.

''SEC. 917. PRESERVATION OF STATE AND LOCAL AUTHORITY.

''(a) IN GENERAL.—

''(1) PRESERVATION.—Nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this chapter, including a law, rule, regulation, or other measure relating to or prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals of any age, information reporting to the State, or measures relating to fire safety standards for tobacco products. No provision of this chapter shall limit or otherwise affect any State, Tribal, or local taxation of tobacco products.

''(2) PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in paragraph (1) and subparagraph (B), no State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket approval, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

''(B) EXCEPTION.—Subparagraph (A) does not apply to requirements relating to the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of, tobacco products by individuals of any age, or relating to fire safety standards for tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 554(b)(4) of title 5, United States Code, shall be treated as trade secret and confidential information by the State.

''(b) RULE OF CONSTRUCTION REGARDING PRODUCT LIABILITY.—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

''SEC. 918. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a 11-member advisory committee, to be known as the 'Tobacco Products Scientific Advisory Committee'.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—

''(A) MEMBERS.—The Secretary shall appoint as members of the Tobacco Products Scientific Advisory Committee individuals who are technically qualified by training and experience in the medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

''(i) 7 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of oncology, pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

''(ii) 1 individual who is an officer or employee of a State or local government or of the Federal Government;

''(iii) 1 individual as a representative of the general public;

''(iv) 1 individual as a representative of the interests in the tobacco manufacturing industry; and

''(v) 1 individual as a representative of the interests of the tobacco growers.

''(B) NONVOTING MEMBERS.—The members of the committee appointed under clauses (iv) and (v) of subparagraph (A) shall serve as consultants to those described in clauses (i) through (iii) of subparagraph (A) and shall be nonvoting representatives.

''(2) LIMITATION.—The Secretary may not appoint to the Advisory Committee any individual who is in the regular full-time employ of the Food and Drug Administration or any agency responsible for the enforcement of this Act. The Secretary may appoint Federal officials as ex officio members.

''(3) CHAIRPERSON.—The Secretary shall designate 1 of the members of the Advisory Committee to serve as chairperson.

''(c) DUTIES.—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary—

''(1) as provided in this chapter;

''(2) on the effects of the alteration of the nicotine yields from tobacco products;

''(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

''(4) on its review of other safety, dependence, or health issues relating to tobacco products as requested by the Secretary.

''(d) COMPENSATION; SUPPORT; FACA.—

''(1) COMPENSATION AND TRAVEL.—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed the daily equivalent of the rate in effect for level 4 of the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

''(2) ADMINISTRATIVE SUPPORT.—The Secretary shall furnish the Advisory Committee clerical and other assistance.

''(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Advisory Committee.

''(e) PROCEEDINGS OF ADVISORY PANELS AND COMMITTEES.—The Advisory Committee shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any transcript made under this subsection information which is exempt from disclosure under section 552(b) of title 5, United States Code.

''SEC. 919. DRUG PRODUCTS USED TO TREAT TOBACCO DEPENDENCE.

''The Secretary shall—

''(1) at the request of the applicant, consider designating nicotine replacement products as fast track research and approval products within the meaning of section 506;

''(2) consider approving the extended use of nicotine replacement products (such as nicotine patches, nicotine gum, and nicotine lozenges) for the treatment of tobacco dependence; and

''(3) review and consider the evidence for additional indications for nicotine replacement products, such as for craving relief or relapse prevention.

''SEC. 920. USER FEE.

''(a) ESTABLISHMENT OF QUARTERLY USER FEE.—The Secretary shall assess a quarterly user fee with respect to every quarter of each fiscal year commencing fiscal year 2005, calculated in accordance with this section, upon each manufacturer and importer of tobacco products subject to this chapter.

''(b) FUNDING OF FDA REGULATION OF TOBACCO PRODUCTS.—The Secretary shall make user fees collected pursuant to this section available to pay, in each fiscal year, for the costs of the activities of the Food and Drug Administration related to the regulation of tobacco products under this chapter.

''(c) ASSESSMENT OF USER FEE.—

''(1) AMOUNT OF ASSESSMENT.—Except as provided in paragraph (4), the total user fees assessed each year pursuant to this section shall be sufficient, and shall not exceed what is necessary, to pay for the costs of the activities described in subsection (b) for each fiscal year.

''(2) ALLOCATION OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.—

''(A) IN GENERAL.—Subject to paragraph (3), the total user fees assessed each fiscal year with respect to each class of importers and manufacturers shall be equal to an amount that is the applicable percentage of the total costs of activities of the Food and Drug Administration described in subsection (b).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A) the applicable percentage for a fiscal year shall be the following:

''(i) 92.07 percent shall be assessed on manufacturers and importers of cigarettes;

''(ii) 0.05 percent shall be assessed on manufacturers and importers of little cigars;

''(iii) 7.15 percent shall be assessed on manufacturers and importers of cigars other than little cigars;

''(iv) 0.43 percent shall be assessed on manufacturers and importers of snuff;

''(v) 0.10 percent shall be assessed on manufacturers and importers of chewing tobacco;

''(vi) 0.06 percent shall be assessed on manufacturers and importers of pipe tobacco; and

''(vii) 0.14 percent shall be assessed on manufacturers and importers of roll-your-own tobacco.

''(3) DISTRIBUTION OF FEE SHARES OF MANUFACTURERS AND IMPORTERS EXEMPT FROM USER FEE.—Where a class of tobacco products is not subject to a user fee under this section, the portion of the user fee assigned to such class under subsection (d)(2) shall be allocated by the Secretary on a pro rata basis among the classes of tobacco products that are subject to a user fee under this section. Such pro rata allocation for each class of tobacco products that are subject to a user fee under this section shall be the quotient of—

''(A) the sum of the percentages assigned to all classes of tobacco products subject to this section; divided by

''(B) the percentage assigned to such class under paragraph (2).

''(4) ANNUAL LIMIT ON ASSESSMENT.—The total assessment under this section—

''(A) for fiscal year 2005 shall be $85,000,000;

''(B) for fiscal year 2006 shall be $175,000,000;

''(C) for fiscal year 2007 shall be $300,000,000; and

''(D) for each subsequent fiscal year, shall not exceed the limit on the assessment imposed during the previous fiscal year, as adjusted by the Secretary (after notice, published in the Federal Register) to reflect the greater of—

''(i) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending on June 30 of the preceding fiscal year for which fees are being established; or

''(ii) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia.

''(5) TIMING OF USER FEE ASSESSMENT.—The Secretary shall notify each manufacturer and importer of tobacco products subject to this section of the amount of the quarterly assessment imposed on such manufacturer or importer under subsection (f) during each quarter of each fiscal year. Such notifications shall occur not earlier than 3 months prior to the end of the quarter for which such assessment is made, and payments of all assessments shall be made not later than 60 days after each such notification.

''(d) DETERMINATION OF USER FEE BY COMPANY MARKET SHARE.—

''(1) IN GENERAL.—The user fee to be paid by each manufacturer or importer of a given class of tobacco products shall be determined in each quarter by multiplying—

''(A) such manufacturer's or importer's market share of such class of tobacco products; by

''(B) the portion of the user fee amount for the current quarter to be assessed on manufacturers and importers of such class of tobacco products as determined under subsection (e).

''(2) NO FEE IN EXCESS OF MARKET SHARE.—No manufacturer or importer of tobacco products shall be required to pay a user fee in excess of the market share of such manufacturer or importer.

''(e) DETERMINATION OF VOLUME OF DOMESTIC SALES.—

''(1) IN GENERAL.—The calculation of gross domestic volume of a class of tobacco product by a manufacturer or importer, and by all manufacturers and importers as a group, shall be made by the Secretary using information provided by manufacturers and importers pursuant to subsection (f), as well as any other relevant information provided to or obtained by the Secretary.

''(2) MEASUREMENT.—For purposes of the calculations under this subsection and the information provided under subsection (f) by the Secretary, gross domestic volume shall be measured by—

''(A) in the case of cigarettes, the number of cigarettes sold;

''(B) in the case of little cigars, the number of little cigars sold;

''(C) in the case of large cigars, the number of cigars weighing more than 3 pounds per thousand sold; and

''(D) in the case of other classes of tobacco products, in terms of number of pounds, or fraction thereof, of these products sold.

''(f) MEASUREMENT OF GROSS DOMESTIC VOLUME.—

''(1) IN GENERAL.—Each manufacturer and importer of tobacco products shall submit to the Secretary a certified copy of each of the returns or forms described by this paragraph that are required to be filed with a Government agency on the same date that those returns or forms are filed, or required to be filed, with such agency. The returns and forms described by this paragraph are those returns and forms related to the release of tobacco products into domestic commerce, as defined by section 5702(k) of the Internal Revenue Code of 1986, and the repayment of the taxes imposed under chapter 52 of such Code (ATF Form 500.24 and United States Customs Form 7501 under currently applicable regulations).

''(2) PENALTIES.—Any person that knowingly fails to provide information required under this subsection or that provides false information under this subsection shall be subject to the penalties described in section 1003 of title 18, United States Code. In addition, such person may be subject to a civil penalty in an amount not to exceed 2 percent of the value of the kind of tobacco products manufactured or imported by such person during the applicable quarter, as determined by the Secretary.

''(h) EFFECTIVE DATE.—The user fees prescribed by this section shall be assessed in fiscal year 2005, based on domestic sales of tobacco products during fiscal year 2004 and shall be assessed in each fiscal year thereafter.''.

SEC. 102. INTERIM FINAL RULE.

(a) CIGARETTES AND SMOKELESS TOBACCO.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register an interim final rule regarding cigarettes and smokeless tobacco, which is hereby deemed to be in compliance with the Administrative Procedures Act and other applicable law.

(2) CONTENTS OF RULE.—Except as provided in this subsection, the interim final rule published under paragraph (1), shall be identical in its provisions to part 897 of the regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg., 44615–44618). Such rule shall—

(A) provide for the designation of jurisdictional authority that is in accordance with this subsection;

(B) strike Subpart C—Labeling and section 897.32(c); and

(C) become effective not later than 1 year after the date of enactment of this Act.

(3) AMENDMENTS TO RULE.—Prior to making amendments to the rule published under paragraph (1), the Secretary shall promulgate a proposed rule in accordance with the Administrative Procedures Act.

(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3), nothing in this section shall be construed to limit the authority of the Secretary to amend, in accordance with the Administrative Procedures Act, the regulation promulgated pursuant to this section.

(b) LIMITATION ON ADVISORY OPINIONS.—As of the date of enactment of this Act, the following documents issued by the Food and Drug Administration shall not constitute advisory opinions under section 10.85(d)(1) of title 21, Code of Federal Regulations, except as they apply to tobacco products, and shall not be cited by the Secretary of Health and Human Services or the Food and Drug Administration as binding precedent:

(1) The preamble to the proposed rule in the document entitled ''Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents'' (60 Fed. Reg. 41314–41372 (August 11, 1995)).

(2) The document entitled ''Nicotine in Cigarettes and Smokeless Tobacco Products is a Drug and These Products Are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act'' (60 Fed. Reg. 41453–41787 (August 11, 1995)).

(3) The preamble to the final rule in the document entitled ''Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents'' (61 Fed. Reg. 44396–44615 (August 28, 1996)).

(4) The document entitled ''Nicotine in Cigarettes and Smokeless Tobacco is a Drug and These Products are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act; Jurisdictional Determination'' (61 Fed. Reg. 44619–45318 (August 28, 1996)).

SEC. 103. CONFORMING AND OTHER AMENDMENTS TO GENERAL PROVISIONS.

(a) AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference is to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (a), by inserting ''tobacco product,'' after ''device,'';

(2) in subsection (b), by inserting ''tobacco product,'' after ''device,'';

(3) in subsection (c), by inserting ''tobacco product,'' after ''device,'';

(4) in subsection (e), by striking ''515(f), or 519'' and inserting ''515(f), 519, or 909'';

(5) in subsection (g), by inserting ''tobacco product,'' after ''device,'';

(6) in subsection (h), by inserting ''tobacco product,'' after ''device,'';

(7) in subsection (j), by striking ''708, or 721'' and inserting ''708, 721, 904, 905, 906, 907, 908, 909, or section 921(b)'';

(8) in subsection (k), by inserting ''tobacco product,'' after ''device,'';

(9) by striking subsection (p) and inserting the following:

''(p) The failure to register in accordance with section 510 or 905, the failure to provide any information required by section 510(j), 510(k), 905(i), or 905(j), or the failure to provide a notice required by section 510(j)(2) or 905(i)(2).'';

(10) by striking subsection (q)(1) and inserting the following:

''(q)(1) The failure or refusal—

''(A) to comply with any requirement prescribed under section 518, 520(g), 903(b)(8), or 908, or condition prescribed under section 903(b)(6)(B)(ii)(II);

''(B) to furnish any notification or other material or information required by or under section 519, 520(g), 904, 909, or section 921; or

''(C) to comply with a requirement under section 522 or 913.'';

(11) in subsection (q)(2), by striking ''device,'' and inserting ''device or tobacco product,'';

(12) in subsection (r), by inserting ''or tobacco product'' after ''device'' each time that it appears; and

(13) by adding at the end the following:

''(aa) The sale of tobacco products in violation of a no-tobacco-sale order issued under section 303(f).

''(bb) The introduction or delivery for introduction into interstate commerce of a tobacco product in violation of section 911.

''(cc)(1) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp (including tax stamp), tag, label, or other identification device upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

''(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other item that is designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

''(3) The doing of any act that causes a tobacco product to be a counterfeit tobacco product, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit tobacco product.

''(dd) The charitable distribution of tobacco products.

''(ee) The failure of a manufacturer or distributor to notify the Attorney General of their knowledge of tobacco products used in illicit trade.''.

(c) SECTION 303.—Section 303 (21 U.S.C. 333(f)) is amended in subsection (f)—

(1) by striking the subsection heading and inserting the following:

''(f) CIVIL PENALTIES; NO-TOBACCO-SALE ORDERS.—'';

(2) in paragraph (1)(A), by inserting ''or tobacco products'' after ''devices'';

(3) in paragraph (2)(C), by striking ''paragraph (3)(A)'' and inserting ''paragraph (4)(A)'';

(4) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), and inserting after paragraph (2) the following:

''(3) If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco-sale order on that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty under paragraph (1).'';

(5) in paragraph (4) as so redesignated—

(A) in subparagraph (A)—

(i) by striking ''assessed'' the first time it appears and inserting ''assessed, or a no-tobacco-sale order may be imposed,''; and

(ii) by striking ''penalty'' and inserting ''penalty, or upon whom a no-tobacco-order is to be imposed,'';

(B) in subparagraph (B)—

(i) by inserting after ''penalty,'' the following: ''or the period to be covered by a no-tobacco-sale order,''; and

(ii) by adding at the end the following: ''A no-tobacco-sale order permanently prohibiting an individual retail outlet from selling tobacco products shall include provisions that allow the outlet, after a specified period of time, to request that the Secretary compromise, modify, or terminate the order.''; and

(C) by adding at the end, the following:

''(D) The Secretary may compromise, modify, or terminate, with or without conditions, any no-tobacco-sale order.'';

(6) in paragraph (5) as so redesignated—

(A) by striking ''(3)(A)'' as redesignated, and inserting ''(4)(A)'';

(B) by inserting ''or the imposition of a no-tobacco-sale order'' after ''penalty'' the first 2 places it appears; and

(C) by striking ''issued.'' and inserting ''issued, or on which the no-tobacco-sale order was imposed, as the case may be.''; and

(7) in paragraph (6), as so redesignated, by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (5)''.

(d) SECTION 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(2)—

(A) by striking ''and'' before ''(D)''; and

(B) by striking ''device.'' and inserting the following: '', (E) Any adulterated or misbranded tobacco product.'';

(2) in subsection (d)(1), by inserting ''tobacco product,'' after ''device,'';

(3) in subsection (g)(1), by inserting ''or tobacco product'' after ''device'' each place it appears; and

(4) in subsection (g)(2)(A), by inserting ''or tobacco product'' after ''device'' each place it appears.

(e) SECTION 702.—Section 702(a) (21 U.S.C. 372(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end thereof the following:

''(2) For a tobacco product, to the extent feasible, the Secretary shall contract with the States in accordance with paragraph (1) to carry out inspections of retailers within that State in connection with the enforcement of this Act.''.

(f) SECTION 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by inserting ''tobacco product,'' after ''device,'' each place it appears; and

(2) by inserting ''tobacco products,'' after ''devices,'' each place it appears.

(g) SECTION 704.—Section 704 (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)(A), by inserting ''tobacco products,'' after ''devices,'' each place it appears;

(2) in subsection (a)(1)(B), by inserting ''or tobacco product'' after ''restricted devices'' each place it appears; and

(3) in subsection (b), by inserting ''tobacco product,'' after ''device,''.

(h) SECTION 705.—Section 705(b) (21 U.S.C. 375(b)) is amended by inserting ''tobacco products,'' after ''devices,''.

(i) SECTION 709.—Section 709 (21 U.S.C. 379) is amended by inserting ''or tobacco product'' after ''device''.

(j) SECTION 801.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (a)—

(A) by inserting ''tobacco products,'' after ''devices,'' the first time it appears;

(B) by inserting ''or section 905(j)'' after ''section 510''; and

(C) by striking ''drugs or devices'' each time it appears and inserting ''drugs, devices, or tobacco products'';

(2) in subsection (e)(1), by inserting ''tobacco product,'' after ''device,''; and

(3) by adding at the end the following:

''(p)(1) Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report regarding—

''(A) the nature, extent, and destination of United States tobacco product exports that do not conform to tobacco product standards established pursuant to this Act;

''(B) the public health implications of such exports, including any evidence of a negative public health impact; and

''(C) recommendations or assessments of policy alternatives available to Congress and the Executive Branch to reduce any negative public health impact caused by such exports.

''(2) The Secretary is authorized to establish appropriate information disclosure requirements to carry out this subsection.''.

(k) SECTION 1003.—Section 1003(d)(2)(C) (as redesignated by section 101(a)) is amended—

(1) by striking ''and'' after ''cosmetics,''; and

(2) inserting a comma and ''and tobacco products'' after ''devices''.

(l) GUIDANCE AND EFFECTIVE DATES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall issue guidance—

(A) defining the term ''repeated violation'', as used in section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) as amended by subsection (c), by identifying the number of violations of particular requirements over a specified period of time at a particular retail outlet that constitute a repeated violation;

(B) providing for timely and effective notice to the retailer of each alleged violation at a particular retail outlet;

(C) providing for an expedited procedure for the administrative appeal of an alleged violation;

(D) providing that a person may not be charged with a violation at a particular retail outlet unless the Secretary has provided notice to the retailer of all previous violations at that outlet;

(E) establishing a period of time during which, if there are no violations by a particular retail outlet, that outlet will not be considered to have been the site of repeated violations when the next violation occurs; and

(F) providing that good faith reliance on the presentation of a false government issued photographic identification that contains a date of birth does not constitute a violation of any minimum age requirement for the sale of tobacco products if the retailer has taken effective steps to prevent such violations, including—

(i) adopting and enforcing a written policy against sales to minors;

(ii) informing its employees of all applicable laws;

(iii) establishing disciplinary sanctions for employee noncompliance; and

(iv) requiring its employees to verify age by way of photographic identification or electronic scanning device.

(2) GENERAL EFFECTIVE DATE.—The amendments made by subsection (c), other than the amendment made by paragraph (2) of such subsection, shall take effect upon the issuance of guidance described in paragraph (1).

(3) SPECIAL EFFECTIVE DATE.—The amendments made by paragraph (2) of subsection (c) shall take effect on the date of enactment of this Act.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

SEC. 201. CIGARETTE LABEL AND ADVERTISING WARNINGS.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

''SEC. 4. LABELING.

''(a) LABEL REQUIREMENTS.—

''(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

'WARNING: Cigarettes are addictive'.

'WARNING: Tobacco smoke can harm your children'.

'WARNING: Cigarettes cause fatal lung disease'.

'WARNING: Cigarettes cause cancer'.

'WARNING: Cigarettes cause strokes and heart disease'.

'WARNING: Smoking during pregnancy can harm your baby'.

'WARNING: Smoking can kill you'.

'WARNING: Tobacco smoke causes fatal lung disease in non-smokers'.

'WARNING: Quitting smoking now greatly reduces serious risks to your health'.

''(2) PLACEMENT; TYPOGRAPHY; ETC.—

''(A) IN GENERAL.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Except as provided in subparagraph (B), each label statement shall comprise at least the top 30 percent of the front and rear panels of the package. The word 'WARNING' shall appear in capital letters and all text shall be in conspicuous and legible 17-point type, unless the text of the label statement would occupy more than 70 percent of such area, in which case the text may be in a smaller conspicuous and legible type size, provided that at least 60 percent of such area is occupied by required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(4).

''(B) HINGED LID BOXES.—For any cigarette brand package manufactured or distributed before January 1, 2000, which employs a hinged lid style (if such packaging was used for that brand in commerce prior to June 21, 1997), the label statement required by paragraph (1) shall be located on the hinged lid area of the package, even if such area is less than 25 percent of the area of the front panel. Except as provided in this paragraph, the provisions of this subsection shall apply to such packages.

''(3) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

''(4) APPLICABILITY TO RETAILERS.—A retailer of cigarettes shall not be in violation of this subsection for packaging that is supplied to the retailer by a tobacco product manufacturer, importer, or distributor and is not altered by the retailer in a way that is material to the requirements of this subsection except that this paragraph shall not relieve a retailer of liability if the retailer sells or distributes tobacco products that are not labeled in accordance with this subsection.

''(b) ADVERTISING REQUIREMENTS.—

''(1) IN GENERAL.—It shall be unlawful for any tobacco product manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a) of this section.

''(2) TYPOGRAPHY, ETC.—Each label statement required by subsection (a) of this section in cigarette advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent (including a smoke constituent) yield shall comprise at least 20 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the trim area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate. The word 'WARNING' shall appear in capital letters, and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under paragraph (4) of this subsection. The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital 'W' of the word 'WARNING' in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement. The label statements

shall be in English, except that in the case of—

''(A) an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

''(B) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

''(3) MATCHBOOKS.—Notwithstanding paragraph (2), for matchbooks (defined as containing not more than 20 matches) customarily given away with the purchase of tobacco products, each label statement required by subsection (a) may be printed on the inside cover of the matchbook.

''(4) ADJUSTMENT BY SECRETARY.—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section or the text, format, and type sizes of any required tar, nicotine yield, or other constituent (including smoke constituent) disclosures, or to establish the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et. seq.). The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of cigarette advertisements provided by paragraph (2) of this subsection. The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

''(c) MARKETING REQUIREMENTS.—

''(1) RANDOM DISPLAY.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

''(2) ROTATION.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of cigarettes in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

''(3) REVIEW.—The Secretary shall review each plan submitted under paragraph (2) and approve it if the plan—

''(A) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

''(B) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

''(4) APPLICABILITY TO RETAILERS.—This subsection and subsection (b) apply to a retailer only if that retailer is responsible for or directs the label statements required under this section except that this paragraph shall not relieve a retailer of liability if the retailer displays, in a location open to the public, an advertisement that is not labeled in accordance with the requirements of this subsection and subsection (b).''.

SEC. 202. AUTHORITY TO REVISE CIGARETTE WARNING LABEL STATEMENTS.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201, is further amended by adding at the end the following:

''(d) CHANGE IN REQUIRED STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco products.''.

SEC. 203. STATE REGULATION OF CIGARETTE ADVERTISING AND PROMOTION.

Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended by adding at the end the following:

''(c) EXCEPTION.—Notwithstanding subsection (b), a State or locality may enact statutes and promulgate regulations, based on smoking and health, that take effect after the effective date of the Family Smoking Prevention and Tobacco Control Act, imposing specific bans or restrictions on the time, place, and manner, but not content, of the advertising or promotion of any cigarettes.''.

SEC. 204. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

''SEC. 3. SMOKELESS TOBACCO WARNING.

''(a) GENERAL RULE.—

''(1) It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

'WARNING: This product can cause mouth cancer'.

'WARNING: This product can cause gum disease and tooth loss'.

'WARNING: This product is not a safe alternative to cigarettes'.

'WARNING: Smokeless tobacco is addictive'.

''(2) Each label statement required by paragraph (1) shall be—

''(A) located on the 2 principal display panels of the package, and each label statement shall comprise at least 30 percent of each such display panel; and

''(B) in 17-point conspicuous and legible type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

''(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

''(4) The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

''(5) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that is supplied to the retailer by a tobacco products manufacturer, importer, or distributor and that is not altered by the retailer unless the retailer offers for sale, sells, or distributes a smokeless tobacco product that is not labeled in accordance with this subsection.

''(b) REQUIRED LABELS.—

''(1) It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

''(2) Each label statement required by subsection (a) in smokeless tobacco advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall—

''(A) comprise at least 20 percent of the area of the advertisement, and the warning area shall be delineated by a dividing line of contrasting color from the advertisement; and

''(B) the word 'WARNING' shall appear in capital letters and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

''(3)(A) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

''(B) The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

''(C) The Secretary shall review each plan submitted under subparagraph (B) and approve it if the plan—

''(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

''(ii) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

''(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements under this section, unless the retailer displays in a location open to the public, an advertisement that is not labeled in accordance with the requirements of this subsection.

''(c) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.''.

SEC. 205. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCT WARNING LABEL STATEMENTS.

Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by section 203, is further amended by adding at the end the following:

''(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of smokeless tobacco products.''.

SEC. 206. TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE TO THE PUBLIC.

Section 4(a) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333 (a)), as amended by section 201, is further amended by adding at the end the following:

''(4)(A) The Secretary shall, by a rulemaking conducted under section 553 of title 5, United States Code, determine (in the Secretary's sole discretion) whether cigarette and other tobacco product manufacturers shall be required to include in the area of each cigarette advertisement specified by subsection (b) of this section, or on the package label, or both, the tar and nicotine yields of the advertised or packaged brand. Any such disclosure shall be in accordance with the methodology established under such regulations, shall conform to the type size requirements of subsection (b) of this section, and shall appear within the area specified in subsection (b) of this section.

''(B) Any differences between the requirements established by the Secretary under subparagraph (A) and tar and nicotine yield reporting requirements established by the Federal Trade Commission shall be resolved by a memorandum of understanding between the Secretary and the Federal Trade Commission.

''(C) In addition to the disclosures required by subparagraph (A) of this paragraph, the Secretary may, under a rulemaking conducted under section 553 of title 5, United States Code, prescribe disclosure requirements regarding the level of any cigarette or other tobacco product constituent including any smoke constituent. Any such disclosure may be required if the Secretary determines that disclosure would be of benefit to the public health, or otherwise would increase consumer awareness of the health consequences of the use of tobacco products, except that no such prescribed disclosure shall be required on the face of any cigarette package or advertisement. Nothing in this section shall prohibit the Secretary from requiring such prescribed disclosure through a cigarette or other tobacco product package or advertisement insert, or by any other means under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

''(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements required under this section, except that this paragraph shall not relieve a retailer of liability if the retailer sells or distributes tobacco products that are not labeled in accordance with the requirements of this subsection.''.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

SEC. 301. LABELING, RECORDKEEPING, RECORDS INSPECTION.

Chapter IX of the Federal Food, Drug, and Cosmetic Act, as added by section 101, is further amended by adding at the end the following:

''SEC. 921. LABELING, RECORDKEEPING, RECORDS INSPECTION.

''(a) ORIGIN LABELING.—The label, packaging, and shipping containers of tobacco products for introduction or delivery for introduction into interstate commerce in the United States shall bear the statement 'sale only allowed in the United States.'

''(b) REGULATIONS CONCERNING RECORDKEEPING FOR TRACKING AND TRACING.—

''(1) IN GENERAL.—Not later than 9 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall promulgate regulations regarding the establishment and maintenance of records by any person who manufactures, processes, transports, distributes, receives, packages, holds, exports, or imports tobacco products.

''(2) INSPECTION.—In promulgating the regulations described in paragraph (1), the Secretary shall consider which records are needed for inspection to monitor the movement of tobacco products from the point of manufacture through distribution to retail outlets to assist in investigating potential illicit trade, smuggling or counterfeiting of tobacco products.

''(3) CODES.—The Secretary may require codes on the labels of tobacco products or other designs or devices for the purpose of tracking or tracing the tobacco product through the distribution system.

''(4) SIZE OF BUSINESS.—The Secretary shall take into account the size of a business in promulgating regulations under this section.

''(5) RECORDKEEPING BY RETAILERS.—The Secretary shall not require any retailer to maintain records relating to individual purchasers of tobacco products for personal consumption.

''(c) RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is part of an illicit trade or smuggling or is a counterfeit product, each person who manufactures, processes, transports, distributes, receives, holds, packages, exports, or imports tobacco products shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, upon the presentation of appropriate credentials and a written notice to such person, to have access to and copy all records (including financial records) relating to such article that are needed to assist the Secretary in investigating potential illicit trade, smuggling or counterfeiting of tobacco products.

''(d) KNOWLEDGE OF ILLEGAL TRANSACTION.—If the manufacturer or distributor of a tobacco product has knowledge which reasonably supports the conclusion that a tobacco product manufactured or distributed by such manufacturer or distributor that has left the control of such person may be or has been—

''(A) imported, exported, distributed or offered for sale in interstate commerce by a person without paying duties or taxes required by law; or

''(B) imported, exported, distributed or diverted for possible illicit marketing,

the manufacturer or distributor shall promptly notify the Attorney General of such knowledge.

''(2) KNOWLEDGE DEFINED.—For purposes of this subsection, the term 'knowledge' as applied to a manufacturer or distributor means—

''(A) the actual knowledge that the manufacturer or distributor had; or

''(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.''.

SEC. 302. STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of cross-border trade in tobacco products to—

(1) collect data on cross-border trade in tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade;

(2) collect data on cross-border advertising (any advertising intended to be broadcast, transmitted, or distributed from the United States to another country) of tobacco products and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, cross-border advertising.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study described in subsection (a).

Mr. KENNEDY. Mr. President, today, Senator DEWINE and I are introducing legislation to give the Food and Drug Administration broad authority to regulate tobacco products for the protection of the public health. We cannot in good conscience allow the fuderal agency most responsible for protecting the public health to remain powerless to deal with the enormous risks of tobacco, the most deadly of all consumer products.

Last year, a large bipartisan majority of the Senate voted to grant the FDA authority to regulate tobacco products. It was a major step forward in the long-term effort to enact this legislation, which health experts believe is the most important action Congress could take to protect children from this deadly addiction. Unfortunately, the legislation was blocked by a small group of House conferees.

We are reintroducing our bill today and we are hopeful that 2005 will be the year when Congress takes the final steps to enact this extraordinarily important health legislation. This bill has majority support in the Senate and strong support amongst rank and file members in the House. Now is the time to make it the law of the land.

The stakes are vast. Five thousand children have their first cigarette every day, and two thousand of them become daily smokers. Nearly a thousand of them will die prematurely from tobacco-induced diseases. Smoking is the number one preventable cause of death in the nation today. Cigarettes kill well over four hundred thousand Americans each year. That is more lives lost than from automobile accidents, alcohol abuse, illegal drugs,

AIDS, murder, suicide, and fires combined. Our response to a public health problem of this magnitude must consist of more than half-way measures.

We must deal firmly with tobacco company marketing practices that target children and mislead the public. The Food and Drug Administration needs broad authority to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco.

The tobacco industry currently spends over eleven billion dollars a year to promote its products. Much of that money is spent in ways designed to tempt children to start smoking, before they are mature enough to appreciate the enormity of the health risk. The industry knows that more than 90 percent of smokers begin as children and are addicted by the time they reach adulthood.

Documents obtained from tobacco companies prove, in the companies' own words, the magnitude of the industry's efforts to trap children into dependency on their deadly product. Recent studies by the Institute of Medicine and the Centers for Disease Control show the substantial role of industry advertising in decisions by young people to use tobacco products.

If we are serious about reducing youth smoking, FDA must have the power to prevent industry advertising designed to appeal to children wherever it will be seen by children. This legislation will give FDA the ability to stop tobacco advertising which glamorizes smoking from appearing where it will be seen by significant numbers of children. It grants FDA full authority to regulate tobacco advertising ''consistent with and to the full extent permitted by the First Amendment.''

FDA authority must also extend to the sale of tobacco products. Nearly every state makes it illegal to sell cigarettes to children under 18, but surveys show that those laws are rarely enforced and frequently violated. FDA must have the power to limit the sale of cigarettes to face-to-face transactions in which the age of the purchaser can be verified by identification. This means an end to self-service displays and vending machine sales. There must also be serious enforcement efforts with real penalties for those caught selling tobacco products to children. This is the only way to ensure that children under 18 are not able to buy cigarettes.

The FDA conducted the longest rulemaking proceeding in its history, studying which regulations would most effectively reduce the number of children who smoke. Seven hundred thousand public comments were received in the course of that rulemaking. At the conclusion of its proceeding, the Agency promulgated rules on the manner in which cigarettes are advertised and sold. Due to litigation, most of those regulations were never implemented. If we are serious about curbing youth smoking as much as possible, as soon as possible; it makes no sense to require FDA to reinvent the wheel by conducting a new multi-year rulemaking process on the same issues. This legislation will give the youth access and advertising restrictions already developed by FDA the immediate force of law, as if they had been issued under the new statute.

The legislation also provides for stronger warnings on all cigarette and smokeless tobacco packages, and in all print advertisements. These warnings will be more explicit in their description of the medical problems which can result from tobacco use. The FDA is given the authority to change the text of these warning labels periodically, to keep their impact strong.

Nicotine in cigarettes is highly addictive. Medical experts say that it is as addictive as heroin or cocaine. Yet for decades, tobacco companies have vehemently denied the addictiveness of their products. No one can forget the parade of tobacco executives who testified under oath before Congress that smoking cigarettes is not addictive. Overwhelming evidence in industry documents obtained through the discovery process proves that the companies not only knew of this addictiveness for decades, but actually relied on it as the basis for their marketing strategy. As we now know, cigarette manufacturers chemically manipulated the nicotine in their products to make it even more addictive.

The tobacco industry has a long, dishonorable history of providing misleading information about the health consequences of smoking. These companies have repeatedly sought to characterize their products as far less hazardous than they are. They made minor innovations in product design seem far more significant for the health of the user than they actually were. It is essential that FDA have clear and unambiguous authority to prevent such misrepresentations in the future. The largest disinformation campaign in the history of the corporate world must end.

Given the addictiveness of tobacco products, it is essential that the FDA regulate them for the protection of the public health. Over forty million Americans are currently addicted to cigarettes. No responsible public health official believes that cigarettes should be banned. A ban would leave forty million people without a way to satisfy their drug dependency. FDA should be able to take the necessary steps to help addicted smokers overcome their addiction, and to make the product less toxic for smokers who are unable or unwilling to stop. To do so, FDA must have the authority to reduce or remove hazardous ingredients from cigarettes, to the extent that it becomes scientifically feasible. The inherent risk in smoking should not be unnecessarily compounded.

Recent statements by several tobacco companies make clear that they plan to develop what they characterize as ''reduced risk'' cigarettes. This legislation will require manufacturers to submit such ''reduced risk'' products to the FDA for analysis before they can be marketed. No health-related claims will be permitted until they have been verified to the FDA's satisfaction. These safeguards are essential to prevent deceptive industry marketing campaigns, which could lull the public into a false sense of health safety.

Smoking is the number one preventable cause of death in America. Congress must vest FDA not only with the responsibility for regulating tobacco products, but with full authority to do the job effectively.

This legislation will give the FDA the legal authority it needs—to reduce youth smoking by preventing tobacco advertising which targets children—to prevent the sale of tobacco products to minors—to help smokers overcome their addiction—to make tobacco products less toxic for those who continue to use them—and to prevent the tobacco industry from misleading the public about the dangers of smoking.

Enacting this bill this year is the right thing to do for America's children.

By Mr. SPECTER:

S. 668. A bill to provide enhanced criminal penalties for willful violations of occupational standards for asbestos; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, today I rise to introduce the ''Asbestos Standards Enforcement Act.'' This legislation provides for enhanced criminal penalties for willful violations of occupational standards for asbestos.

Currently, the Occupational Safety and Health Act provides for criminal sanctions only in those cases where a willful violation of standards results in the death of a worker. This circumstance is not likely to occur when an employer is cited for an asbestos violation, due to the long latency of the disease, and the fact that the Occupational Safety and Health Administration is required to issue citations within six months after inspectors find workplace violations.

This legislation would subject employers who willfully violate OSHA asbestos standards to fines at levels set by the Uniform Criminal Code, as well as imprisonment of up to five years, or both. If the conviction is for a violation committed after a first conviction, this legislation would provide punishment by penalties in accordance with the Uniform Criminal Code, imprisonment for not more than ten years, or both.

Strong enforcement actions against parties that violate OSHA asbestos

rules are necessary to avoid putting workers and the public at risk of asbestos related diseases. I have incorporated these strong measures in my discussion draft of the ''Fairness in Asbestos Injury Resolution Act.'' While that legislation is being considered, there is no reason not to proceed with OSHA legislation that would come before the Senate Health, Education, Labor, and Pension Committee.

There are still egregious practices by employers, particularly when it comes to asbestos abatement, that must be stopped. In a recent case, owners of an asbestos removal firm were convicted of exposing hundreds of workers to such high levels of asbestos that many of these workers are almost certain to contract asbestosis, lung cancers, and mesothelioma. Yet this case involved criminal prosecution under environmental laws because the OSHA Act does not contain sufficient authority for criminal prosecution in such cases. In many other asbestos cases, it may not be possible to successfully apply environmental laws to protect workers. The bill I am introducing today would permit criminal prosecution directly under the OSHA Act, the law that is supposed to protect safety and health in the workplace. I urge the Senate to pass this legislation.

By Mr. MCCAIN (for himself and Mr. SALAZAR):

S. 670. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senator SALAZAR in introducing the Cesar Estrada Chavez Study Act. This legislation would authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Chavez. Mr. Chavez's legacy is an inspiration to us all and he will be remembered for helping Americans to transcend distinctions of experience and share equally in the rights and responsibilities of freedom. It is important that we honor his struggle and do what we can to preserve appropriate sites that are significant to his life.

Cesar Chavez, an Arizonan born in Yuma, was the son of migrant farm workers. While his formal education ended in the eighth grade, his insatiable intellectual curiosity and determination helped make him known as one of the great American leaders for his successes in organizing migrant farm workers. His efforts on behalf of some of the most oppressed individuals in our society is an inspiration and through his work he made America a bigger and a better nation.

While Chavez and his family migrated across the southwest looking for farm work, he evolved into a defender of worker's rights. He founded the National Farm Workers Association in 1962, which later became the United Farm Workers of America. He gave a voice to those who had no voice. In his words, ''We cannot seek achievement for ourselves and forget about progress and prosperity for our community . . . our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own.''

This legislation, which passed the Senate unanimously during the last Congress, has received an overwhelming positive response, not only from my fellow Arizonans, but from Americans all across the Nation. The bill would direct the Secretary of the Interior to determine whether any of the sites significant to Chavez's life meet the criteria for being listed on the National Register of Historic Landmarks. The goal of this legislation is to establish a foundation for future legislation that would then designate land for the appropriate sites to become historic landmarks.

Cesar Chavez was a humble man of deep conviction who understood what it meant to serve and sacrifice for others. His motto in life, ''sí se puede'' or it can be done, epitomizes his life's work and continues to influence those wishing to improve our Nation. Honoring the places of his life will enable his legacy to inspire and serve as an example for our future leaders.

Mr. SALAZAR. Mr. President, I rise today to speak about an exemplary American and passionate champion of human and civil rights, Cesar Estrada Chavez, and to introduce legislation that takes an important first step in memorializing his tremendous contributions to our country.

Together with Senator JOHN MCCAIN, I will introduce the Cesar Estrada Chavez Study Act. This bill will direct the Secretary of the Interior to conduct a study of sites associated with the life of Cesar Chavez and will lay the necessary groundwork for the preservation of these sites as national historic landmarks. In the 108th Congress, Senator MCCAIN and Representative Hilda Solis sponsored similar legislation in the House of Representatives, and I am pleased to join their efforts.

Like many great American heroes, Cesar Chavez came from humble roots, but his strength of character led him to achieve great things. Chavez was born on March 31, 1927 in Yuma, AZ, where he spent his early years on his family's farm. At age 10, his family lost their farm in a bank foreclosure, forcing them to join the thousands of farm workers that wandered the Southwest to find work. They worked in fields and vineyards, harvesting the fresh fruits and vegetables that people throughout the world enjoyed unaware of the daily hardships endured by farm workers.

Cesar Chavez experienced these hardships and witnessed first hand the injustices in farm worker life. He became determined to bring dignity to farm workers and in 1962, he founded the National Farmworkers Association, which would later become the United Farmworkers of America (UFW). Through the UFW, Chavez called attention to the terrible working and living conditions of America's farm workers. Most importantly, he organized thousands of migrant farm workers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect.

Like Cesar Chavez, I am the son of farmers. Everyday, I am reminded of my family's tradition of working the land by the sign on my desk that reads ''No Farms, No Food.'' And without farm workers, who would harvest the fruits and vegetables we all enjoy? Cesar Chavez understood this—he championed the rights of these forgotten Americans and helped shine a light of their plight. He once remarked, ''It is my deepest belief that only by giving our lives do we find life.'' He gave his life to ensure farm workers, and all workers, were afforded the rights and dignity they deserved.

For these reasons and many more, I proudly join my colleague from Arizona in introducing significant legislation that will honor Cesar Chavez. It is my hope that Congress can work together to quickly pass this important bill that honor the places of Chavez' life and allow his legacy to inspire and serve as an example for our future leaders.

By Mr. CORZINE:

S. 674. A bill to provide assistance to combat HIV/AIDS in India, and for other purposes; to the Committee on Foreign Relations.

Mr. CORZINE. Mr. President, today I am introducing legislation to make India eligible for assistance under the Emergency Plan for AIDS Relief (PEPFAR).

India is at a tipping point. A silent tsunami is at hand, and we can either act now or witness the preventable deaths of millions of people. An estimated 5.1 million people are infected with the HIV virus in India, second only to South Africa. HIV/AIDS has been reported in almost all the states and union territories of the country. In some parts of the country, the prevalence rates are similar to those in the hardest-hit areas of sub-Saharan Africa. In Belgaun in Karnataka, for instance, a district whose population is greater than that of Ireland, 4.5 percent are infected.

The epidemic is spreading rapidly from urban to rural areas and from high-risk groups such as sex workers and IV drug users to the general population. The mobility of India's population threatens to spread HIV/AIDS around the country. And with an overall population larger than the whole of

Africa, there exists a serious threat of catastrophe. One estimate, by the CIA, predicted that 20 to 25 million could be infected by 2010, more than in any other country in the world.

India's political leaders, public health officials, non-governmental organizations, and medical and scientific communities have taken important steps to combat HIV/AIDS. India, the world's largest democracy, has skilled governmental and civil society actors who are committed to a new awareness of the AIDS crisis and strategic approaches to combating the disease. But significant gaps remain in the Indian health care system's ability to address the crisis. Only 29 cents per capita are spent in India to combat HIV/AIDS. This amount is significantly less than in countries that have succeeded at stemming the disease, such as Thailand (55 cents) and Uganda ($1.85).

There is an urgent need for assistance in care and treatment. More resources are necessary for public education, as demonstrated by the fact that 90 percent of Indians with HIV do not know they are infected. There is also a desperate need for assistance in tracking and monitoring the epidemic, merely to ascertain its full scope. These and other gaps require immediate and sustained U.S. engagement and contribution of resources.

The U.S. government is doing important work to combat HIV/AIDS in India, but the available resources are insufficient. To provide the necessary assistance, and to demonstrate America's commitment to helping India combat HIV/AIDS, it is critical that India become eligible for the President's Emergency Plan for AIDS Relief. Smaller countries may seem more manageable. Combating HIV/AIDS in a country the size of India may seem daunting. But if we invest now in stopping this epidemic, if we take advantage of this window of opportunity, we can head off a catastrophe.

In addition to adding India to the list of countries eligible for PEPFAR assistance, this bill authorizes whatever funds are necessary to provide this assistance. It thus ensures that confronting the epidemic in India does not come at the expense of other countries. We must continue to expand the list of eligible countries in recognition of the global nature of this pandemic. We must also accelerate assistance to African and Caribbean countries already included as focus countries. Finally, we must increase overall funding to combat HIV/AIDS.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 674

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

SECTION 1. ASSISTANCE TO COMBAT HIV/AIDS IN INDIA.

Section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)) is amended by inserting ''India,'' after ''Haiti,''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

In addition to any amounts otherwise available for such purpose, there is authorized to be appropriated to the President such sums as may be necessary for fiscal years 2006 through 2008 to provide assistance to India pursuant to the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.) and the amendments made by that Act.

By Mr. DORGAN (for himself, Mr. HAGEL, Mr. BROWNBACK, Mr. JOHNSON, Mr. DURBIN, Mr. BURNS, Mr. CONRAD, Mr. DAYTON, and Mr. HARKIN):

S. 675. A bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today Senators HAGEL, BROWNBACK, JOHNSON and many of our colleagues are re-introducing the New Homestead Act that will help address one of the most serious threats to the future of America's Heartland—the loss of its residents and Main Street businesses.

Over the past several years, we have described for our colleagues—and the American people—the economic devastation that population loss has had on America's Heartland. Hundreds of thousands of people have left small towns in rural areas throughout the Great Plains in search of opportunities elsewhere.

In North Dakota, we have experienced greater than 10 percent net out-migration in nearly 90 percent of our counties over the past two decades. My home county, Hettinger, saw its population dwindle from 4,257 in 1980 to just 2,715 in 2000. Its population is projected to drop to just 1,877 by 2020.

However, this out-migration problem isn't limited to North Dakota. Nearly all of America's Heartland is facing population losses of epic proportions. Seventy percent of the rural counties in the Great Plains have seen their population shrink by at least one-third.

If you are a business owner, mayor, school board member, minister or resident of one of these rural communities, you know firsthand about this problem. People who are from these areas know that you simply can't grow or run a business in an environment where the overall economy is shrinking, current and potential customers are leaving, and public and private investment is falling. Too many communities in North Dakota and other rural States lack the critical mass of people and resources it takes to keep a community alive and growing.

The New Homestead Act of2005 that we are introducing today will help stem the problem of chronic rural out-migration and allow many rural areas to grow and prosper again. This one-of-a kind bill is virtually identical to the bill we introduced in the last Congress. The New Homestead Act gives people who are willing to commit to live and work in high out-migration areas for 5 years added incentives to buy a home, pay for college, build a nest egg, and start a business—or just plain get ahead in life. These incentives include repaying a portion of college loans, offering a tax credit for the purchase of a new home, protecting home values by allowing losses in home value to be deducted from Federal income taxes, and establishing Individual Homestead Accounts that will help people build savings and have access to credit.

This legislation also would establish a new venture capital fund with state and local governments as partners to ensure that entrepreneurs and companies in these areas get the capital they need to start and grow their businesses.

Our rural areas have been fighting for their very survival for years, yet until recently, most Amen:s didn't even know about this struggle. Today, however, general awareness about the problem of chronic rural out-migration is growing. This issue has been the subject of national symposiums, forums, town hall meetings and congressional hearings.

Last year, the U.S. Senate acted on some provisions from the New Homestead Act that offer state and local governments much-needed tools to encourage businesses to locate or stay in rural areas that are suffering from high out-migration. With the help of the leaders of the tax-writing Senate Finance Committee, Chairman CHUCK GRASSLEY of Iowa and Ranking Democrat MAX BAUCUS of Montana, the Senate passed two key investment tax credit measures in the New Homestead Act as part of a major corporate tax bill considered last year. These investment tax credits would have been used to encourage businesses to move to or expand their operations in high out-migration rural counties. Together, these rural investment tax provisions would have made an estimated $641 million in tax credits available for business over the next decade.

Regrettably, these tax provisions were dropped from the final tax bill sent to the President. But the Senate's action sent a message of hope and opportunity to many rural communities: Federal policymakers do understand that rural out-migration is a serious threat to the economic well-being of the Nation's Heartland and that the New Homestead Act is a serious proposal for addressing it.

I think our colleagues would agree that our Nation's rural areas are great places to live and raise a family. Most rural communities have good schools,

low crime rates, and a level of civic involvement that would make any public official proud. But unfortunately it has been a constant struggle for many rural communities in North Dakota and the Great Plains to survive. This shouldn't be the case.

I look forward to working with all of my Senate colleagues to try to reverse the trend of population loss and grow the economies of rural areas in North Dakota, Nebraska, Iowa, Kansas and the rest of America's Heartland. Enacting the policy changes recommended in the New Homestead Act is a very good place to start.

I urge my colleagues to support the New Homestead Act in the 109th Congress by cosponsoring it and helping us move this important bill forward, once again, in the legislative process.

By Mr. STEVENS (for himself, Mr. FRIST, Mr. SPECTER, Mr. ALEXANDER, Mr. DEWINE, Mrs. CLINTON, and Mrs. HUTCHISON):

S. 676. A bill to provide for Project GRAD programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. STEVENS. Mr. President, I have introduced today the Graduation Really Achieves Dreams, GRAD, Act, which will help improve our nation's graduation rate by authorizing a program that has a proven track record—Project GRAD USA. I am joined by my colleagues, Senators FRIST, CLINTON, ALEXANDER, DEWINE, HUTCHISON and SPECTER.

Currently in our Nation, we graduate only 70 percent of our students from high school. In high poverty urban districts, we often graduate fewer than half that many—one in three. In rural areas, where one-third of American students are educated—only 58.8 percent of students attend colleges and universities, compared with 68.2 percent in urban and suburban areas. The problem is especially acute in Alaska, where Alaska Natives are almost twice as likely as other students to drop out of high school.

We must provide better support and resources for our most vulnerable students. Project GRAD USA is already doing that job in 12 sites nationwide, including one in my own State of Alaska.

Project GRAD USA is a national program to increase the number of low-income and at-risk students who attend college and earn degrees. Unlike other national programs, Project GRAD USA is a comprehensive non-profit K–12 education reform program. It serves at-risk students, beginning in kindergarten, and staying with them through college, by offering research-based programs in reading, math, classroom management, social services, and college preparation. Students who qualify then receive a four-year college scholarship. Scholarships are funded by private-industry donations and foundation grants, as well as previously-appropriated Federal dollars.

In Alaska, Project GRAD established a program in the Kenai Peninsula and serves six K–12 schools and one K–10 school, reaching 600 students. Three schools serve small Alaska Native communities; three serve Russian Old Believer communities; and the seventh school serves a mixed community of Alaska Natives, Russians and other Caucasians. More than 47 percent of the students Project GRAD Kenai serves are at poverty level, and 49.2 percent of Kenai students report that a language other than English is spoken at home. Project GRAD is committed to maintaining cultural relevance in each of the schools it serves and creating individualized components developed with community leaders, teachers and families.

This legislation would provide funds so Project GRAD can continue to grow in the States where it now operates and expand its proven model elsewhere. It also requires the local sites to match federal funds it receives with local dollars and in-kind support. In this way, federal funds are leveraged to increase support for needed educational reform and enhancement.

When I visit the Kenai Peninsula in Alaska, I see first hand the impact Project GRAD has made on the students in this district as well as the significant economic impact to the overall Peninsula. In the first five years of the program, over $6 million will be invested in program development and implementation and nearly $250,000 will be awarded in scholarships.

Project GRAD USA has proven its effectiveness nationwide and now serves over 133,000 students. High school graduation rates for long-term participants have increased by 85 percent, and those who have gone on to college have earned college degrees at a rate of 89 percent above the national average. These results have not gone unnoticed as President Bush and Majority Leader FRIST have both strongly supported the program. Further, Fortune magazine chose GRAD as its ''charity of choice'' for 2004.

Proven education, retention and graduation initiatives aimed at our students most at-risk deserve every policy maker's attention as we aim to do the most good with limited resources. I am proud to support this legislation, and I encourage my colleagues to join me to ensure Project GRAD's continued success for our children.

By Mr. SANTORUM (for himself, Mr. KERRY, Mr. ENSIGN, Mr. LIEBERMAN, Mr. BROWNBACK, Mrs. CLINTON, Mr. SMITH, Mr. SCHUMER, Mr. TALENT, Mr. CORZINE, Mr. COBURN, and Mr. HATCH):

S. 677. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANTORUM. Mr. President, I rise today to introduce the Workplace Religious Freedom Act. I am pleased to be joined in this effort by Senator KERRY and appreciate the work he has done on this bill over the years. I am also pleased to have a number of Senators, both Democrats and Republicans, liberals and conservatives, join me in cosponsoring this important legislation.

The bill we introduce today is intended to ensure that employees are not forced to choose between their religious beliefs and practices and keeping their jobs. It recognizes that an individual's faith impacts every part of their life, including the many hours spent in the workplace. America is distinguished internationally as a land of religious freedom, and it should be a place where people are not forced to choose between keeping their faith and keeping their job. This simple proposition is why we are re-introducing the Workplace Religious Freedom Act (WRFA), which provides a balanced approach to reconciling the needs of people of faith in the workplace with those of employers.

Title VII of the Civil Rights Act of 1964 was meant to address conflicts between religion and work. It requires employers to reasonably accommodate the religious needs of their employees so long as it does not impose an undue hardship on the employer. The problem is that our federal courts have essentially ruled that any hardship is an undue hardship and have thus left religiously observant workers with little or no legal protection. WRFA will reestablish the principle that employers must reasonably accommodate the religious needs of employees. This legislation is carefully crafted and strikes an appropriate balance, respecting religious accommodation while ensuring that an undue burden is not forced upon employers. WRFA is also careful to ensure that the accommodation of an individual employee's religious conscience will not adversely affect the delivery of products or services to an employer's customers or clients.

The balance that this legislation seeks to establish is evident in the broad spectrum of groups supporting this bill, including the Union of Orthodox Jewish Congregations, the Southern Baptist Convention, the National Council of Churches, the North American Council for Muslim Women, the Sikh Resource Taskforce, the Seventh Day Adventist Church, the American Jewish Committee, Agudath Israel of America, the U.S. Conference of Catholic Bishops and many others.

America is a great nation because we honor not only the freedom of conscience, but also the freedom to exercise one's religion according to the dictates of that religious conscience. This fundamental freedom is protected and strengthened in this legislation by reestablishing an appropriate balance between the demands of work and the principles of faith.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD after my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 677

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 ''Workplace Religious Freedom Act of 2005''.

SEC. 2. AMENDMENTS.

(a) DEFINITIONS.—Section 701(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(j)) is amended—

(1) by inserting ''(1)'' after ''(j)'';

(2) by inserting '', after initiating and engaging in an affirmative and bona fide effort,'' after ''unable'';

(3) by striking ''an employee's'' and all that follows through ''religious'' and inserting ''an employee's religious''; and

(4) by adding at the end the following:

''(2)(A) In this subsection, the term 'employee' includes an employee (as defined in subsection (f)), or a prospective employee, who, with or without reasonable accommodation, is qualified to perform the essential functions of the employment position that such individual holds or desires.

''(B) In this paragraph, the term 'perform the essential functions' includes carrying out the core requirements of an employment position and does not include carrying out practices relating to clothing, practices relating to taking time off, or other practices that may have a temporary or tangential impact on the ability to perform job functions, if any of the practices described in this subparagraph restrict the ability to wear religious clothing, to take time off for a holy day, or to participate in a religious observance or practice.

''(3) In this subsection, the term 'undue hardship' means an accommodation requiring significant difficulty or expense. For purposes of determining whether an accommodation requires significant difficulty or expense, factors to be considered in making the determination shall include—

''(A) the identifiable cost of the accommodation, including the costs of loss of productivity and of retraining or hiring employees or transferring employees from 1 facility to another;

''(B) the overall financial resources and size of the employer involved, relative to the number of its employees; and

''(C) for an employer with multiple facilities, the geographic separateness or administrative or fiscal relationship of the facilities.''.

(b) EMPLOYMENT PRACTICES.—Section 703 of such Act (42 U.S.C. 2000e–2) is amended by adding at the end the following:

''(o)(1) In this subsection:

''(A) The term 'employee' has the meaning given the term in section 701(j)(2).

''(B) The term 'leave of general usage' means leave provided under the policy or program of an employer, under which—

''(i) an employee may take leave by adjusting or altering the work schedule or assignment of the employee according to criteria determined by the employer; and

''(ii) the employee may determine the purpose for which the leave is to be utilized.

''(2) For purposes of determining whether an employer has committed an unlawful employment practice under this title by failing to provide a reasonable accommodation to the religious observance or practice of an employee, for an accommodation to be considered to be reasonable, the accommodation shall remove the conflict between employment requirements and the religious observance or practice of the employee.

''(3) An employer shall be considered to commit such a practice by failing to provide such a reasonable accommodation for an employee if the employer refuses to permit the employee to utilize leave of general usage to remove such a conflict solely because the leave will be used to accommodate the religious observance or practice of the employee.''.

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by section 2 take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by section 2 do not apply with respect to conduct occurring before the date of enactment of this Act.

By Mr. REID:

S. 678. A bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication; to the Committee on Rules and Administration.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 678

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

SECTION 1. MODIFICATION OF DEFINITION OF PUBLIC COMMUNICATION.

Paragraph (22) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(22)) is amended by adding at the end the following new sentence: ''Such term shall not include communications over the Internet.''.

By Mr. COLEMAN (for himself and Mr. LEVIN):

S. 679. A bill to amend title 10, United States Code, to require the registration of contractors' taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Mr. COLEMAN. Mr. President, today I am reintroducing the Central Contractor Registry Act. This legislation is particularly relevant this week, as we debate a tough budget to restore fiscal discipline.

Last year the Government Accountability Office testified at a hearing before the Permanent Subcommittee on Investigations that over 27,000 contractors at the Department of Defense owed over $3 billion in unpaid Federal taxes. If we want to demonstrate fiscal discipline, it seems to me that we ought to be looking at places like this before we start talking about cuts to Medicaid or the farm bill. Asking companies that win lucrative government contracts to simply pay their taxes seems like common sense to me.

That's why I have introduced the Central Contractor Registry Act. This bill will close a $3 billion tax loophole and will help to recover over $100 million annually from federal contractors who have not filed federal tax returns or who have not paid the taxes they owe the government.

The bill is simple: it establishes a centralized contractor database within the Department of Defense, and requires federal contractors who register in that database to provide their taxpayer identification number and their consent to verifying that number with the Internal Revenue Service as a condition that must precede the awarding of a contract by the Department of Defense.

Normally, companies that are delinquent in paying their taxes are levied 15 percent of the payments they receive as government contractors. In fiscal year 2002, this should have amounted to over $100 million from tax delinquent Department of Defense contractors. However, actual collections for that year were less than $500,000. And in 2001, over 26,000 of the defense contracts submitted to the IRS to determine contractors' tax liability were unusable.

One of the principal reasons for this anemic state of collections and the large volume of unusable information returns is the inability of the Department of Defense and the Internal Revenue Service to reach an accord on verifying the taxpayer identification numbers of the contractors who have registered in the Department of Defense's Central Contractor Registration database. Under current law, the Department of Defense's authority to verify contractors' taxpayer identification numbers is limited to those contractors who have contracts with the Department of Defense and for whom the department is required to report miscellaneous income to the Internal Revenue Service on a Form 1099 information return. However, there are contractors who have registered in the Central Contractor Registration for whom the Department of Defense lacks authority to verify their taxpayer identification numbers, including individuals and companies who would like to contract with the federal government and contractors who have contracts with agencies and departments other

than the Department of Defense. And often the numbers provided are incorrect, but there is no recourse.

My bill will resolve the impasse between the Department of Defense and the Internal Revenue Service by requesting contractors' consent to the validation of their taxpayer identification number as part of the registration process. Contractors will not be required to provide their consent. But if they do not, they will not be awarded a contract by the Department of Defense.

Further, my bill requires the Department of Defense to warn contractors as part of the registration process that if they do not provide a valid taxpayer identification number they may be subject to backup withholding. This would apply to those contractors who list an invalid taxpayer identification number, have a contract with the Department of Defense, and will earn miscellaneous income that is required to be reported to the Internal Revenue Service.

I would like to briefly summarize the major provisions of my bill. It provides a statutory basis for the Central Contractor Registration and renames the database as the Central Contractor Registry. It requires that the registry contain contractors' taxpayer identification numbers, their consent to verifying their numbers with the Internal Revenue Service and for the Internal Revenue Service to provide a corrected number if possible. It requires that registrants furnish this information as a condition for registration, and requires the Department of Defense to warn contractors who fail to provide a valid taxpayer identification number that they may be subject to backup withholding and requires implementation of backup withholding in cases where it is required. It precludes awarding a contract to any registrant who has not provided a valid taxpayer identification number and excludes from coverage any registrant who is not required to have a taxpayer identification number. It directs the Secretary of Defense to apply to the Internal Revenue Service for inclusion in the Taxpayer Identification Number Matching Program and directs the Commissioner of Internal Revenue to provide response to the Department of Defense. It directs the Secretary of Defense to provide any registrant who is determined to have an invalid taxpayer identification number with an opportunity to provide a valid number. It further requires that the Central Contractor Registry clearly indicate whether a registrant's taxpayer identification number is valid, under review, invalid, or not required. Finally, it requires that contractors' taxpayer identification numbers be treated as confidential by federal contract officers who have access to the Central Contractor Registry.

This bill will ensure that tax cheats are not rewarded with Federal contracts. As we debate the budget this week, I encourage my colleagues to join me in supporting this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 679

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 ''Central Contractor Registry Act of 2005''.

SEC. 2. CENTRAL CONTRACTOR REGISTRY DATABASE.

(a) AUTHORITY.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2302d the following new section:

''§ 2302e. Central contractor registry

''(a) ESTABLISHMENT.—The Secretary of Defense shall maintain a centralized, electronic database for the registration of sources of property and services who seek to participate in contracts and other procurements entered into by the various procurement officials of the United States. The database shall be known as the 'Central Contractor Registry'.

''(b) TAXPAYER INFORMATION.—(1) The Central Contractor Registry shall include the following tax-related information for each source registered in that registry:

''(A) Each of that source's taxpayer identification numbers.

''(B) The source's authorization for the Secretary of Defense to obtain from the Commissioner of Internal Revenue—

''(i) verification of the validity of each of that source's taxpayer identification numbers; and

''(ii) in the case of any of such source's registered taxpayer identification numbers that is determined invalid, the correct taxpayer identification number (if any).

''(2)(A) The Secretary of Defense shall require each source, as a condition for registration in the Central Contractor Registry, to provide the Secretary with the information and authorization described in paragraph (1).

''(B) The Secretary shall—

''(i) warn each source seeking to register in the Central Contractor Registry that the source may be subject to backup withholding for a failure to submit each such number to the Secretary; and

''(ii) take the actions necessary to initiate the backup withholding in the case of a registrant who fails to register each taxpayer identification number valid for the registrant and is subject to the backup withholding requirement.

''(3) A source registered in the Central Contractor Registry is not eligible for a contract entered into under this chapter or title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) if that source—

''(A) has failed to provide the authorization described in paragraph (1)(B);

''(B) has failed to register in that registry all valid taxpayer identification numbers for that source; or

''(C) has registered in that registry an invalid taxpayer identification number and fails to correct that registration.

''(4)(A) The Secretary of Defense shall make arrangements with the Commissioner of Internal Revenue for each head of an agency within the Department of Defense to participate in the taxpayer identification number matching program of the Internal Revenue Service.

''(B) The Commissioner of Internal Revenue shall cooperate with the Secretary of Defense to determine the validity of taxpayer identification numbers registered in the Central Contractor Registry. As part of the cooperation, the Commissioner shall promptly respond to a request of the Secretary of Defense or the head of an agency within the Department of Defense for electronic validation of a taxpayer identification number for a registrant by notifying the Secretary or head of an agency, respectively, of—

''(i) the validity of that number; and

''(ii) in the case of an invalid taxpayer identification number, any correct taxpayer identification number for such registrant that the Commissioner can promptly and reasonably determine.

''(C) The Secretary shall transmit to a registrant a notification of each of the registrant's taxpayer identification numbers, if any, that is determined invalid by the Commissioner of Internal Revenue and shall provide the registrant with an opportunity to substitute a valid taxpayer identification number.

''(5) The Secretary of Defense shall require that, at the place in the Central Contractor Registry where the taxpayer identification numbers of a registrant are to be displayed, the display bear (as applicable)—

''(A) for each taxpayer identification number of that registrant, an indicator of whether such number has been determined valid, is being reviewed for validity, or has been determined invalid; or

''(B) an indicator that no taxpayer identification number is required for the registrant.

''(6) This subsection applies to each source who registers any information regarding that source in the Central Contractor Registry after December 31, 2005, except that paragraphs (1), (2), and (3) do not apply to a source who establishes to the satisfaction of the Secretary of Defense that such source is not required to have a taxpayer identification number.

''(c) CONFIDENTIALITY OF INFORMATION.—The Secretary of Defense shall ensure that taxpayer identification numbers in the Central Contractor Registry are not made available to the public. The Secretary shall prescribe a requirement for procurement officials of the United States having access to such numbers in that registry to maintain the confidentiality of those numbers.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2302d the following new item:

''2302e. Central Contractor Registry.''.

INTRODUCING CENTRAL CONTRACTOR REGISTRY ACT

Mr. LEVIN. Mr. President, I join my colleagues, Senators NORM COLEMAN, SUSAN COLLINS and JACK REED, in introducing the Central Contractor Registry Act of 2005. The purpose of this bipartisan bill is to strengthen the ability of the Federal Government to stop tax cheats from obtaining Federal contracts, and for those who have managed to obtain contracts, to use a portion of their contract payments to repay their tax debts.

Now, even more than when we introduced a similar bill in May 2004, it is

clear that new legislation is essential to confront the problem of Federal contractor tax debt. Last year the Permanent Subcommittee on Investigations, on which Senator COLEMAN and I sit, raised this issue in a hearing based on a report issued by the Government Accountability Office, GAO. The report showed that over 27,000 contractors at the Department of Defense, DOD, owed $3 billion in unpaid taxes. Approximately 90 percent of these unpaid taxes were payroll taxes, money that should be going to help fund the social security and medicare expenditures that are climbing so rapidly. Too many contractors are continuing to duck payment of these payroll taxes, while at the same time holding out their hands for taxpayer dollars.

Beyond the loss in substantial government revenue, allowing tax cheats to bid on Federal contracts is a disservice to all citizens who meet their tax obligations. It is also a disservice to all of the honest companies that compete for the same government contracts, since companies that do not pay their taxes have lower costs and a competitive advantage over the companies that do.

Current law requires DOD and other government agencies to identify any government contractor with unpaid taxes, to withhold 15 percent or more of their contract payments, and to forward that money to the IRS to be applied to the contractor's tax debt. The official title of the DOD program to carry out this obligation is the Federal Payment Levy Program, sometimes referred to as the DOD tax levy program.

In order to identify tax delinquent contractors before they receive payment, DOD and other agencies participate in a computer matching program administered by the Treasury Department that cross-checks lists of upcoming contractor payments with IRS lists of delinquent taxpayers. If a match occurs, DOD—in the case of defense contractors—and the Treasury Department for all other government contractors is supposed to withhold money from the identified contractor's upcoming contract payments.

The problem is that the computer matching program has so far produced relatively few matches. In 2003, for example, DOD collected only about $680,000 of back taxes through its tax levy program instead of the $100 million that GAO estimates should have been collected. That means DOD collected less than one percent of the back taxes it should have.

One major impediment to the computer matching program has been that it depends upon a Federal agency's providing the correct taxpayer identification number or TIN for each of its contractors, when many contractors have either failed to submit a TIN or supplied an incorrect number. When a TIN is incorrect or missing, the computer matching program is unable to determine whether the relevant government contractor is on the IRS list of delinquent taxpayers. For example, in 1 year, data indicates that DOD sent the IRS over 26,000 invalid TINs that could not be used.

To increase the efficiency of the computer matching program, the IRS has tried to improve the accuracy of the TINs in agency contractor data. The IRS has, for example, set up a computer-based TIN validation system that can electronically verify a TIN number in seconds. This electronic system is available for use by DOD and all other federal agencies. Unfortunately, the IRS has also interpreted certain tax laws as prohibiting DOD from obtaining TIN validations for many types of contracts. In addition, in the case of TIN numbers with clerical errors, the IRS has interpreted current taxpayer confidentiality laws as prohibiting it from supplying a DOD with a corrected number.

The bill we are introducing today would eliminate this bureaucratic red-tape and significantly increase the effectiveness of the tax levy program by increasing the accuracy of the TINs used by DOD.

The bill would strengthen TIN accuracy by focusing primarily on the TINs in the Central Contractor Registry, a government-wide database of persons wishing to bid on Federal contracts. This registry is currently administered by DOD, and current Federal regulations require potential bidders to self-register in the system by supplying specified information. As part of the process, registrants are supposed to supply a TIN, but many either do not or supply an incorrect number. The bill would, for the first time, impose a legal requirement on registrants to supply a valid TIN and would also bar contracts from being awarded to contractors who fail to supply a valid TIN.

In addition, the bill would require registrants to authorize DOD to validate their TINs with the IRS and obtain a corrected TIN from the IRS, if needed and possible. This requirement would apply to all registrants in the Central Contractor Registry, no matter what type of contract is involved and whether the contract is with DOD or another Federal agency. It would also allow the IRS to supply corrected TINs where it can promptly and reasonably do so.

If, by chance, a registrant managed to obtain a DOD contract without having supplied a valid TIN, the bill would direct DOD to withhold a portion of their contract payments to satisfy their tax debt as specified under existing law. Although this backup holding requirement has been on the books for years, DOD has not implemented it. The bill would require DOD to start doing so.

Finally, the bill would provide a number of protections. It would protect privacy by prohibiting DOD and other Federal procurement officials from making TIN numbers available to the public. The information would be kept confidential within the procurement community using the Central Contractor Registry. It would explicitly exempt from the TIN requirements any contractor, such as a foreign business, not required by U.S. law to have a taxpayer identification number. The bill would also require DOD to show in the registry database whether a particular TIN has been validated, is awaiting validation, has been found invalid, or is not required, so that procurement officials using the database will know the status of a contractor's TIN. If the IRS were to determine that a particular TIN was invalid, the bill would require DOD to give the relevant contractor an opportunity to correct the number. The bill would also require DOD to warn all registrants in the Central Contractor Registry of the possibility of backup withholding in the event a contractor fails to provide a valid TIN.

DOD and the IRS have indicated that they are willing to undertake many of the changes suggested in the legislation, such as requiring all CCR registrants, as a condition of their registration, to authorize DOD to validate their TINs with the IRS and obtain a corrected TIN from the IRS, if needed and possible. DOD has even drafted possible language to accomplish this objective. The IRS, however, has yet to agree to the specific language or to take steps to improve TIN validation efforts, despite the passage of nearly a year since we introduced this bill in last Congress, and despite the fact that some CCR registrants continue either to omit their TINs or to provide an invalid TIN. Even if the IRS and DOD were to act as promised, the CCR and the privacy protections mentioned earlier would benefit from specific statutory language addressing this issue. That is why we are re-introducing this bill in the 109th Congress.

It is common business sense for the Federal Government to require contractors who want to be paid with Federal taxpayer dollars to allow the United States to determine whether they owe any taxes and, if so, to offset a portion of their contract payments to reduce their tax debts. To accomplish that objective, the Federal Government has to do a better job in identifying federal contractors with unpaid taxes. Our bill, by improving the accuracy of taxpayer identification numbers in the Central Contractor Registry, will strengthen DOD's ability to identify tax delinquent contractors and either deny them new contracts or reduce their tax debts.

I hope all my colleagues will join us in supporting this legislation's enactment during this Congress.

By Mr. HATCH (for himself, Mr. DODD, Mr. BROWNBACK, Mr. HARKIN, and Mr. SPECTER):

S. 681. A bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, I am pleased to introduce ''The Cord Blood Stem Cell Act of 2005.'' I am particularly gratified that Senators DODD, BROWNBACK, HARKIN, and SPECTER have joined me as cosponsors of this bipartisan bill. Since I first introduced this bill last Congress, there has been strong interest in Federal support for public cord blood banks as a widely accepted source of hematopoietic stem cells for transplant and research. The purpose of the Cord Blood Stem Cell Act is to create an easily accessible network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support research using such cells.

Today, thousands of Americans receive and are saved by bone marrow transplants each year. But thousands more die for lack of an appropriate donor. The good news is that research now suggests that the blood and stem cells from human placenta and umbilical cords may in some cases provide an alternative to bone marrow transplantation. For some patients, particularly those for whom a bone marrow match cannot be found, transplantation of these cells may be a life-saving therapy. Cord blood stem cell transplants are readily available, and they require less stringent matching from donors to recipients, thus decreasing the difficulty of finding a fully matched donor.

Cord blood transplantation has been used successfully to treat leukemia, lymphoma, immunodeficiency diseases, sickle cell anemia, and certain metabolic diseases. However, the number of available cord blood stem cell units in the United States is insufficient to meet the need. The Cord Blood Stem Cell Act of 2005 proposes to establish an inventory of 150,000 cord blood stem cell units that reflects the diversity of the United States. In conjunction with the 5 million registered bone marrow donors, this registry will enable 95 percent of Americans to receive an appropriately matched transplant. The inventory would provide a critical additional resource for those in need of transplants and allocate a certain proportion of units to sustain further research on cord blood stem cells.

In 2004, Congress asked the Institute of Medicine to provide an assessment of existing cord blood programs and inventories and to make recommendations to enhance the structure, function, and utility of such programs. Following a year-long process of review and evaluation, the Institute of Medicine will soon issue recommendations on the best methods to create and implement this public cord blood bank network. I look forward to reviewing these recommendations and ensuring that they are appropriately reflected in any legislation.

Let me be clear—I am open to all options. It is my goal to create the best system to provide patients, clinicians, and families with access to these life-saving treatments by ensuring that the number of cord blood units available for transplant and research increases in the coming years.

The system will include a network of qualified donor banks which will collect, test, and preserve cord blood stem cells. In addition, the system should educate and recruit donors, facilitate the rapid matching of donors and recipients, and quickly make such cells available to transplant centers for stem cell transplantation.

I also strongly endorse the excellent work done by the National Marrow Donor Program (NMDP), which Congress created in 1986 and continues to fund. This registry already lists more than 42,000 units of umbilical cord blood and provides important patient advocacy and support services. It also provides an online service which allows physicians to compare potential cord blood matches with potential adult volunteer donor matches so that they can select the source of cells that best meets their patients' needs. Cord blood should be used to expand patient choices, not to restrict them. Patients, in consultation with their physicians, should have the ability to decide which is best for them.

The establishment of a national infrastructure for cord blood will help save the lives of thousands of critically ill Americans. And while this legislation is not perfect, it is my hope that its introduction will encourage discussions on cord blood and the federal government's role in helping to increase the inventory of cord blood units in the United States.

In my opinion, we must be sure that our nation can meet the needs of patients and physicians by ensuring a strong future for cord blood in this country. My primary goal is to ensure that the number of cord blood units available for transplant and research increases in the coming years. The only way that goal may be accomplished is through strong federal support. I look forward to working with my colleagues on doing everything possible to provide transplant patients with the best possible options by ensuring a strong future for cord blood transplantation in this country.

Mr. DODD. Mr. President, I am pleased to join Senator HATCH and Senator BROWNBACK in introducing legislation to advance the use of umbilical cord blood for clinical applications and research. I first became aware of the potential therapeutic benefits of cord blood when my first daughter was born three and a half years ago. At that time, our doctor informed me and my wife that preserving a small amount of blood from the umbilical cord could prove enormously beneficial later in her life. Should she become ill with a disease requiring bone marrow reconstitution, such as leukemia, her own cord blood stem cells could be used. This would eliminate the need to find a suitable bone marrow donor.

The bill that we are introducing today will begin a new national commitment to the development of this technology—which has the potential to reduce pain and suffering and save the lives of so many Americans afflicted with some of the most debilitating illnesses. Cord blood has already been used successfully in treating a number of diseases, including sickle cell anemia and certain childhood cancers. However, the use of cord blood is still fledgling. Recent developments have suggested that the stem cells derived from cord blood may be useful in treating a much wider range of diseases, such as Parkinson's disease, diabetes, and heart disease.

Like many Americans, I had never heard of cord blood before the birth of my daughter. It is not widely used—at least in this country. Approximately 95 percent of all bone marrow reconstitutions were done using a bone marrow transplant. Only five percent used cord blood. This figure is surprising when we consider the potential benefits of cord blood relative to bone marrow.

First, it can be very difficult to find a suitable bone marrow donor. According to a General Accounting Office (GAO) report, of the 15,231 individuals needing bone marrow transplants between 1997 and 2000 who conducted a preliminary search of the National Bone Marrow Donor Registry (NBMDR), only 4,056 received a transplant—a 27 percent success rate. This number is even lower for minorities. Cord blood would not only produce an additional source of donation; it also does not require as exact a match as bone marrow.

In addition, cord blood is readily available. While it can take months between finding a bone marrow match and actually receiving a transplant, a unit of cord blood can be utilized in a matter of days or weeks. Cord blood also lowers the risk of complications for both the donor and the recipient. The need to extract bone marrow from the donor is eliminated, and the risk of infection or rejection by the recipient is significantly reduced. Finally, research has suggested that cord blood might produce better outcomes than bone marrow in children.

Why then, given all of these benefits, has the use of cord blood not become much more prevalent in the United States? In Japan, where the use of cord blood in clinical setting is more advanced, nearly half of all transplants now use cord blood rather than bone marrow.

The relatively infrequent use of cord blood in our country is at least partly attributable to the lack of a national infrastructure for the matching and distribution of cord blood units. There are a handful of cord blood banks around the country doing excellent work, but there is a much more developed infrastructure for bone marrow. This is thanks to legislation passed by Congress in 1986 that established a National Registry for bone marrow. By the way, that legislation is due to be reauthorized—and I would like to voice my strong support for that reauthorization.

Our bill would create a similar infrastructure for cord blood. Specifically, it would direct the Secretary of Health and Human Services (HHS), acting through the Administrator of the Health Resources and Services Administration (HRSA), to establish a National Cord Blood Stem Cell Bank Network, as well as a registry of available cord blood units. The network and registry would be required to collect a minimum of 150,000 units, which should be sufficient to provide a suitable match for 90 percent of the U.S. population.

Donor banks would also be required to educate the general public about the potential benefits of cord blood, and encourage an ethnically diverse population of cord blood donors. Given the untapped potential of cord blood, at least ten percent of the available units must also be made available for research. Finally, the legislation authorizes an appropriation of $15 million for fiscal year 2006, and such sums as may be necessary for fiscal years 2007 through 2010.

Before finishing today I would like to make it clear that I strongly support the continuation of the excellent work done by the National Marrow Donor Program (NMDP). Cord blood should act as a complement to—not a replacement for—bone marrow. In many cases, a bone marrow transplant is still the preferred therapy. Physicians should have the ability to decide on a case by case basis which is best for their patient.

In the coming weeks, the Institute of Medicine (IOM) will release a report with recommendations about the appropriate structure for a cord blood registry. I look forward to reviewing those recommendations and, if necessary, making the appropriate changes to our legislation.

I firmly believe that the creation of a national infrastructure for cord blood will, in time, save the lives of thousands of gravely ill Americans. We have a responsibility to encourage use of cord blood where appropriate today, and invest in research to fully tap the potential of this technology. I urge my colleagues to support this legislation.

By Mr. DODD:

S. 682. A bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americans to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, I rise today to introduce the Social Investment and Economic Development Fund for the Americas Act of 2005. This legislation would authorize critical assistance to fight poverty and increase economic opportunity in the countries of the Western Hemisphere.

In January, my colleagues Senator BILL NELSON, Senator LINCOLN CHAFEE and I visited Venezuela, Paraguay, Argentina, Peru and Ecuador. Our trip and discussions with political and economic leaders throughout the region underscored to me the danger that poverty and economic inequality continue to pose to regional stability, the rule of law, and to the continuation of market reforms.

One third of the population in Latin America currently lives in poverty. 128 million people survive on less than two dollars a day, and 50 million people on less than one dollar a day. In Haiti, the poorest country in the Western Hemisphere, 65 percent of the population lives below the poverty line. Despite economic growth throughout the 1990s, moreover, unemployment in Latin America actually increased. And as we all know such factors have the potential to increase instability and undermine democratic reforms and the rule of law. Indeed, individuals living in poverty are often forced by circumstances to engage in illicit activity, including narco-trafficking and even supporting terrorist related activities.

But there is not only tremendous poverty. Income inequality in Latin America is the highest in the world. To illustrate that fact, consider that the richest one-tenth of all Latin Americans earn 48 percent of the total national income, whereas the bottom one tenth earns only 1.6 percent. By contrast, in developed countries, the top ten percent earns 29.1 percent, and the bottom 10 percent earns 2.5 percent. Is it any wonder that economic inequality in Uruguay, the most equal country in Latin America, is still greater than in the most unequal country in Eastern Europe?

Poverty and inequality are not simply social injustices. They threaten the political stability of Latin America and the national interests of the United States. Indeed, according to a 2004 report by the United Nations Development Program, progress in extending elective democracy across Latin America is threatened by ongoing social and economic turmoil. Most troubling, the report suggests that over 50 percent of the population of Latin America would be willing to sacrifice democratic government for real progress on the economic and social fronts. That is a frightening statistic. And it should make crystal clear the urgency of this situation. Two decades of progress in our hemisphere is at risk.

The Social Investment and Economic Development Fund for the Americas Act of 2005 would seek to address these issues by investing in the peoples of the Americas. This important legislation would make it United States policy to promote market-based principles, economic integration, social development, and inter-American trade. To that end, it would authorize $250 million annually in bilateral economic assistance to the hemisphere through fiscal year 2010. It would also authorize multilateral assistance, directed through the Inter-American Development Bank, of no more than $250 million per year and $1.25 billion in total.

Certainly, strong trade relations remain a key to creating healthy economies both here in the United States and throughout the region. But trade alone cannot address the myriad challenges facing Latin America, when millions of citizens in the hemisphere remain marginalized by economic insecurity and social dislocation. That is another reason why this bill is so critical.

To confront these challenges, we have to start at the grass roots. We have to start with the people. And the Social Investment and Economic Development Fund for the Americas would do that by supporting public-private partnerships and micro-enterprise developments. It would give honest, hardworking families the chance to become entrepreneurial and to create a broad based ownership society in their countries. We promote these values here at home, and we should do so abroad.

Investing in people also means investing in human capital. And there is clearly a need. According to the World Bank large portions of the population do not receive adequate services such as education and health care. Education, in particular, is identified as critical to development. Yet the quality of education varies significantly based on social status and income distribution. In Mexico, for example, the average individual in the bottom 20 percent income bracket has only 3.5 years of schooling, whereas an individual in the top 20 percent income bracket has 11.6 years. My legislation would address these inequities by targeting assistance at projects which

would invest in education. It would also build human capital by investing in basic needs such as health care, disease prevention, nutrition, and housing.

To move forward, we also have to help the people invest in good governance. Public corruption remains an especially persistent and pernicious problem in this hemisphere. Both Transparency International and the World Economic Forum report high levels of corruption throughout the region. Moreover, while full citizen participation in government is a key to strengthening democracy and ensuring that civil services work, many Latin American citizens do not express confidence in their political institutions. This Act would attempt to overcome these barriers to progress by enhancing efficiency and transparency in government services as well as increasing civil society participation in government.

Lastly, marginalized populations, including indigenous groups, people of African descent, women, and people with disabilities, are particularly affected by problems of poverty and income inequality. This act would target funds to reduce poverty and decrease social dislocation among these populations.

The funds authorized by this act would be distributed on the basis of competitive bidding and inter-American cooperation. To do so, this legislation would establish technical review committees which will partner with consultative committees in each country to make determinations on funding requests.

Finally, the historic Summits of the Americas made it clear that economic and social integration are the responsibilities of all nations in the Western Hemisphere. Through this act, the United States would send a strong signal to others in the region that we take these responsibilities seriously. And it will challenge the other countries in the hemisphere to collectively match our efforts.

We stand today at a moment of great opportunity and great risk in this hemisphere. The past two decades have witnessed the rise of democratic governments in nations that long languished under dictatorship. Yet this progress is endangered. Economic and social conditions for millions of men and women continue to lag dangerously far behind. It is in our moral and strategic interests to provide the necessary economic assistance to fight the scourges of poverty and social dislocation in this hemisphere. The Social Investment and Economic Development Fund for the Americas Act of 2005 is a vital first step to achieving this goal. I ask my colleagues to join me in supporting this important legislation.

I ask unamimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 682

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 ''Social Investment and Economic Development Fund for the Americas Act of 2005''.

SEC. 2. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The historic economic, political, cultural, and geographic relationships among the countries of the Western Hemisphere are unique and of continuing special significance to the United States.

(2) The interests of the countries of the Western Hemisphere are more interrelated today than ever before. Consequently, sound economic, social, and democratic progress in each of the countries continues to benefit other countries, and lack of it in any country may have serious repercussions in others.

(3) Following the historic Summits of the Americas, the 1994 Summit in Miami, the 1998 Summit in Santiago, Chile, the 2001 Summit in Quebec City, Canada, and the 2004 Special Summit in Monterrey, Mexico, the heads of state of the countries of the Western Hemisphere accepted the formidable challenge of economic and social integration in and between their respective countries.

(4) To make progress toward economic and social integration, there is a compelling need to focus on the social development of the people of the Americas which, in turn, will promote the economic and political development of the region.

(5) Investment in social development in the Americas, including investment in human and social capital, specifically in education, health, housing, and labor markets with the goal of combating social exclusion and social ills, will consolidate political democracy and the rule of law and promote regional economic integration and trade in the region.

(6) The challenge of achieving economic integration between one of the world's most developed economies and some of the poorest and most vulnerable countries requires a special effort to promote social equality, develop skills, and modernize the infrastructure in poorer countries that will enable the people of these countries to maximize the amount of benefits accrued from economic integration.

(7) The particular challenge facing social and economic development in Latin America is the historic and persistent highly unequal distribution of wealth. Latin America suffers from the most unequal distribution of wealth in the world with huge inequities in the distribution of assets including education, land, and credit.

(8) Latin America also confronts the challenge of an increasing number of poor people. As of today, approximately one-third of the population lives in poverty and increasing numbers live in extreme poverty. Poverty exists in all Latin American countries but 70 percent of the region's poor live in the five largest middle-income countries.

(9) Marginalized groups, including indigenous populations, people of African descent, women, people with disabilities, and rural populations, are socially excluded and suffer from poverty, stigma, and discrimination.

(10) Democratic values are dominant throughout the Americas, and nearly all governments in the region have come to power through democratic elections.

(11) Nonetheless, existing democratic governments and their constituent institutions remain fragile and face critical challenges including effective democratic civilian authority over these institutions, including the military, the consolidation or establishment of independent judicial institutions and the rule of law, and the elimination of corruption.

(12) The prosperity, security, and well-being of the United States is linked directly to peace, prosperity, and democracy in the Americas. The entire region benefits by reducing poverty, strengthening the middle class, and promoting the rule of law which will also increase markets for United States goods and create a better environment for regional investment by United States businesses.

(13) Section 101 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151) establishes as a principal objective of United States foreign assistance the ''encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives''.

(14) It is in the national interests of the United States to assist developing countries in the Western Hemisphere as they implement the economic and political policies which are necessary to achieve equitable economic growth.

(15) The Summit of the Americas has directly charged the multilateral institutions of the Americas, including the Organization of American States (OAS), the Inter-American Development Bank (IADB), and the Inter-American Agency for Cooperation and Development with mobilizing private-public sector partnerships among industry and civil society to help achieve equitable development objectives.

(16) By supporting the purposes and objectives of development and applying such purposes and objectives to the Americas, a Social Investment and Economic Development Fund for the Americas has the potential to advance the national interests of the United States and directly improve the lives of the poor and marginalized groups, encourage broad-based economic growth while protecting the environment, build human capital and knowledge, support meaningful participation in democracy, and promote peace and justice in the Americas.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to promote market-based principles, economic integration, social development, and trade in and between countries of the Americas by—

(A) nurturing public-private partnerships and microenterprise development;

(B) improving the quality of life and investing in human capital, specifically targeting education, health and disease prevention, nutrition, and housing;

(C) strengthening the rule of law through improved efficiency and transparency in government services and increasing civil society participation in government; and

(D) reducing poverty and eliminating the exclusion of marginalized populations, including people of African descent, indigenous groups, women, and people with disabilities; and

(2) to establish an investment fund for the Western Hemisphere to advance the national interests of the United States, directly improve the lives of the poor and marginalized,

encourage broad-based economic growth while protecting the environment, build human capital and knowledge, support meaningful participation in democratic institutions and processes, and promote peace and justice in the Americas.

SEC. 3. AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.

Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"CHAPTER 13—SOCIAL INVESTMENT AND ECONOMIC DEVELOPMENT FUND FOR THE AMERICAS

"SEC. 499H. AUTHORIZATION OF ASSISTANCE.

''(a) STATEMENT OF POLICY.—It is the policy of the United States—

''(1) to promote market-based principles, economic integration, social development, and trade in and between countries of the Americas by—

''(A) nurturing public-private partnerships and microenterprise development;

''(B) improving the quality of life and investing in human capital, specifically targeting education, health and disease prevention, nutrition, and housing;

''(C) strengthening the rule of law through improved efficiency and transparency in government services and increasing civil society participation in government; and

''(D) reducing poverty and eliminating the exclusion of marginalized populations, including people of African descent, indigenous groups, women, and people with disabilities; and

''(2) to establish an investment fund for the Western Hemisphere to advance the national interests of the United States, directly improve the lives of the poor and marginalized, encourage broad-based economic growth while protecting the environment, build human capital and knowledge, support meaningful participation in democratic institutions and processes, and promote peace and justice in the Americas.

''(b) IN GENERAL.—The President, acting through the Administrator of the United States Agency for International Development, shall provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere by—

''(1) nurturing public-private partnerships and microenterprise development;

''(2) improving the quality of life and investing in human capital, specifically targeting education, health and disease prevention, nutrition, and housing;

''(3) strengthening the rule of law through improved efficiency and transparency in government services and increasing civil society participation in government; and

''(4) reducing poverty and eliminating the exclusion of marginalized populations, including people of African descent, indigenous groups, women, and people with disabilities.

''(c) TERMS AND CONDITIONS.—Assistance under this chapter may be provided on such other terms and conditions as the President may determine, consistent with the goal of promoting economic and social development.

"SEC. 499I. TECHNICAL REVIEW COMMITTEE.

''(a) IN GENERAL.—There is established within the United States Agency for International Development a technical review committee.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The President, by and with the advice and consent of the Senate, shall appoint to serve on the technical review committee—

''(A) individuals with technical expertise with respect to the development projects, including grassroots development of Latin America and the Caribbean; and

''(B) citizens of the United States with technical expertise with respect to development projects and business experience.

''(2) CRITERIA FOR APPOINTMENT.—Technical expertise shall be the sole criterion in making appointments to the technical review committee.

''(c) DUTIES.—The technical review committee shall review all projects proposed for funding using assistance provided under section 499H(a), and make recommendations to the President with respect to the guidelines to be used in evaluating project proposals and the suitability of the proposed projects for funding.

''(d) CONFLICTS OF INTEREST.—A member of the technical review committee shall not be permitted to review an application submitted by an organization with which the member has been or is affiliated.

"SEC. 499J. CONSULTATIVE COMMITTEE.

''(a) IN GENERAL.—A country that receives assistance under this chapter shall establish a Consultative Committee to make recommendations regarding how such assistance should be used to carry out the policy set out in section 499H(a).

''(b) MEMBERSHIP.—A Consultative Committee should include individuals from civil society organizations that represent or have experience in working in the following:

''(1) Marginalized populations.

''(2) Trade and small farmer unions.

''(3) Rural development and agrarian reform.

''(4) Microenterprise and grassroots development.

''(5) Access to government social services.

''(6) Rule of law and government reform.

''(c) DUTIES.—A Consultative Committee for a country shall—

''(1) make recommendations to the technical review committee established under section 499I and to the appropriate country mission of the United States Agency for International Development on projects proposed to receive assistance under section 499H(a) that affect such country;

''(2) have access documents and other information related to project proposals and funding decisions that affect such country; and

''(3) develop and publish rules and procedures under which the Committee will carry out its duties.

''(d) CONFLICTS OF INTEREST.—A member of the Consultative Committee may not be permitted to review an application submitted by an organization with which the member has been or is affiliated.

"SEC. 499K. REPORT.

''The President shall prepare and transmit to the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives, and other appropriate congressional committees an annual report on the specific programs, projects, and activities carried out under this chapter during the preceding year, including an evaluation of the results of such programs, projects, and activities.

"SEC. 499L. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this chapter $250,000,000 for each of the fiscal years 2006 through 2010.

''(b) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to subsection (a)—

''(1) may be referred to as the 'United States Social Investment and Economic Development Fund for the Americas';

''(2) are authorized to remain available until expended; and

''(3) are in addition to amounts otherwise available for such purposes.

''(c) FUNDING LIMITATION.—Not more than 7 percent of the amounts appropriated pursuant to subsection (a) for a fiscal year may be used for administrative expenses.''.

SEC. 4. AMENDMENT TO THE INTER-AMERICAN DEVELOPMENT BANK ACT.

The Inter-American Development Bank Act (22 U.S.C. 283 et seq.) is amended by adding at the end the following:

"SEC. 39. SOCIAL INVESTMENT AND ECONOMIC DEVELOPMENT FUND FOR THE AMERICAS.

''(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to use the voice, vote, and influence of the United States to urge the Bank to establish an account to be known as the 'Social Investment and Economic Development Fund for the Americas' (in this section referred to as the 'Fund'), which is to be operated and administered by the Board of Executive Directors of the Bank consistent with subsection (b). The United States Governor of the Bank may vote for a resolution transmitted by the Board of Executive Directors which provides for the establishment of such an account, and the operation and administration of the account consistent with subsection (b).

''(b) GOVERNING RULES.—

''(1) USE OF FUNDS.—The Fund shall be used to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere by—

''(A) nurturing public-private partnerships and microenterprise development;

''(B) improving the quality of life and investing in human capital, specifically targeting education, health and disease prevention, nutrition, and housing;

''(C) strengthening the rule of law through improved efficiency and transparency in government services and increasing civil society participation in government; and

''(D) reducing poverty and eliminating the exclusion of marginalized populations, including people of African descent, indigenous groups, women, and people with disabilities.

''(2) APPLICATION FOR FUNDING THROUGH A COMPETITIVE PROCESS.—Any interested person or organization may submit an application for funding by the Fund.

''(3) TECHNICAL REVIEW COMMITTEE.—

''(A) IN GENERAL.—The Fund shall have a technical review committee.

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The Board of Executive Directors of the Bank shall appoint to serve on the technical review committee individuals with technical expertise with respect to the development of Latin America and the Caribbean.

''(ii) CRITERIA FOR APPOINTMENT.—Technical expertise shall be the sole criterion in making appointments to the technical review committee.

''(C) DUTIES.—The technical review committee shall review all projects proposed for funding by the Fund, and make recommendations to the Board of Executive Directors of the Bank with respect to the guidelines to be used in evaluating project proposals and the suitability of the proposed projects for funding.

''(D) CONFLICTS OF INTEREST.—A member of the technical review committee shall not be permitted to review an application submitted by an organization with which the member has been or is affiliated.

''(4) REVIEW OF PROPOSED PROJECTS.—Not more frequently than once each year, the

Board of Executive Directors of the Bank shall review and make decisions on applications for projects to be funded by the Fund, in accordance with procedures which provide for transparency. The Board of Executive Directors shall provide advance notice to all interested parties of any date on which such a review will be conducted.

''(5) CONSULTATIVE COMMITTEE.—

''(A) IN GENERAL.—Each country that receives assistance under this section shall establish a Consultative Committee to make recommendations regarding how such assistance should be used to carry out the policy set out in section 2(b) of the Social Investment and Economic Development Fund for the Americas Act of 2005.

''(B) MEMBERSHIP.—A Consultative Committee should include individuals from civil society organizations that represent or have experience in the following:

''(i) Marginalized populations.

''(ii) Trade and small farmer unions.

''(iii) Rural development and agrarian reform.

''(iv) Microenterprise and grassroots development.

''(v) Access to government social services.

''(vi) Rule of law and government reform.

''(C) DUTIES.—A Consultative Committee in a country shall—

''(i) make recommendations to the technical review committee established under paragraph (3) and appropriate country representative of the Bank on projects to receive assistance provided under this section that affect such country;

''(ii) have access documents and other information related to project proposals and funding decisions that affect such country; and

''(iii) develop and publish rules and procedures under which the Committee will carry out its duties.

''(D) CONFLICTS OF INTEREST.—A member of a Consultative Committee may not be permitted to review an application submitted by an organization with which the member has been or is affiliated.

''(c) CONTRIBUTION AUTHORITY.—To the extent and in the amounts provided in advance in appropriations Acts, the United States Governor of the Bank may contribute $1,250,000,000 to the Fund.

''(d) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the contribution authorized by subsection (c), there are authorized to be appropriated for payment to the Secretary of the Treasury $250,000,000 for each fiscal year beginning with the fiscal year in which the resolution described in subsection (a) is adopted.

''(2) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to paragraph (1)—

''(A) are authorized to remain available until expended; and

''(B) are in addition to amounts otherwise available for such purposes.

''(3) FUNDING LIMITATION.—Not more than 7 percent of the amounts appropriated pursuant to paragraph (1) for a fiscal year may be used for administrative expenses.''.

SEC. 5. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the countries of the Western Hemisphere should collectively provide assistance equal to the amount of United States bilateral assistance provided under chapter 13 of part I of the Foreign Assistance Act of 1961, as added by section 3 of this Act, and multilateral assistance provided by the Social Investment and Economic Development Fund for the Americas under section 39 of the Inter-American Development Bank Act, as added by section 4 of this Act, for the same purpose for which such assistance was provided;

(2) funds authorized to be appropriated to carry out this Act or the amendments made by this Act should be in addition to funds otherwise made available on an annual basis to countries in the Americas pursuant to other United States foreign assistance programs; and

(3) it should be the policy of the United States to seek to increase the amount of assistance provided to the countries of the Americas from the United States and other members of the Inter-American Development Bank for a fiscal year beginning after the date of the enactment of this Act to an amount that is more than such amount provided during fiscal years beginning prior to such date.

By Mr. REED:

S. 684. A bill to amend the Natural Gas Act to provide additional requirements for the siting, construction, or operation of liquefied natural gas import facilities; to the Committee on Energy and Natural Resources.

Mr. REED. Mr. President, today I introduce the Liquefied Natural Gas Safety and Security Act of 2005.

The siting of liquefied natural gas (LNG) import terminals is an issue that has taken on critical importance for me and for the people of Rhode Island in recent months, as the Federal Energy Regulatory Commission (FERC) is now considering proposals by KeySpan Energy and Weaver's Cove Energy to establish LNG marine terminals in Providence, RI and Fall River, MA, respectively.

I recognize that natural gas is an important and growing component of New England's and the Nation's energy supply, and that imported LNG offers a promising new supply source to complement our domestic natural gas supplies. In a post-September 11 world, however, we must consider the substantial safety and security risks associated with siting LNG marine terminals in urban communities and requiring LNG tankers to pass within close proximity to miles of densely populated coastline.

The LNG Safety and Security Act would address these concerns by improving FERC's siting process, requiring closer collaboration between FERC and the Coast Guard, and protecting States' permitting rights under Federal and State law.

First, the bill would improve FERC's approval process for LNG terminals. Instead of reviewing proposed LNG projects on a first come-first served basis, the bill would require FERC to work with states and the Coast Guard to pursue a regional approach to LNG terminal siting, including a review of offshore and remote sites and a determination of how many LNG terminals a region needs. To address the substantial new costs faced by state and local agencies responsible for security and safety at the LNG terminal and along shipping routes, the bill would require the developer to create a cost-sharing plan describing direct cost reimbursements to these agencies. To make sure that FERC addresses all relevant safety and security issues in its Final Environmental Impact Statement (EIS) for an LNG terminal—and that the public has access to this information before FERC makes a final decision—the bill requires FERC to await the completion of an Incident Action Plan by the Coast Guard before issuing a Final EIS. It would require FERC to incorporate the non-security sensitive components of the Incident Action Plan into the Final EIS, including all safety and security resource requirements identified by the Coast Guard.

Second, to ensure that States continue to have the authority to establish meaningful safety and security standards and to protect their fragile coastal environments, the bill requires FERC to comply with Federal laws that may be enforced by States, including the National Historic Preservation Act, the Coastal Zone Management Act, the Clean Water Act, and the Clean Air Act; clarifies the right of a State to review an application to site an LNG facility under any of these laws; and establishes that FERC has no authority to preempt a State permitting determination under federal or state law.

Third, to ensure that the Department of Transportation's safety standards for LNG terminals truly encourage remote siting as Congress intended, the bill requires the Secretary of Transportation to issue new regulations establishing standards to promote the remote siting of LNG terminals.

Finally, to protect coastal communities along LNG shipping routes, the bill requires the Coast Guard to issue regulations establishing thermal and vapor exclusion zones for vessels transporting LNG, based on existing DOT regulations for LNG terminals on land.

I again want to emphasize that I recognize LNG's important role in the energy infrastructure of Rhode Island and the Nation, and I look forward to working with my colleagues to ensure reliable supplies of natural gas to our homes and businesses without siting LNG import terminals in densely populated urban areas. I am confident that we can achieve this goal by requiring FERC and other federal agencies to explore a broad list of alternatives—including offshore LNG facilities—to bring more natural gas to our communities while minimizing the risk to our citizens.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 684

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 ''Liquefied Natural Gas Safety and Security Act of 2005''.

SEC. 2. SITING OF LIQUEFIED NATURAL GAS IMPORT FACILITIES.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

''(d)(1) Before issuing an order authorizing an applicant to site, construct, expand, or operate a liquefied natural gas import facility, the Commission shall require the applicant, in cooperation with the Commandant of the Coast Guard and State and local agencies that provide for the safety and security of the liquefied natural gas import facility and any vessels that serve the facility, to develop a cost-sharing plan.

''(2) A cost-sharing plan developed under paragraph (1) shall include a description of any direct cost reimbursements that the applicant agrees to provide to any State and local agencies with responsibility for security and safety—

''(A) at the liquefied natural gas import facility; and

''(B) in proximity to vessels that serve the facility.

''(e)(1) In this subsection, the term 'region' means a census region designated by the Bureau of the Census as of the date of enactment of this subsection.

''(2) Not later than 90 days after the date of enactment of this subsection and annually thereafter, the Commission shall—

''(A) review all applications for the siting, construction, expansion, or operation of a liquefied natural gas import facility in a region that are pending with the Commission;

''(B) consult with States in the region to identify remote sites for the development of potential liquefied natural gas import facilities in the region; and

''(C) in collaboration with the Commandant of the Coast Guard, review—

''(i) any offshore liquefied natural gas projects proposed for a region; and

''(ii) other potential offshore sites for the development of liquefied natural gas.

''(3) Based on the reviews and consultations under paragraph (1), the Commission shall determine—

''(A) whether liquefied natural gas import facilities are needed in a region; and

''(B) if the Commission determines under subparagraph (A) that liquefied natural gas import facilities are needed for a region, the number of liquefied natural gas import facilities that are needed for the region.

''(4) The Commission shall cooperate with the Commandant of the Coast Guard and States to ensure that—

''(A) the Commission approves only the number of liquefied natural gas import facilities that are needed for a region, as determined under paragraph (3)(B); and

''(B) any liquefied natural gas import facilities approved under subparagraph (A) are sited in locations that provide maximum safety and security to the public.

''(f)(1) Notwithstanding any other provision of law, the Commission shall not issue a final environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a proposed liquefied natural gas facility before the date on which—

''(A) the applicant completes—

''(i) a security assessment for the proposed facility; and

''(ii) a security plan for the proposed facility; and

''(B) the Commandant of the Coast Guard completes an incident action plan that identifies the resources needed to support appropriate air, land, and sea security measures during the transit and offload of a liquefied natural gas vessel.

''(2) The Commission shall incorporate into the final environmental impact statement or similar analysis the non-security sensitive components of the incident action plan and all other safety and security resource requirements identified by the Commandant of the Coast Guard for a proposed liquefied natural gas import facility.

''(g)(1) For purposes of reviewing and approving or disapproving an application to site, construct, or operate a liquefied natural gas import facility, the Commission shall—

''(A) consult with the State in which the facility is proposed to be located; and

''(B) comply with all applicable Federal laws, including—

''(i) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

''(ii) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

''(iii) sections 401 and 402(b) of the Federal Water Pollution Control Act (33 U.S.C. 1341, 1342(b)); and

''(iv) sections 107, 111(c), and 116 of the Clean Air Act (42 U.S.C. 7401, 7411(c), 7416).

''(2) Nothing in this section precludes or denies the right of any State to review an application to site, construct, or operate a liquefied natural gas import facility under—

''(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

''(B) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

''(C) sections 401 and 402(b) of the Federal Water Pollution Control Act (33 U.S.C. 1341, 1342(b)); and

''(D) sections 107, 111(c), and 116 of the Clean Air Act (42 U.S.C. 7401, 7411(c), 7416).

''(3) Notwithstanding any other provision of law, the Commission shall have no authority to preempt a State permitting determination with respect to a liquefied natural gas import facility that is made under Federal or State law.''.

SEC. 3. STANDARDS FOR LIQUEFIED NATURAL GAS PIPELINE FACILITIES.

Section 60103 of title 49, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following:

''(e) REMOTE SITING STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations establishing standards to promote the remote siting of liquefied natural gas pipeline facilities.''.

SEC. 4. THERMAL AND VAPOR DISPERSION EXCLUSION ZONES.

As soon as practicable after the date of enactment of this Act, the Commandant of the Coast Guard shall issue regulations establishing thermal and vapor dispersion exclusion zone requirements for vessels transporting liquefied natural gas that are based on sections 193.2057 and 193.2059 of title 49, Code of Federal Regulations (or any successor regulations).

By Mr. AKAKA:

S. 685. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, last year, the Pension Benefit Guaranty Corporation, PBGC, announced that it was moving to assume responsibility for the pensions of more than 14,000 active and retired pilots at United Airlines. Today, the Air Line Pilots Association, which represents 6,400 active United pilots, is trying to negotiate an alternative to such a takeover.

Mr. President, one of the reasons I am here today talking about United's pilots is that they are at risk of losing a significant amount of their pension, not just because the PBGC may be taking over their pension, but because of the age that they are mandated to retire. While I believe that Congress needs to address the issue of underfunded pension plans, I believe that it is also important for us to address an inequity with airline pilots that are mandated to retire at age 60.

The bill that I introduced in the 108th Congress, and am reintroducing today, will ensure the fair treatment of commercial airline pilot retirees. The Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act will lower the age requirement to receive the maximum pension benefits allowed by Pension Benefit Guaranty Corporation to age 60 for pilots, who are mandated by the Federal Aviation Administration, FAA, to retire before age 65.

Again, with the airline industry experiencing severe financial distress, we need to enact this legislation to assist pilots whose companies have been or will be unable to continue their defined benefit pension plans. My bill will slightly alter Title IV ofthe Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation to take into account the fact that pilots are required to retire at the age of 60, when calculating their benefits.

The Pension Benefit Guaranty Corporation was established to ensure that workers with defined benefit pension plans are able to receive some portion of their retirement income in cases where the employer does not have enough money to pay for all of the benefits owed. After the employer proves to the PBGC that the business is financially unable to support the plan, the PBGC takes over the plan as a trustee and ensures that the current and future retirees receive their pension benefits within the legal limits. Four of the ten largest claims in PBGC's history have been for airline pension plans. Although airline employees account for only two percent of participants historically covered by the PBGC, they

have constituted approximately 17 percent of claims. For example, Eastern Airlines, Pan American, Trans World Airlines, and US Airways have terminated their pension plans and their retirees rely on the PBGC for their basic pension benefits.

The FAA requires commercial aviation pilots to retire when they reach the age of 60. Pilots are therefore denied the maximum pension benefit administered by the PBGC because they are required to retire before the age of 65. Herein lies the problem. Mr. President, if pilots want to work beyond the age 60, they have to request a waiver from the FAA. It is my understanding that the FAA does not grant many of these waivers, and I have even heard from some pilots that the FAA has never granted these waivers. Therefore, most of the pilots, if not all, do not receive the maximum pension guarantee because they are forced to retire at age 60.

The maximum guaranteed pension at the age of 65 for plans that terminate in 2003 is $43,977.24. However, the maximum pension guarantee for a retiree is decreased to $28,585.20 if a participant retires at the age of 60. This significant reduction in benefits puts pilots in a difficult position. With drastically reduced pensions and a prohibition on reentering the piloting profession because of age, many pilots are subjected to undue hardship. While it is my sincere hope that existing airlines will be able to maintain their pension programs and that the change this bill makes will not be needed for any additional airline pension programs, I believe that my legislation is necessary to ensure that, at the minimum, airline pilots are not unfairly penalized for their employer's ability to maintain a pension plan. My legislation ensures that pilots can obtain the maximum PBGC benefit without being unfairly penalized for having to retire at 60, if their pension plan is terminated.

I urge my colleagues to support this bill. I ask that the text of my bill be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 685

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 ''Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act''.

SEC. 2. AGE REQUIREMENT FOR EMPLOYEES.

(a) SINGLE-EMPLOYER PLAN BENEFITS GUARANTEED.—Section 4022(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)) is amended in the flush matter following paragraph (3), by adding at the end the following: ''If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age before age 65, paragraph (3) shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.''.

(b) MULTIEMPLOYER PLAN BENEFITS GUARANTEED.—Section 4022B(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322b(a)) is amended by adding at the end the following: ''If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age before age 65, this subsection shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to benefits payable on or after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 84—CONDEMNING VIOLENCE AND CRIMINALITY BY THE IRISH REPUBLICAN ARMY IN NORTHERN IRELAND

Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. DODD, Mrs. CLINTON, Mr. BIDEN, Mr. LEAHY, Mr. LAUTENBERG, Mr. SMITH, and Mr. GREGG) submitted the following resolution; which was considered and agreed to:

S. RES. 84

Whereas on January 30, 2005, a Catholic citizen of Belfast, Northern Ireland, Robert McCartney, was brutally murdered by members of the Irish Republican Army, who attempted to cover-up the crime and ordered all witnesses to be silent about the involvement of Irish Republican Army members;

Whereas the sisters of Robert McCartney, Catherine McCartney, Paula Arnold, Gemma McMacken, Claire McCartney, and Donna Mary McCartney, and his fiancée, Bridgeen Karen Hagans, refused to accept the code of silence and have bravely challenged the Irish Republican Army by demanding justice for the murder of Robert McCartney;

Whereas when outcry over the murder increased, the Irish Republican Army expelled 3 members, and 7 members of Sinn Fein, the political wing of the Irish Republican Army, were suspended from the party;

Whereas the leadership of Sinn Fein has called for justice, but has not called on those responsible for the murder or any of those who witnessed the murder to cooperate directly with the Police Service of Northern Ireland;

Whereas on March 8, 2005, the Irish Republican Army issued an outrageous statement in which it said it ''was willing to shoot the killers of Robert McCartney''; and

Whereas peace and violence cannot coexist in Northern Ireland: Now, therefore, be it

Resolved, That—

(1) the Senate joins the people of the United States in deploring and condemning violence and criminality by the Irish Republican Army in Northern Ireland; and

(2) it is the sense of the Senate that—

(A) the sisters and fiancée of Robert McCartney deserve the full support of the United States in their pursuit of justice;

(B) the leadership of Sinn Fein should insist that those responsible for the murder and witnesses to the murder cooperate directly with the Police Service of Northern Ireland and be protected fully from any retaliation by the Irish Republican Army; and

(C) the Government of the United States should offer all appropriate assistance to law enforcement authorities in Northern Ireland to see that the murderers of Robert McCartney are brought to justice.

SENATE RESOLUTION 85—DESIGNATING JULY 23, 2005, AND JULY 22, 2006, AS ''NATIONAL DAY OF THE AMERICAN COWBOY''

Mr. THOMAS (for himself, Mr. BURNS, Mr. INHOFE, Mr. DORGAN, Mr. CRAPO, Mr. SALAZAR, and Mr. ENZI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 85

Whereas pioneering men and women, recognized as cowboys, helped establish the American West;

Whereas that cowboy spirit continues to infuse this country with its solid character, sound family values, and good common sense;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy loves, lives off of, and depends on the land and its creatures, and is an excellent steward, protecting and enhancing the environment;

Whereas the cowboy continues to play a significant role in America's culture and economy;

Whereas approximately 800,000 ranchers are conducting business in all 50 of these United States and are contributing to the economic well being of nearly every county in the Nation;

Whereas rodeo is the sixth most-watched sport in America;

Whereas membership in rodeo and other organizations surrounding the livelihood of a cowboy transcends race and gender and spans every generation;

Whereas the cowboy is an American icon;

Whereas to recognize the American cowboy is to acknowledge America's ongoing commitment to an esteemed and enduring code of conduct; and

Whereas the ongoing contributions made by cowboys to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 23, 2005, and July 22, 2006, as ''National Day of the American Cowboy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. THOMAS. Mr. President, I rise today to submit a resolution designating July 23, 2005, and July 26, 2006, as ''National Day of the American Cowboy.''

Although cowboys are typically characterized as young, single men, those of us who come from the West know that cowboys come in any age, race, marital status, and gender. One 19th-

century definition described ''cowboy'' as ''anybody with guts and a horse.'' I personally believe trying to define a cowboy is like trying to rope the wind, but you certainly recognize one when you see them.

The Cowboy played a significant role in American history, specifically in establishing the American West. After the Civil War, there was an acute shortage of beef in the northern States. Western ranchers were burdened with an abundance of cattle and no railroads on which to ship them to market. Realizing the immense profit to be made, these cattlemen looked for the nearest railheads. Thus, began the era of the long cattle drive and the Cowboy.

As a result of these drives, cow towns sprung up at cattle shipping points. These areas began to grow and thrive as western communities. Even after the cattle drive era passed, many cow towns remained solid business and farming communities. Many remain so to this day.

The Cowboy continues to impact America through our economy and culture. Currently, there are approximately 800,000 ranchers conducting business in every State. These folks contribute to the economic well being of nearly every county in the Nation. Every 1 dollar in cattle sales generates about 5 dollars in additional U.S. business activity. Outside of business, cowboys also contribute significantly to humanitarian causes. The Professional Rodeo Cowboys Association's activities alone raise millions of dollars for local and national charities each year.

Culturally, Americans have always idolized cowboys and their way of life. Most of us have fond memories of playing cowboys and outlaws, hearing stories of Buffalo Bill Cody's famous Wild West Show, or watching cowboy icons such as Roy Rogers, Dale Evans, Gene Autry and John Wayne. Western publications, music, television shows, movies and sporting events remain as abundant and popular as ever. In fact, rodeo, a sport which developed from the skills cowboys needed in their daily routine, is the sixth most watched sport in America.

Our country looks to cowboys as role models because we admire their esteemed and enduring code of conduct. Gene Autry's Cowboy Code does a nice job of illustrating the way a cowboy chooses to live. Cowboys are honest; they do not go back on their word. They have integrity and courage in the face of danger. Cowboys respect others, defend those who cannot defend themselves and hold their families dear. They are good stewards of the land and all its creatures, possess a strong work ethic, and are loyal to their country. The Cowboy lives his or her life in a way most cannot help but admire.

In my State, you do not have to go to the movie theater or a rodeo to see a cowboy. You see them every day on the street, in the grocery store, or driving into town from their ranches. Many of the Wyoming cowboys you see today are decedents of the cowboys that braved the frontier before Wyoming was a State. Like those before them, these folks still enjoy Wyoming's open spaces, know the satisfying feeling at the end of a good, hard day at work, and appreciate a smile or tip of the hat from a friendly neighbor. These westerners feel at home in Wyoming because they know it was, is and always will be cowboy country.

I know my State would not be the same without the contributions of cowboys, past and present, and I am sure many of my colleagues feel the same way. It is time for the American Cowboy to be recognized.

SENATE RESOLUTION 86—DESIGNATING AUGUST 16, 2005, AS ''NATIONAL AIRBORNE DAY''

Mr. HAGEL (for himself, Mr. BINGAMAN, Ms. CANTWELL, Mr. BURNS, Mr. INOUYE, Mr. JOHNSON, Mrs. DOLE, Mrs. BOXER, Ms. LANDRIEU, Mr. ALEXANDER, Ms. SNOWE, Mrs. CLINTON, Mr. REID, Mr. COCHRAN, Mr. GREGG, Mr. BURR, Mr. ISAKSON, Mr. HATCH, and Mr. REED) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 86

Whereas the airborne forces of the United States Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16, 2005, marks the anniversary of the first official validation of the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the United States Department of War, and was launched when 48 volunteers began training in July of 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that, since then, have served with distinction and repeated success in armed hostilities;

Whereas among those units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II provided a basis of evolution into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf Region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment which, together with other units, comprise the quick reaction force of the Army's XVIII Airborne Corps when not operating separately under a regional combatant commander;

Whereas that modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault) and the 173rd Airborne Brigade, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affair missions, and assisting in establishing democracy in Iraq.

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's ''Silver Wings of Courage'', thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troops; and

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the

gratitude of the American people as the airborne community celebrates August 16, 2005, as the 65th anniversary of the first official jump by the Army Parachute Test Platoon: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2005, as ''National Airborne Day''; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe ''National Airborne Day'' with appropriate programs, ceremonies, and activities.

Mr. HAGEL. Mr. President, on behalf of Senators BINGAMAN, CANTWELL, BURNS, INOUYE, JOHNSON, DOLE, BOXER, LANDRIEU, ALEXANDER, SNOWE, CLINTON, REID, COCHRAN, BURR, ISAKSON, HATCH and REED, I am proud to submit this Senate Resolution which designates August 16, 2005 as ''National Airborne Day.'' This date marks the 65th anniversary of the first official jump by the Army Parachute Test Platoon.

On June 25, 1940, the War Department authorized the Parachute Test Platoon to experiment with the potential use of airborne troops. The Parachute Test Platoon, which was composed of 48 volunteers, performed the first official Army parachute jump on August 16, 1940.

The success of the Platoon led to the formation of a large and successful airborne contingent that has served from World War II until the present. The 11th, 13th, 17th, 82nd, and 101st Airborne Divisions and numerous other regimental and battalion size airborne units were also organized following the success of the Parachute Test Platoon.

In the last 65 years, these airborne forces have performed in important military and peace-keeping operations all over the world, including Operation Iraqi Freedom, and it is only appropriate that we designate a day to salute the contributions they have made to our Nation.

Through passage of ''National Airborne Day,'' the Senate will reaffirm our support for the members of the airborne community.

I would like to thank Airborne veterans and Airborne units for their tireless commitment to our Nation's defense and for the ideals of duty, honor, country they embody. Airborne!

Mr. AKAKA. Mr. President, I rise today to submit a resolution designating April 2005, as Financial Literacy Month. As in previous years, this is a bipartisan effort, and I thank several of my colleagues for standing with me in advancing financial and economic literacy for our citizens.

We must raise public awareness about the importance of financial education in the U.S. and the serious consequences that may be associated with a lack of understanding about personal finances. Efforts to combat financial illiteracy are taking place in our school systems, across communities, in the business and banking sectors, and in Federal, State, and local government agencies, and I commend everyone in those areas for what they are doing.

For example, the School District of Philadelphia, PA, has implemented a financial literacy and financial independence curriculum for all grades. Hundreds of high school seniors in South Dakota will be getting a course in credit cards before they head off to college or start their first job. The National Black Caucus of States Institute recently launched a new financial literacy campaign to promote savings within the African American community in support of the expansion of financial education for African Americans. In my home State, the Hawaii Council on Economic Education continues to accomplish much in increasing the awareness of economic and financial literacy and pooling resources to combat economic and financial illiteracy. Entities like the HCEE are being assisted in their efforts for K through 12 education by funding through the Excellence in Economic Education Act. At the Federal Government level, I continue to work closely with the Financial Literacy and Education Commission, and Office of Financial Education in the Department of the Treasury, as they continue to develop a national strategy and work to improve and expand economic and financial literacy tools and resources to people in this country.

Furthermore in education, a 2004 survey of States by the National Council on Economic Education found that 49 States include economics, and 38 States include personal finance, in their elementary and secondary education standards. This is an increase from 48 States and 31 States, respectively, in 2002. In addition, a 2004 study by the Jump$tart Coalition for Personal Financial Literacy found an increase since 1997 in high school seniors' scores on an exam about credit cards, retirement funds, insurance, and other personal finance basics. While progress needs to be recognized, much more needs to be done. Although the NCEE survey found that more States have standards in place, only 26 States measure progress in economic education and 9 States in personal finance education through testing. And for the Jump$tart study, 65 percent of students still earned failing grades. These figures do not bode well for the first National Assessment of Educational Progress in economics, which will have several questions based in personal finance and will be conducted in 2006.

There are other signs that we can do even more in economic and financial literacy. Credit is readily and abundantly available in the form of many different products with a multitude of features. Marketing campaigns by financial institutions, finance companies, and other credit extending businesses are aggressively pursuing consumers and marketing available credit as the answer to instant gratification, to take that dream vacation, to buy that plasma television, or satisfy some other indulgence, without fully understanding the financial ramifications of their actions. These successful marketing initiatives have led to unprecedented levels of borrowing. In addition, marketing campaigns are in place to promote the use of credit cards for small ticket, everyday items. Last year, Americans charged more than $35 billion in purchases of less than $10, up from $23.7 billion in 2003. Credit or debit card sales of transactions of $5 or less grew from $10.8 billion in 2003 to $13.5 billion in 2004. According to the Federal Reserve, consumer debt levels have more than doubled in the last 10 years. A U.S. Public Interest Research Group and Consumer Federation of America analysis of Federal Reserve data indicates that the average household with debt carries approximately $10,000 to $12,000 in total revolving debt. Debt payments eat up more and more disposable income, while certain members of the financial industry encourage the use of more and more debt. Through financial literacy efforts, consumers are becoming aware of the pitfalls associated with excessive leverage and enter into debt relationships understanding the impact of additional debt on their current and future financial position. However, we must do more to enhance our efforts in this area.

Current statistics confirm that consumer debt remains more popular than ever. The present level of consumer debt, coupled with the lack of consumer savings, is indicative of the need to continue to support financial literacy in this country in an effort to get people to better understand the ramifications of their financial decisions. Part of the problem is that many people do not understand fully how consumer debt can overtake them. According to the Federal Reserve, as of year end 2004, there was over $2.1 trillion in consumer credit and $10.1 trillion in mortgage debt outstanding. Consumer credit increased 4.5 percent from its 2003 level. Of the total outstanding consumer debt, approximately $791 billion is revolving debt. Meanwhile, consumers paid out $24 billion in credit card fees last year, an 18 percent increase from 2003.

Compounding the debt pressures consumers are facing is the fact that they have cashed out an estimated $480 billion in home equity during the refinancing boom of 2001–2004. According to Freddie Mac, in hard-dollar terms, American homeowners converted $41 billion in real estate equity into spendable cash in the third quarter of 2004 alone. According to the Federal Reserve, as of June 30, 2004, Americans owed $766.2 billion on home equity

loans and lines of credit, more than twice as much as in 1998. Lenders have reduced settlement fees and streamlined the closing process for loans dramatically, increasing the consumer friendliness and speed at which loans are originated. The days of using your home as a nest egg for life changing events, such as job loss, medical emergencies or divorce, are over. The home has become a catch all financing option, while increasing individual consumers' debt burdens. Meanwhile, consumer savings is at one of the lowest levels in history, 0.2 percent.

The combination of increasing debt burdens and marginal savings in America has created a catalyst for bankruptcy. Through November 2004, nearly 1.9 million individuals filed for bankruptcy in the U.S., modestly below last year's record level, but at a level that continues to merit concern. In considering that statistic, it is important to remember that this number consists of affected individuals. When you add in non-filing spouses and children, the number of people impacted by bankruptcy can more than double. In reviewing these numbers, I believe it is readily apparent that increased financial literacy is needed to offset unchecked consumer exuberance and aggressive marketing practices.

Beyond the statistics I just quoted, financial illiteracy is creating roadblocks to achieving part of the American dream, home ownership. Fannie Mae's 2003 National Housing Survey found that a significant roadblock to home ownership is lacking accurate information about the homebuying process. For the unhoused to become housed, a banking or financial relationship is part of the process. However, for the nation as a whole, approximately 10 percent of individual households remain ''unbanked.'' The unbanked are those who forego a relationship with a financial institution. By not participating in the financial mainstream, the unbanked miss out on the convenience, security, efficiency, and wealth-building opportunities that financial institutions offer. I think we can all agree that wealth-building and saving for the future are vital to the future economic success of the U.S. Extending financial literacy initiatives to all, from the unbanked, to students, to debt-burdened adults, is in all of our best interests.

We must be committed to providing people of all ages with the financial skills and insight to help them achieve financial independence and to make good choices when spending money and taking on additional debt. Prevention remains key, and education lies at the heart of prevention. I think my colleagues would agree that as society moves more and more toward an ''ownership society'' with the advent of health savings accounts and private accounts as currently proposed in the President's Social Security reform plan, the need for improving the financial literacy of this country is now, and the delivery and content of these literacy and economic programs needs to broaden and expand to all Americans, no matter the age.

I encourage my colleagues in the Senate to join me in commemorating efforts to forward financial and economic literacy in this country by recognizing April 2005 as Financial Literacy Month. But more than that, I hope that each of my colleagues becomes a champion of economic and financial literacy education so that all citizens in this country are prepared to contribute and participate in our evolving asset ownership society. I once again thank my colleagues from both sides of the aisle for cosponsoring this resolution, and I urge the support of our other colleagues as well.

SENATE RESOLUTION 87—EXPRESSING THE SENSE OF THE SENATE REGARDING THE RESUMPTION OF BEEF EXPORTS TO JAPAN

Mr. THUNE (for himself, Mr. CRAIG, Mr. INHOFE, Mr. BOND, Mr. DOMENICI, Mr. TALENT, Mr. CRAPO, Mr. BUNNING, Mr. JOHNSON, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 87

Whereas the livestock industry in the United States, including farmers, ranchers, processors, and retailers, is a vital component of rural communities and the entire United States economy;

Whereas United States producers take pride in delivering an abundant and safe food supply to our Nation and to the world;

Whereas Japan has prohibited imports of beef from the United States since December 2003, when a single case of Bovine Spongiform Encephalopathy (BSE) was found in a Canadian-born animal in Washington State;

Whereas the United States agriculture industry as a whole has been negatively affected by the Japanese ban and the loss of a $1,700,000,000 export market to Japan;

Whereas the United States has undertaken a rigorous and thorough surveillance program and has exceeded internationally recognized standards of the World Organization for Animal Health (OIE) for BSE testing and has implemented safeguards to protect human and animal health;

Whereas Japan is a member of the OIE and has agreed to such standards;

Whereas the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization (WTO) calls for WTO members to apply sanitary and phytosanitary measures only to the extent necessary to protect human, animal, and plant health, based on scientific principles;

Whereas the United States and Japan concluded an understanding on October 23, 2004, that established a process that would lead to the resumption of imports of beef from the United States, yet such imports have not resumed;

Whereas despite the best efforts of officials within the United States Department of State, the United States Department of Agriculture, and the Office of the United States Trade Representative, the Government of Japan continues to delay imports of beef from the United States on the basis of factors not grounded in sound science and consumer safety;

Whereas the Agreement on the Application of Sanitary and Phytosanitary Measures does not provide to WTO members the right to discriminate and restrict trade arbitrarily; and

Whereas Japan has been provided a reasonable timeframe to establish appropriate trade requirements and resume beef trade with the United States, and the Government of Japan is putting a long and profound bilateral trading history at risk: Now, therefore, be it

Resolved, That it is the sense of the Senate that if the Government of Japan continues to delay meeting its obligations to resume beef imports from the United States under the understanding reached with the United States on October 23, 2004, the United States Trade Representative should immediately impose retaliatory economic measures against Japan.

SENATE RESOLUTION 88—DESIGNATING APRIL 2005 AS ''FINANCIAL LITERACY MONTH''

Mr. AKAKA (for himself, Mr. SARBANES, Mr. CORZINE, Mr. BAUCUS, Mr. COCHRAN, Mr. CRAPO, Mr. DODD, Mr. DURBIN, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Mrs. MURRAY, Mr. PRYOR, Mr. SANTORUM, Mr. SCHUMER, Ms. STABENOW, and Mr. THOMAS) submitted the following resolution; which was considered and agreed to:

S. RES. 88

Whereas at the end of 2004, Americans carried 657,000,000 bank credit cards, 228,000,000 debit cards, and 550,000,000 retail credit cards;

Whereas based on the number of total United States households, there are now 6.3 bank credit cards, 2.2 debit cards, and 6.4 retail credit cards per household;

Whereas Americans consumer credit debt continues to increase, and has reached a level of in excess of $2,100,000,000,000 as of year end 2004, of which $791,000,000,000 is revolving consumer credit;

Whereas a United States Public Interest Research Group and Consumer Federation of America analysis of Federal Reserve data indicates that the average household with debt carries approximately $10,000 to $12,000 in total revolving debt;

Whereas Americans owe $766,200,000,000 on home equity loans and lines of credit, more than twice as much as in 1998;

Whereas Americans converted $41,000,000,000 in real estate equity into spendable cash in the third quarter of 2004 alone;

Whereas the current level of personal savings as a percentage of personal income is at one of the lowest levels in history, 2 percent, a decline from 7.5 percent in the early 1980s;

Whereas through November 2004, 1,869,343 individuals filed for bankruptcy;

Whereas a 2002 Retirement Confidence Survey found that only 32 percent of workers surveyed have calculated how much money they will need to save for retirement;

Whereas only 30 percent of those surveyed in a 2003 Employee Benefit Trend Study are

confident in their ability to make the right financial decisions for themselves and their families, and 25 percent have done no specific financial planning;

Whereas approximately 10 percent of individual households remain unbanked, i.e., not using mainstream, insured financial institutions;

Whereas expanding access to the mainstream financial system provides individuals with lower cost, safer options for managing their finances and building wealth;

Whereas a greater understanding and familiarity with financial markets and institutions will lead to increased economic activity and growth;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion of an increasingly complex economy;

Whereas the Spring 2004 Student Monitor Financial Services Survey found that 46 percent of college students have a general purpose credit card in their own name and 37 percent carry over a credit card balance from month to month;

Whereas 45 percent of college students are in credit card debt, with the average debt being $3,066;

Whereas only 26 percent of 13- to 21-year-olds reported that their parents actively taught them how to manage money;

Whereas a 2004 study by the Jump$tart Coalition for Personal Financial Literacy found an increase in high school seniors' scores on an exam about credit cards, retirement funds, insurance, and other personal finance basics for the first time since 1997; however, 65 percent of students still failed the exam;

Whereas a 2004 survey of States by the National Council on Economic Education found that 49 States include economics, and 38 States include personal finance, in their elementary and secondary education standards, up from 48 States and 31 States, respectively, in 2002;

Whereas personal financial management skills and life-long habits develop during childhood;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens; and

Whereas Congress found it important enough to ensure coordination of Federal financial literacy efforts and formulate a national strategy that it established the Financial Literacy and Education Commission in 2003 and designated the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2005 as ''Financial Literacy Month'' to raise public awareness about the importance of financial education in the United States and the serious consequences that may be associated with a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 89—CONGRATULATING THE MONTANA FFA ON ITS 75TH ANNIVERSARY AND CELEBRATING THE ACHIEVEMENTS OF MONTANA FFA MEMBERS

Mr. BURNS (for himself and Mr. BAUCUS) submitted the following resolution; which was considered and agreed to:

S. RES. 89

Whereas in 2005, the Montana FFA, chartered in 1930, celebrates its 75th anniversary as a premier student development organization where members gain life and leadership skills;

Whereas more than 40,000 Montanans have been FFA members;

Whereas Montana FFA alumni provide outstanding leadership to agriculture and agribusiness at the local, State, and Federal levels;

Whereas the Montana FFA Association is the largest career and technical student organization in the State, with over 2,550 members from 75 chapters;

Whereas the mission of the FFA is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agriculture education;

Whereas FFA is an integral component of agriculture education in the public school system; and

Whereas the National FFA Organization is a federally-chartered organization:

Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Montana FFA on its 75th anniversary; and

(2) directs the Secretary of the Senate to transmit to the Montana FFA an enrolled copy of this resolution for appropriate display.

SENATE RESOLUTION 90—DESIGNATING THE WEEK OF MAY 1, 2005, AS ''HOLOCAUST COMMEMORATION WEEK''

Mr. LUGAR (for himself, Mr. BAYH, Mr. CORZINE, and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 90

Whereas the year 2005 marks the 60th anniversary of the end of the Holocaust, which was ruthlessly and tragically carried out by Nazi Germany under the leadership of Adolf Hitler and his collaborators;

Whereas the Holocaust involved the murder of millions of innocent Jewish men, women, and children along with millions of others, and an enormity of suffering inflicted on the many survivors through mistreatment, brutalization, violence, torture, slave labor, involuntary medical experimentation, death marches, and numerous other acts of cruelty that have come to be known as ''genocide'' and ''crimes against humanity''; and

Whereas in the past 60 years, the Holocaust has provided the peoples of the world with an object lesson in the importance of compassion, caring, and kindness; an awareness of the dangers inherent in bigotry, racism, intolerance, and prejudice; and an understanding of the importance of an appreciation of the sensitivity to diversity: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1, 2005, as ''Holocaust Commemoration Week'';

(2) commemorates the occasion of the 60th anniversary of the end of World War II and the liberation of the concentration camps; and

(3) encourages all Americans to commemorate the occasion through reflection, acts of compassionate caring, and learning about the terrible consequences and lessons of the Holocaust.

SENATE RESOLUTION 91—URGING THE EUROPEAN UNION TO MAINTAIN ITS ARMS EXPORT EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. SMITH (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. KYL, Mr. CHAMBLISS, Mr. ENSIGN, Mrs. DOLE, Mr. DEWINE, Mr. LIEBERMAN, and Mr. ALLEN) submitted the following resolution; which was considered and agreed to:

S. RES. 91

Whereas, on June 4, 1989, the Communist Government of the People's Republic of China ordered the People's Liberation Army to carry out an unprovoked, brutal assault on thousands of peaceful and unarmed demonstrators in Tiananmen Square, resulting in hundreds of deaths and thousands of injuries;

Whereas, on June 5, 1989, President George H.W. Bush condemned these actions of the Government of the People's Republic of China, and the United States took several concrete steps to respond to the military assault, including suspending all exports of items on the United States Munitions List to the People's Republic of China;

Whereas, on June 27, 1989, the European Union (then called the European Community) imposed an arms embargo on the People's Republic of China in response to the Government of China's brutal repression of protestors calling for democratic and political reform;

Whereas the European Council, in adopting that embargo, ''strongly condemn[ed] the brutal repression taking place in China'' and ''solemnly request[ed] the Chinese authorities to put an end to the repressive actions against those who legitimately claim their democratic rights'';

Whereas the poor human rights conditions that precipitated the decisions of the United States and the European Union to impose and maintain their respective embargoes have not improved;

Whereas the Department of State 2004 Country Reports on Human Rights Practices states that, during 2004, ''[t]he [Chinese] Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses'';

Whereas, according to the same Department of State report, credible sources estimated that hundreds of persons remained in prison in the People's Republic of China for their activities during the June 1989 Tiananmen demonstrations;

Whereas the Government of the People's Republic of China continues to maintain that its crackdown on democracy activists in Tiananmen Square was warranted and remains unapologetic for its brutal actions, as demonstrated by that Government's handling of the recent death of former Premier and Communist Party General Secretary,

Zhao Ziyang, who had been under house arrest for 15 years because of his objection to the 1989 Tiananmen crackdown;

Whereas, since December 2003, the European Parliament, the legislative arm of the European Union, has rejected in five separate resolutions the lifting of the European Union arms embargo on the People's Republic of China because of continuing human rights concerns in China;

Whereas the February 24, 2005, resolution passed by the European Parliament stated that the Parliament ''believes that unless and until there is a significant improvement in the human rights situation in China, it would be wrong for the EU to envisage any lifting [of] its embargo on arms sales to China, imposed in 1989'' and that it ''requests that the Commission formally oppose such a move when it is discussed in the [European] Council'';

Whereas the governments of a number of European Union member states have individually expressed concern about lifting the European Union arms embargo on the People's Republic of China, and several have passed resolutions of opposition in their national parliaments;

Whereas the European Union Code of Conduct on Arms Exports, as a non-binding set of principles, is insufficient to control European arms exports to the People's Republic of China;

Whereas public statements by some major defense firms in Europe and other indicators suggest that such firms intend to increase military sales to the People's Republic of China if the European Union lifts its arms embargo on that country;

Whereas the Department of Defense fiscal year 2004 Annual Report on the Military Power of the People's Republic of China found that ''[e]fforts underway to lift the European Union (EU) embargo on China will provide additional opportunities to acquire specific technologies from Western suppliers'';

Whereas the same Department of Defense report noted that the military modernization and build-up of the People's Republic of China is aimed at increasing the options of the Government of the People's Republic of China to intimidate or attack democratic Taiwan, as well as preventing or disrupting third-party intervention, namely by the United States, in a cross-strait military crisis;

Whereas the June 2004, report to Congress of the congressionally-mandated, bipartisan United States-China Economic and Security Review Commission concluded that ''there has been a dramatic change in the military balance between China and Taiwan,'' and that ''[i]n the past few years, China has increasingly developed a quantitative and qualitative advantage over Taiwan'';

Whereas the Taiwan Relations Act (22 U.S.C. 3301 et seq.) codifies in United States law the basis for continued relations between the United States and Taiwan, affirmed that the decision of the United States to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas the balance of power in the Taiwan Straits and, specifically, the military capabilities of the People's Republic of China, directly affect peace and security in the East Asia and Pacific region;

Whereas the Foreign Minister of Japan, Nobutaka Machimura, recently stated that Japan is opposed to the European Union lifting its embargo against the People's Republic of China and that ''[i]t is extremely worrying as this issue concerns peace and security environments not only in Japan but also in East Asia as a whole'';

Whereas the United States has numerous security interests in the East Asia and Pacific region, and the United States Armed Forces, which are deployed throughout the region, would be adversely affected by any Chinese military aggression;

Whereas the lifting of the European Union arms embargo on the People's Republic of China would increase the risk that United States troops could face military equipment and technology of Western or United States origin in a cross-strait military conflict;

Whereas this risk would necessitate a reevaluation by the United States Government of procedures for licensing arms and dual-use exports to member states of the European Union in order to attempt to prevent the reexport or retransfer of United States exports from such countries to the People's Republic of China;

Whereas the report of the United States-China Economic and Security Review Commission on the Symposia on Transatlantic Perspectives on Economic and Security Relations with China, held in Brussels, Belgium and Prague, Czech Republic from November 29, 2004, through December 3, 2004, recommended that the United States Government continue to press the European Union to maintain the arms embargo on the People's Republic of China and strengthen its arms export control system, as well as place limitations on United States public and private sector defense cooperation with foreign firms that sell sensitive military technology to China;

Whereas the lax export control practices of the People's Republic of China and the continuing proliferation of technology related to weapons of mass destruction and ballistic missiles by state-sponsored entities in China remain a serious concern of the Government of the United States;

Whereas the People's Republic of China remains a primary supplier of weapons to countries such as Burma and Sudan where, according to the United States Commission on International Religious Freedom, the military has played a key role in the oppression of religious and ethnic minorities;

Whereas the most recent Central Intelligence Agency Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, found that ''Chinese entities continued to work with Pakistan and Iran on ballistic missile-related projects during the second half of 2003,'' and that ''[d]uring 2003, China remained a primary supplier of advanced conventional weapons to Pakistan, Sudan, and Iran'';

Whereas, as recently as December 27, 2004, the Government of the United States determined that seven entities or persons in the People's Republic of China, including several state-owned companies involved in China's military-industrial complex, are subject to sanctions under the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) for sales to Iran of prohibited equipment or technology;

Whereas the authority under the Iran Nonproliferation Act of 2000 to impose sanctions on Chinese persons or entities was used 23 times in 2004; and

Whereas the assistance provided by these entities to Iran works directly counter to the efforts of the United States Government and several European governments to curb illicit weapons activities in Iran: Now, therefore, be it

Resolved, That the Senate—

(1) strongly supports the United States embargo on the People's Republic of China;

(2) strongly urges the European Union to continue its ban on all arms exports to the People's Republic of China;

(3) requests that the President raise United States objections to the potential lifting of the European Union arms embargo against the People's Republic of China in any upcoming meetings with European officials;

(4) encourages the Government of the United States to make clear in discussions with representatives of the national governments of European Union member states that a lifting of the European Union embargo on arms sales to the People's Republic of China would potentially adversely affect transatlantic defense cooperation, including future transfers of United States military technology, services, and equipment to European Union countries;

(5) urges the European Union—

(A) to strengthen, enforce, and maintain its arms embargo on the People's Republic of China and in its Code of Conduct on Arms Exports;

(B) to make its Code of Conduct on Arms Exports legally binding and enforceable in all European Union member states;

(C) to more carefully regulate and monitor the end-use of exports of sensitive military and dual-use technology; and

(D) to increase transparency in its arms and dual-use export control regimes;

(6) deplores the ongoing human rights abuses in the People's Republic of China; and

(7) urges the United States Government and the European Union to cooperatively develop a common strategy to seek—

(A) improvement in the human rights conditions in the People's Republic of China;

(B) an end to the military build-up of the People's Republic of China aimed at Taiwan;

(C) a permanent and verifiable end to the ongoing proliferation by state and non-state owned entities and individuals in the People's Republic of China of munitions, materials, and military equipment and the trade in such items involving countries, such as Burma and Sudan, whose armies have played a role in the perpetration of violations of human rights and of humanitarian law against members of ethnic and religious minorities;

(D) improvement in the administration and enforcement of export controls in the People's Republic of China; and

(E) an end to the ongoing proliferation by state and non-state owned entities and individuals in the People's Republic of China of technology related to conventional weapons, weapons of mass destruction, and ballistic missiles.

SENATE CONCURRENT RESOLUTION 20—EXPRESSING THE NEED FOR ENHANCED PUBLIC AWARENESS OF TRAUMATIC BRAIN INJURY AND SUPPORT FOR THE DESIGNATION OF A NATIONAL BRAIN INJURY AWARENESS MONTH

Mr. COCHRAN (for himself and Mr. LAUTENBERG) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 20

Whereas traumatic brain injury is a leading cause of death and disability among children and young adults in the United States;

Whereas at least 1,400,000 people in the United States sustain a traumatic brain injury each year;

Whereas each year, more than 80,000 people in the United States sustain permanent lifelong disabilities from a traumatic brain injury, that can include the serious physical, cognitive, and emotional impairments;

Whereas every 21 seconds, a person in the United States sustains a traumatic brain injury;

Whereas at least 5,300,000 people in the United States currently live with permanent disabilities resulting from a traumatic brain injury;

Whereas most cases of traumatic brain injury are preventable;

Whereas traumatic brain injuries cost the Nation $56,300,000,000 annually;

Whereas the lack of public awareness is so vast that traumatic brain injury is known in the disability community as the Nation's ''silent epidemic'';

Whereas the designation of a National Brain Injury Awareness Month will work toward enhancing public awareness of traumatic brain injury; and

Whereas the Brain Injury Association of America has recognized March as Brain Injury Awareness Month: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the life-altering impact traumatic brain injury may have both on people living with the resultant disabilities and on their families;

(2) recognizes the need for enhanced public awareness of traumatic brain injury;

(3) supports the designation of an appropriate month as National Brain Injury Awareness Month; and

(4) encourages the people of the United States to observe National Brain Injury Awareness Month with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 21—EXPRESSING THE GRAVE CONCERN OF CONGRESS REGARDING THE RECENT PASSAGE OF THE ANTI-SECESSION LAW BY THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. ALLEN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 21

Whereas on December 9. 2003, President George W. Bush stated it is the policy of the United States to 'oppose any unilateral decision, by either China or Taiwan, to change the status quo';

Whereas in the past few years, the Government of the United States has urged both Taiwan and the People's Republic of China to maintain restraint;

Whereas the National People's Congress of People's Republic of China passed its anti-secession law on March 14, 2005, which constitutes a unilateral change to the status quo in the Taiwan Strait;

Whereas the passage of China's anti-secession law escalates tensions between Taiwan and the People's Republic of China and is an impediment to cross-strait dialogue;

Whereas the purpose of China's anti-secession law is to create a legal framework for possible use of force against Taiwan and mandates Chinese military action under certain circumstances, including when 'possibilities for a peaceful reunification should be completely exhausted';

Whereas the Department of Defense's Report on the Military Power of the People's Republic of China for Fiscal Year 2004 documents that, as of 2003, the Government of the People's Republic of China had deployed approximately 500 short-range ballistic missiles against Taiwan;

Whereas the escalating arms buildup of missiles and other offensive weapons by the People's Republic of China in areas adjacent to the Taiwan Strait is a threat to the peace and security of the Western Pacific area;

Whereas given the recent positive developments in cross-strait relations, including the Lunar New Year charter flights and new proposals for cross-strait exchanges, it is particularly unfortunate that the National People's Congress adopted this legislation;

Whereas since its enactment in 1979, the Taiwan Relations Act (22 U.S.C. 3301 et seq.), which codified in law the basis for continued commercial, cultural, and other relations between the people of the United States and the people of Taiwan, has been instrumental in maintaining peace, security, and stability in the Taiwan Strait;

Whereas section 2(b)(2) of the Taiwan Relations Act declares the 'peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern';

Whereas, at the time the Taiwan Relations Act was enacted into law, section 2(b)(3) of such Act made clear that the United States decision to establish diplomatic relations with the People's Republic of China rested upon the expectation that the future of Taiwan would be determined by peaceful means;

Whereas section 2(b)(4) of the Taiwan Relations Act declares it the policy of the United States to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States;

Whereas section 2(b)(6) of the Taiwan Relations Act declares it the policy of the United States 'to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan'; and

Whereas any attempt to determine Taiwan's future by other than peaceful means and other than with the express consent of the people of Taiwan would be considered of grave concern to the United States: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That it is the sense of the Congress that—

(1) the anti-secession law of the People's Republic of China provides a legal justification for the use of force against Taiwan, altering the status quo in the region, and thus is of grave concern to the United States;

(2) the President of the United States should direct all appropriate officials of the United States Government to reflect the grave concern with which the United States views the passage of China's anti-secession law in particular, and the growing Chinese military threats to Taiwan in general, to their counterpart officials in the Government of the People's Republic of China;

(3) the Government of the United States should reaffirm its policy that the future of Taiwan should be resolved by peaceful means and with the consent of the people of Taiwan; and

(4) the Government of the United States should continue to encourage dialogue between Taiwan and the People's Republic of China.

SENATE CONCURRENT RESOLUTION 22—CONGRATULATING BODE MILLER FOR WINNING THE 2004–2005 WORLD CUP OVERALL TITLE IN ALPINE SKIING

Mr. SUNUNU (for himself and Mr. GREGG) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 22

Whereas on March 12, 2005, Bode Miller became the first United States skier in 22 years to win the Alpine skiing World Cup overall title;

Whereas on the previous day Bode Miller won the World Cup super G title for the 2004–2005 season when he tied teammate Daron Rahlves for first place in the final super G race of the season;

Whereas Bode Miller won gold medals in the downhill and super G at the 2005 World Alpine Ski Championships in Bormio, Italy;

Whereas in the 2004–2005 season Bode Miller accomplished what only two other men have done in the history of the Alpine skiing World Cup by leading the overall standings from the season's start to finish;

Whereas Bode Miller finished the 2004–2005 World Cup season with seven victories and became only the second athlete to win in all four disciplines (slalom, giant slalom, super G, and downhill) in a single season;

Whereas Bode Miller was raised in Easton, New Hampshire, began skiing at age 3 at nearby Cannon Mountain, and began competing at age 11;

Whereas in 1990 Bode Miller became a competitive ski racer at Carrabassett Valley Academy in Maine at age 13 and debuted in World Cup competition in 1998, finishing 11th in his first race;

Whereas Bode Miller has skied in every World Cup race over the last three seasons;

Whereas Bode Miller's career accomplishments include the 2003–2004 World Cup giant slalom title, six World Cup victories in 2004, two gold medals and a silver medal at the 2003 World Alpine Ski Championships, two Olympic silver medals, and six U.S. National Championships gold medals; and

Whereas Bode Miller's 2004–2005 championship season helped the entire U.S. Ski Team complete its most successful season ever by finishing second in the final 2005 Nations Cup standings: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) congratulates Bode Miller for winning the 2004–2005 World Cup overall title in Alpine skiing and establishing himself as the top alpine skier in the world; and

(2) directs the Secretary of the Senate to make available an enrolled copy of this resolution to Bode Miller.

AMENDMENTS SUBMITTED AND PROPOSED

SA 225. Mr. TALENT (for himself, Mr. THUNE, Ms. STABENOW, Mr. WYDEN, Mr. JEFFORDS, Mr. BAUCUS, Mr. INHOFE, Mr. LEVIN, Mr. LIEBERMAN, Mr. WARNER, and Mr.

VOINOVICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

SA 226. Mr. THOMAS (for himself, Mr. CONRAD, Mr. THUNE, Mrs. MURRAY, Ms. CANTWELL, Mr. FEINGOLD, Mr. HARKIN, Mr. SALAZAR, Ms. COLLINS, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 227. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 228. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 229. Mr. GREGG (for Mr. FRIST) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 230. Mr. COLEMAN proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 231. Mrs. CLINTON (for herself, Ms. COLLINS, Mr. LEVIN, Mr. SARBANES, Mrs. MURRAY, Mr. CORZINE, Mr. DODD, Ms. LANDRIEU, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. CANTWELL, Mr. OBAMA, Mr. KENNEDY, Mr. JEFFORDS, Mr. KERRY, Mr. BINGAMAN, Mr. AKAKA, Mr. PRYOR, Mr. INOUYE, Mrs. LINCOLN, Ms. STABENOW, Mr. SCHUMER, Mr. HARKIN, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 232. Mrs. LINCOLN (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 233. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 234. Mr. BAUCUS (for himself, Mr. CONRAD, and Ms. STABENOW) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 235. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 236. Mr. DURBIN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 237. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 238. Mr. LEVIN (for himself, Mr. DEWINE, Ms. STABENOW, Mr. LIEBERMAN, Mr. BINGAMAN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 239. Mr. BIDEN (for himself, Mr. DORGAN, Mr. LEAHY, Mr. KENNEDY, Mr. SCHUMER, Mr. KOHL Mr. SALAZAR, Mrs. CLINTON, Mr. KERRY, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. CARPER, Mr. DURBIN, Mr. SARBANES, Mr. REED, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. PRYOR, Mr. LEVIN, Mr. BYRD, Mr. CORZINE, Ms. MIKULSKI, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 240. Mr. BYRD (for himself and Mr. BAUCUS) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 241. Mr. BUNNING proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 242. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 243. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 244. Mr. REID (for Mrs. CLINTON (for herself, Mr. REID, Mr. KERRY, Mr. CORZINE, Mrs. MURRAY, Mr. LAUTENBERG, and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 245. Mr. REED (for himself, Mr. KENNEDY, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 246. Mr. REED (for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 247. Mr. REED (for himself, Mr. SARBANES, Mr. LEAHY, Mr. SCHUMER, Mr. KENNEDY, Ms. STABENOW, Mrs. CLINTON, Mr. DURBIN, Mrs. MURRAY, Mr. CORZINE, Mr. DODD, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 248. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 249. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 250. Mr. CORZINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 251. Mr. CORZINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 252. Mr. PRYOR (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 253. Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEAHY, Mr. BINGAMAN, Mrs. MURRAY, Mr. TALENT, Mr. SMITH, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 254. Mr. SALAZAR (for himself, Mr. ENSIGN, Mr. ALLARD, Mr. BINGAMAN, Mr. CRAIG, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 255. Mr. SALAZAR (for himself, Ms. COLLINS, Mr. DORGAN, Mr. OBAMA, Mr. CONRAD, Mrs. MURRAY, Mr. JEFFORDS, Ms. CANTWELL, Mr. LEVIN, Mr. KENNEDY, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 256. Mr. CHAFEE (for himself, Mr. SARBANES, Mr. VOINOVICH, Mr. INHOFE, Mr. JEFFORDS, Mrs. CLINTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Mr. LEVIN, Mr. KENNEDY, Ms. SNOWE, Mr. DEWINE, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 257. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra.

SA 258. Mr. FEINGOLD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 259. Mrs. BOXER proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 260. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 261. Mr. CHAFEE (for himself, Mr. SARBANES, Mr. VOINOVICH, Mr. INHOFE, Mr. JEFFORDS, Mrs. CLINTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Mr. LEVIN, and Mr. KENNEDY) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 262. Mr. GREGG (for Mr. GRASSLEY) submitted an amendment intended to be proposed by Mr. Gregg to the concurrent resolution S. Con. Res. 18, supra.

SA 263. Mr. GRASSLEY (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 264. Mr. FRIST proposed an amendment to the resolution S. Res. 43, designating the first day of April 2005 as ''National Asbestos Awareness Day''.

TEXT OF AMENDMENTS

SA 225. Mr. TALENT (for himself, Mr. THUNE, Ms. STABENOW, Mr. WYDEN, Mr. JEFFORDS, Mr. BAUCUS, Mr. INHOFE, Mr. LEVIN, Mr. LIEBERMAN, Mr. WARNER, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 39, lines 8 and 9 strike ''net new user-fee receipts related to the purposes of'' and insert ''receipts to''.

SA 226. Mr. THOMAS (for himself, Mr. CONRAD, Mr. THUNE, Mrs. MURRAY, Ms. CANTWELL, Mr. FEINGOLD, Mr. HARKIN, Mr. SALAZAR, Ms. COLLINS, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 18, line 16, increase the amount by $100,000,000.

On page 18, line 17, increase the amount by $100,000,000.

On page 24, line 16, decrease the amount by $100,000,000.

On page 24, line 17, decrease the amount by $100,000,000.

SA 227. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007

through 2010; which was ordered to lie on the table; as follows:

On page 56, after line 13 insert the following:

SEC.____. POINT OF ORDER REQUIRING BUDGETING FOR EMERGENCY SPENDING.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget that does not include—

(1) a major functional category entitled ''Emergencies'';

(2) in the major functional category entitled ''Emergencies'', budget authority for each year covered by that resolution that is equal to the average annual amounts of budget authority appropriated for declared emergencies in the past 10 completed fiscal years and outlays for each year covered by that resolution equal to the outlays expended for declared emergencies in the past 10 completed fiscal years; and

(3) a provision that the budget authority and outlays included in the major functional category entitled ''Emergencies'' shall not be included in the amounts allocated to the committees on appropriations pursuant to section 302(a) of the Congressional Budget and Impoundment Control Act of 1974, but shall be included in the appropriate recommended levels and amounts in that resolution.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 228. Mr. BUNNING submitted an amendment intended to be proposed by him to be concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 9, decrease the amount by $0.

On page 3, line 10, decrease the amount by $4,800,000,000.

On page 3, line 11, decrease the amount by $12,500,000,000.

On page 3, line 12, decrease the amount by $14,000,000,000.

On page 3, line 13, decrease the amount by $15,600,000,000.

On page 3, line 14, decrease the amount by $17,000,000,000.

On page 3, line 18, decrease the amount by $0.

On page 3, line 19, decrease the amount by $4,800,000,000.

On page 3, line 20, decrease the amount by $12,500,000,000.

On page 3, line 21, decrease the amount by $14,000,000,000.

On page 4, line 1, decrease the amount by $15,600,000,000.

On page 4, line 2, decrease the amount by $17,000,000,000.

On page 4, line 23, decrease the amount by $0.

On page 4, line 24, decrease the amount by $4,800,000,000.

On page 4, line 25, decrease the amount by $12,500,000,000.

On page 5, line 1, decrease the amount by $14,000,000,000.

On page 5, line 2, decrease the amount by $15,600,000,000.

On page 5, line 3, decrease the amount by $17,000,000,000.

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $4,800,000,000.

On page 5, line 8, increase the amount by $17,300,000,000.

On page 5, line 9, increase the amount by $31,300,000,000.

On page 5, line 10, increase the amount by $46,900,000,000.

On page 5, line 11, increase the amount by $70,923,000,000.

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $4,800,000,000.

On page 5, line 16, increase the amount by $17,300,000,000.

On page 5, line 17, increase the amount by $31,300,000,000.

On page 5, line 18, increase the amount by $46,900,000,000.

On page 5, line 19, increase the amount by $70,923,000,000.

On page 30, line 16, increase the amount by $4,800,000,000.

On page 30, line 17, increase the amount by $63,900,000,000.

SA 229. Mr. GREGG (for Mr. FRIST) submitted an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

Beginning on page 58, strike line 11 and all that follows through page 61, line 24, and insert the following:

SEC. 504. SENSE OF THE SENATE REGARDING MEDICAID RECONCILIATION LEGISLATION CONSISTENT WITH RECOMMENDATIONS FROM THE SECRETARY OF HEALTH AND HUMAN SERVICES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to more than 50,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) The Medicaid program will spend $189,000,000,000 in fiscal year 2006.

(3) During the period from fiscal year 2006 through fiscal year 2010, the Medicaid program will spend $1,100,000,000,000.

(4) Over the same period, spending for the Medicaid program will increase by 40 percent.

(5) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(6) Medicaid supplements the Medicare program for more than 6,000,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spent nearly $40,000,000,000 on uncovered Medicare services in 2002.

(7) This resolution assumes $163,000,000 in spending to extend Medicare cost-sharing under the Medicaid program for the Medicare part B premium for qualifying individuals through 2006.

(8) Medicaid provides health insurance for more than ¼ of America's children and is the largest purchaser of maternity care, paying for more than ⅓ of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(9) More than 16,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (71 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(10) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(11) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(12) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 45,000,000 in 2003, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions. More than 4,800,000 Americans lost employer-sponsored coverage between 2000 and 2003, during which time Medicaid enrolled an additional 8,400,000 Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Committee on Finance shall not report a reconciliation bill that achieves spending reductions that would—

(A) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(B) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(C) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system;

(2) the Secretary of Health and Human Services, working with bipartisan, geographically diverse members of the National Governors Association and in consultation with key stakeholders, shall make recommendations for changes to the Medicaid

program that reflect the principles specified in paragraph (3); and

(3) the Committee on Finance, consistent with such recommendations, shall report a reconciliation bill that—

(A) allows any Medicaid savings to be shared by the Federal and State governments;

(B) would emphasize State flexibility through voluntary options for States; and

(C) would not cause Medicaid recipients to lose coverage.

SA 230. Mr. COLEMAN proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 16, line 15, increase the amount by $1,454,000,000.

On page 16, line 16, increase the amount by $29,080,000.

On page 16, line 20, increase the amount by $465,280,000.

On page 16, line 24, increase the amount by $610,680,000.

On page 17, line 3, increase the amount by $203,560,000.

On page 17, line 7, increase the amount by $72,700,000.

On page 17, line 16, increase the amount by $619,000,000.

On page 17, line 17, increase the amount by $359,020,000.

On page 17, line 21, increase the amount by $241,410,000.

On page 17, line 25, increase the amount by $12,380,000.

On page 18, line 4, increase the amount by $6,190,000.

On page 26, line 14, decrease the amount by $2,073,000,000.

On page 26, line 15, decrease the amount by $388,100,000.

On page 26, line 18, decrease the amount by $706,690,000.

On page 26, line 21, decrease the amount by $623,060,000.

On page 26, line 24, decrease the amount by $209,750,000.

On page 27, line 2, decrease the amount by $72,700,000.

SA 231. Mrs. CLINTON (for herself, Ms. COLLINS, Mr. LEVIN, Mr. SARBANES, Mrs. MURRAY, Mr. CORZINE, Mr. DODD, Ms. LANDRIEU, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. CANTWELL, Mr. OBAMA, Mr. KENNEDY, Mr. JEFFORDS, Mr. KERRY, Mr. BINGAMAN, Mr. AKAKA, Mr. PRYOR, Mr. INOUYE, Mrs. LINCOLN, Ms. STABENOW, Mr. SCHUMER, Mr. HARKIN, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $39,000,000.

On page 3, line 11, increase the amount by $526,000,000.

On page 3, line 12, increase the amount by $139,000,000.

On page 3, line 13, increase the amount by $70,000,000.

On page 3, line 19, increase the amount by $39,000,000.

On page 3, line 20, increase the amount by $526,000,000.

On page 3, line 21, increase the amount by $139,000,000.

On page 4, line 1, increase the amount by $70,000,000.

On page 4, line 7, increase the amount by $774,000,000.

On page 4, line 16, increase the amount by $39,000,000.

On page 4, line 17, increase the amount by $526,000,000.

On page 4, line 18, increase the amount by $139,000,000.

On page 4, line 19, increase the amount by $70,000,000.

On page 17, line 16, increase the amount by $774,000,000.

On page 17, line 17, increase the amount by $39,000,000.

On page 17, line 21, increase the amount by $526,000,000.

On page 17, line 25, increase the amount by $139,000,000.

On page 18, line 4, increase the amount by $70,000,000.

On page 30, line 16, decrease the amount by $39,000,000.

On page 30, line 17, decrease the amount by $774,000,000.

On page 48, line 6, increase the amount by $774,000,000.

On page 48, line 7, increase the amount by $39,000,000.

SA 232. Mrs. LINCOLN (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

Strike section 303 and insert the following:

SEC. 303. RESERVE FUND FOR HEALTHCARE COVERAGE FOR THE UNINSURED.

If the Committee on Health, Education, Labor, and Pensions or the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that expands group healthcare coverage for uninsured individuals in a manner that—

(1) moves toward the goal of providing high quality healthcare coverage for every American, so that every American will have healthcare coverage at least as good as the coverage enjoyed by Members of Congress;

(2) reduces healthcare costs for working families and employers;

(3) significantly increases the number of people with high quality healthcare coverage;

(4) builds on the proven success of existing programs, such as the Children's Health Insurance Program, the medicaid program, and the medicare program; and

(5) is offset by increased revenues of not less than $60,000,000,000 derived from closing corporate tax loopholes and closing the tax gap;

the chairman of the Committee on the Budget shall revise committee allocations for the Committee on Health, Education, Labor, and Pensions or the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but not to exceed $60,000,000,000 in new budget authority and $60,000,000,000 in outlays for the 5-fiscal year period beginning with fiscal year 2006, regardless of whether the committee is within its 302(a) allocations.

SA 233. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $22,000,000.

On page 3, line 11, increase the amount by $532,000,000.

On page 3, line 12, increase the amount by $148,000,000.

On page 3, line 13, increase the amount by $38,000,000.

On page 3, line 19, increase the amount by $22,000,000.

On page 3, line 20, increase the amount by $532,000,000.

On page 3, line 21, increase the amount by $148,000,000.

On page 4, line 1, increase the amount by $38,000,000.

On page 4, line 7, increase the amount by $370,000,000.

On page 4, line 16, increase the amount by $11,000,000.

On page 4, line 17, increase the amount by $266,000,000.

On page 4, line 18, increase the amount by $74,000,000.

On page 4, line 19, increase the amount by $19,000,000.

On page 4, line 24, increase the amount by $11,000,000.

On page 4, line 25, increase the amount by $266,000,000.

On page 5, line 1, increase the amount by $74,000,000.

On page 5, line 2, increase the amount by $19,000,000.

On page 5, line 7, decrease the amount by $11,000,000.

On page 5, line 8, decrease the amount by $277,000,000.

On page 5, line 9, decrease the amount by $351,000,000.

On page 5, line 10, decrease the amount by $370,000,000.

On page 5, line 11, decrease the amount by $370,000,000.

On page 5, line 15, decrease the amount by $11,000,000.

On page 5, line 16, decrease the amount by $277,000,000.

On page 5, line 17, decrease the amount by $351,000,000.

On page 5, line 18, decrease the amount by $370,000,000.

On page 5, line 19, decrease the amount by $370,000,000.

On page 17, line 16, increase the amount by $370,000,000.

On page 17, line 17, increase the amount by $11,000,000.

On page 17, line 21, increase the amount by $266,000,000.

On page 17, line 25, increase the amount by $74,000,000.

On page 18, line 4, increase the amount by $19,000,000.

On page 30, line 16, decrease the amount by $22,000,000.

On page 30, line 17, decrease the amount by $740,000,000.

On page 48, line 6, increase the amount by $370,000,000.

On page 48, line 7, increase the amount by $11,000,000.

SA 234. Mr. BAUCUS (for himself, Mr. CONRAD, and Ms. STABENOW) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 28, strike lines 14 through 20.

SA 235. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title V. insert the following,

SEC._____. SENSE OF THE SENATE IN SUPPORT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

It is the sense of the Senate that the Community Development Block Grant (CDBG) Program and related programs, including Community Services Block Grant Program, Brownfield Redevelopment, Empowerment Zones, Rural Community Advancement Program, EDA, Native American CDBG, Native Hawaiian CDBG, and Rural Housing and Economic Development by fully funded.

SA 236. Mr. DURBIN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC.____. POINT OF ORDER REQUIRING THAT THE AMT BE DEALT WITH BEFORE OTHER TAX CUTS FOR THE WEALTHY.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider a bill, amendment, motion, joint resolution, or conference report that would cut taxes for taxpayers with annual adjusted gross incomes of greater than $285,000 unless that measure or a previously enacted measure permanently reduces the number of taxpayers and families with annual adjusted gross incomes of less than $150,000 that will be subject to the alternative minimum tax over the next decade.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 237. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3 line 10, increase the amount by $11,000,000.

On page 3 line 11, increase the amount by $15,000,000.

On page 3 line 12, increase the amount by $10,000,000.

On page 3 line 13, increase the amount by $8,000,000.

On page 3 line 14, increase the amount by $6,000,000.

On page 3 line 19, increase the amount by $11,000,000.

On page 3 line 20, increase the amount by $15,000,000.

On page 3 line 21, increase the amount by $10,000,000.

On page 4 line 1, increase the amount by $8,000,000.

On page 4 line 2, increase the amount by $6,000,000.

On page 4 line 7, increase the amount by $25,000,000.

On page 4 line 16, increase the amount by $6,000,000.

On page 4 line 17, increase the amount by $8,000,000.

On page 4 line 18, increase the amount by $5,000,000.

On page 4 line 19, increase the amount by $4,000,000.

On page 4 line 20, increase the amount by $3,000,000.

On page 4 line 24, increase the amount by $6,000,000.

On page 4 line 25, increase the amount by $8,000,000.

On page 5 line 1, increase the amount by $5,000,000.

On page 5 line 2, increase the amount by $4,000,000.

On page 5 line 3, increase the amount by $3,000,000.

On page 5 line 7, decrease the amount by $5,000,000.

On page 5 line 8, decrease the amount by $12,000,000.

On page 5 line 9, decrease the amount by $17,000,000.

On page 5 line 10, decrease the amount by $21,000,000.

On page 5 line 11, decrease the amount by $24,000,000.

On page 5 line 15, decrease the amount by $5,000,000.

On page 5 line 16, decrease the amount by $12,000,000.

On page 5 line 17, decrease the amount by $17,000,000.

On page 5 line 18, decrease the amount by $21,000,000.

On page 5 line 19, decrease the amount by $24,000,000.

On page 23 line 16, increase the amount by $25,000,000.

On page 23 line 17, increase the amount by $6,000,000.

On page 23 line 21, increase the amount by $8,000,000.

On page 23 line 25, increase the amount by $5,000,000.

On page 24 line 4, increase the amount by $4,000,000.

On page 24 line 8, increase the amount by $3,000,000.

On page 30 line 16, decrease the amount by $11,000,000.

On page 30 line 17, decrease the amount by $50,000,000.

On page 48 line 6, increase the amount by $25,000,000.

On page 48 line 7, increase the amount by $6,000,000.

SEC._____. FINDINGS.

FINDING.—The Congress finds that—

(1) the Boys and Girls Clubs of America, chartered by an Act of Congress on December 10, 1991 [Pub. L. 102–199], during its 99-year history as a national organization, has proven itself as a positive force in the communities it serves;

(2) not only are the Boys and Girls Clubs reaching America's most distressed communities, they are also bringing to those youths opportunities they cannot get elsewhere.

(3) the Boys and Girls Clubs of America is a national leader in providing opportunities for personal growth and development, which help children to become productive, law abiding teenagers and contributing adults;

(4) there are 3,500 Boys and Girls Clubs facilities throughout the United States, Puerto Rico, and the United States Virgin Islands, as well as American youths living on United States military bases around the world, serving more than 4,000,000 youths nationwide;

(5) the Boys and Girls Clubs of America are growing at a rate of 1 new club every business day and have been doing so for the last 8 years;

(6) the Boys and Girls Clubs have endeavored to increase their presence in rural states and isolated areas where youths, often facing the unique challenges of poverty and geography, have few options after the school day ends, and have enabled those youths to participate in educational, safe and enriching activities;

(7) 71 percent of the young people who benefit from Boys and Girls Clubs programs live in our inner cities and urban areas;

(8) Boys and Girls Clubs are locally run and have been exceptionally successful in balancing public funds with private sector donations and maximizing community involvement;

(9) Boys and Girls Clubs are located in 450 public housing sites across the Nation;

(10) there will exist by 2006 there approximately 200 Clubs located on Native American Lands;

(11) public housing projects in which there is an active Boys and Girls Club have experienced a 25 percent reduction in the presence of crack cocaine, a 22 percent reduction in overall drug activity, and a 13 percent reduction in juvenile crime;

(12) these results have been achieved in the face of national trends in which more than 7.5 million individuals aged 12 to 17 have reported having used an illicit drug at least once in their lifetime;

(13) these results have been achieved in the face of national trends in which students in grades nine through twelve have indicated that 40.2 percent had used marijuana, 12.1 percent had used inhalants, 11.1 percent had used ecstasy, 8.7 percent had used cocaine, 7.6 percent had used methamphetamine, 6.1 percent had illegally used steroids, 3.3 percent had used heroin, and 3.2 percent had injected an illegal drug one or more times during their lifetime;

(14) many public housing projects and other distressed areas are still underserved by Boys and Girls Clubs.

SEC._____. SENSE OF THE SENATE.

SENSE OF THE SENATE.—It is the sense of the Senate that, in recognition of the proven

success of the Boys and Girls Clubs of America to inspire and enable all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible and caring citizens, the funding levels in this resolution assume that all amounts that have been and will be authorized for the Boys and Girls Clubs of America under the Economic Espionage act of 1996 (42 U.S.C. 13751 note), as amended, will provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,500 additional local clubs where needed, with particular emphasis placed on establishing clubs in public housing projects and distressed areas, and to ensure that there are a total of not less than 5,000 Boys and Girls Clubs of America facilities in operation by December 31, 2010, serving not less than 5,000,000 young people.

SA 238. Mr. LEVIN (for himself, Mr. DEWINE, Ms. STABENOW, Mr. LIEBERMAN, Mr. BINGAMAN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $400,000,000.
On page 3, line 11, increase the amount by $102,000,000.
On page 3, line 12, increase the amount by $102,000,000.
On page 3, line 13, increase the amount by $32,000,000.
On page 3, line 14, increase the amount by $10,000,000.
On page 3, line 19, increase the amount by $400,000,000.
On page 3, line 20, increase the amount by $102,000,000.
On page 3, line 21, increase the amount by $102,000,000.
On page 4, line 1, increase the amount by $32,000,000.
On page 4, line 2, increase the amount by $10,000,000.
On page 4, line 7, increase the amount by $146,000,000.
On page 4, line 16, increase the amount by $23,000,000.
On page 4, line 17, increase the amount by $51,000,000.
On page 4, line 18, increase the amount by $51,000,000.
On page 4, line 19, increase the amount by $16,000,000.
On page 4, line 20, increase the amount by $5,000,000.
On page 4, line 24, increase the amount by $377,000,000.
On page 4, line 25, increase the amount by $51,000,000.
On page 5, line 1, increase the amount by $51,000,000.
On page 5, line 2, increase the amount by $16,000,000.
On page 5, line 3, increase the amount by $5,000,000.
On page 5, line 7, decrease the amount by $377,000,000.
On page 5, line 8, decrease the amount by $428,000,000.
On page 5, line 9, decrease the amount by $479,000,000.
On page 5, line 10, decrease the amount by $495,000,000.
On page 5, line 11, decrease the amount by $500,000,000.
On page 5, line 15, decrease the amount by $377,000,000.
On page 5, line 16, decrease the amount by $428,000,000.
On page 5, line 17, decrease the amount by $479,000,000.
On page 5, line 18, decrease the amount by $495,000,000.
On page 5, line 19, decrease the amount by $500,000,000.
On page 14, line 15, increase the amount by $146,000,000.
On page 14, line 16, increase the amount by $23,000,000.
On page 14, line 20, increase the amount by $51,000,000.
On page 14, line 24, increase the amount by $51,000,000.
On page 15, line 3, increase the amount by $16,000,000.
On page 15, line 7, increase the amount by $5,000,000.
On page 30, line 16, decrease the amount by $400,000,000.
On page 30, line 17, decrease the amount by $646,000,000.
On page 48, line 6, increase the amount by $146,000,000.
On page 48, line 7, increase the amount by $23,000,000.

SA 239. Mr. BIDEN (for himself, Mr. DORGAN, Mr. LEAHY, Mr. KENNEDY, Mr. SCHUMER, Mr. KOHL, Mr. SALAZAR, Mrs. CLINTON, Mr. KERRY, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. CARPER, Mr. DURBIN, Mr. SARBANES, Mr. REED, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. PRYOR, Mr. LEVIN, Mr. BYRD, Mr. CORZINE, Ms. MIKULSKI, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $240,000,000.
On page 3, line 11, increase the amount by $560,000,000.
On page 3, line 12, increase the amount by $500,000,000.
On page 3, line 13, increase the amount by $400,000,000.
On page 3, line 14, increase the amount by $300,000,000.
On page 3, line 19, increase the amount by $240,000,000.
On page 3, line 20, increase the amount by $560,000,000.
On page 3, line 21, increase the amount by $500,000,000.
On page 4, line 1, increase the amount by $400,000,000.
On page 4, line 2, increase the amount by $300,000,000.
On page 4, line 7, increase the amount by $1,000,000.000.
On page 4, line 16, increase the amount by $120,000,000.
On page 4, line 17, increase the amount by $280,000,000.
On page 4, line 18, increase the amount by $250,000,000.
On page 4, line 19, increase the amount by $200,000,000.
On page 4, line 20, increase the amount by $150,000,000.
On page 4, line 24, increase the amount by $120,000,000.
On page 4, line 25, increase the amount by $280,000,000.
On page 5, line 1, increase the amount by $250,000,000.
On page 5, line 2, increase the amount by $200,000,000.
On page 5, line 3, increase the amount by $150,000,000.
On page 5, line 7, decrease the amount by $120,000,000.
On page 5, line 8, decrease the amount by $400,000,000.
On page 5, line 9, decrease the amount by $650,000,000.
On page 5, line 10, decrease the amount by $850,000,000.
On page 5, line 11, decrease the amount by $1,000,000,000.
On page 5, line 15, decrease the amount by $120,000,000.
On page 5, line 16, decrease the amount by $400,000,000.
On page 5, line 17, decrease the amount by $650,000,000.
On page 5, line 18, decrease the amount by $850,000,000.
On page 5, line 19, decrease the amount by $1,000,000,000.
On page 23, line 16, increase the amount by $1,000,000,000.
On page 23, line 17, increase the amount by $120,000,000.
On page 23 line 21, increase the amount by $280,000,000.
On page 23 line 25, increase the amount by $250,000,000.
On page 24 line 4, increase the amount by $200,000,000.
On page 24 line 8, increase the amount by $150,000,000.
On page 30 line 16, decrease the amount by $240,000,000.
On page 30 line 17, decrease the amount by $2,000,000,000.
On page 48 line 6, increase the amount by $1,000,000,000.
On page 48 line 7, increase the amount by $120,000,000.
On Page 65, after line 25 insert the following:

FUNDING FOR DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety;

(2) with the support of the Community Oriented Policing Services program (referred to in this section as the ''COPS program''), State and local law enforcement officers have succeeded in dramatically reducing violent crime;

(3) on July 15, 2002, the Attorney General stated, ''Since law enforcement agencies began partnering with citizens through community policing, we've seen significant drops in crime rates. COPS provides resources that reflect our national priority of terrorism prevention.'';

(4) on February 26, 2002, the Attorney General stated, ''The COPS program has been a miraculous sort of success. It's one of those things that Congress hopes will happen when it sets up a program.'';

(5) the Federal Bureau of Investigation's Assistant Director for the Office of Law Enforcement Coordination has stated, ''The FBI fully understands that our success in the fight against terrorism is directly related to the strength of our relationship with our State and local partners.'';

(6) a 2003 study of the 44 largest metropolitan police departments found that 27 of them have reduced force levels;

(7) shortages of officers and increased homeland security duties has forced many local police agencies to rely on overtime and abandon effective, preventative policing practices. And, as a result police chiefs from around the nation are reporting increased gang activity and other troubling crime indicators;

(8) several studies have concluded that the implementation of community policing as a law enforcement strategy is an important factor in the reduction of crime in our communities;

(9) In addition, experts at the Brookings Institute have concluded that community policing programs are critical to our success in the war against terrorism.

(10) the continuation and full funding of the COPS program through fiscal year 2010 is supported by several major law enforcement organizations, including—

(A) the International Association of Chiefs of Police;

(B) the International Brotherhood of Police Officers;

(C) the Fraternal Order of Police;

(D) the National Sheriffs' Association;

(E) the National Troopers Coalition;

(F) the Federal Law Enforcement Officers Association;

(G) the National Association of Police Organizations;

(H) the National Organization of Black Law Enforcement Executives;

(I) the Police Executive Research Forum; and

(J) the Major Cities Chiefs;

(11) Congress appropriated $928,912,000 for the COPS program for fiscal year 2003, $756,283,000 for fiscal year 2004, and $499,364,000 for fiscal year 2005, and

(12) the President requested $117,781,000 for the COPS program for fiscal year 2006, $381,583,000 less than the amount appropriated for fiscal year 2004.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that an increase of $1,000,000,000 for fiscal year 2006 for the Department of Justice's community oriented policing program will be provided without reduction and consistent with previous appropriated and authorized levels.

SA 240. Mr. BYRD (for himself and Mr. BAUCUS) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10 increase the amount by $1,458,000,000.

On page 3, line 11 increase the amount by $3,536,000,000.

On page 3, line 12 increase the amount by $3,605,000,000.

On page 3, line 13 increase the amount by $2,922,000,000.

On page 3, line 14 increase the amount by $2,316,000,000.

On page 4, line 7 increase the amount by $8,920,000,000.

On page 4, line 8 increase the amount by $8,332,000,000.

On page 4, line 9 increase the amount by $8,332,000,000.

On page 4, line 10 increase the amount by $9,568,000,000.

On page 4, line 16 increase the amount by $1,458,000,000.

On page 4, line 17 increase the amount by $3,536,000,000.

On page 4, line 18 increase the amount by $3,605,000,000.

On page 4, line 19 increase the amount by $2,922,000,000.

On page 4, line 20 increase the amount by $2,316,000,000.

On page 15, line 15 increase the amount by $8,920,000,000.

On page 15, line 16 increase the amount by $1,458,000,000.

On page 15, line 19 increase the amount by $8,332,000,000.

On page 15, line 20 increase the amount by $3,536,000,000.

On page 15, line 23 increase the amount by $8,332,000,000.

On page 15, line 24 increase the amount by $3,605,000,000.

On page 16, line 2 increase the amount by $9,568,000,000.

On page 16, line 3 increase the amount by $2,922,000,000.

On page 16, line 7 increase the amount by $2,316,000,000.

On page 48, line 6 increase the amount by $579,000,000.

On page 48, line 7 decrease the amount by $40,372,000,000.

On page 48, line 8, after ''outlays for the discretionary category'' add the following ''and $34,740,000,000 for the highway category and $7,099,000,000 for the transit category''.

SA 241. Mr. BUNNING proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 9, decrease the amount by $0. .

On page 3, line 10, decrease the amount by $4,800,000,000.

On page 3, line 11, decrease the amount by $12,500,000,000.

On page 3, line 12, decrease the amount by $14,000,000,000.

On page 3, line 13, decrease the amount by $15,600,000,000.

On page 3, line 14, decrease the amount by $17,000,000,000.

On page 3, line 18, decrease the amount by $0.

On page 3, line 19, decrease the amount by $4,800,000,000.

On page 3, line 20, decrease the amount by $12,500,000,000.

On page 3, line 21, decrease the amount by $14,000,000,000.

On page 4, line 1, decrease the amount by $15,600,000,000.

On page 4, line 2, decrease the amount by $17,000,000,000.

On page 4, line 23, decrease the amount by $0.

On page 4, line 24, decrease the amount by $4,800,000,000.

On page 4, line 25, decrease the amount by $12,500,000,000.

On page 5, line 1, decrease the amount by $14,000,000,000.

On page 5, line 2, decrease the amount by $15,600,000,000.

On page 5, line 3, decrease the amount by $17,000,000,000.

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $4,800,000,000.

On page 5, line 8, increase the amount by $17,300,000,000.

On page 5, line 9, increase the amount by $31,300,000,000.

On page 5, line 10, increase the amount by $46,900,000,000.

On page 5, line 11 ,increase the amount by $63,900,000.

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $4,800,000,000.

On page 5, line 16, increase the amount by $17,300,000,000.

On page 5, line 17, increase the amount by $31,300,000,000.

On page 5, line 18, increase the amount by $46,900,000,000.

On page 5, line 19, increase the amount by $63,900,OOO.

On page 30, line 16, increase the amount by $4,800,000,000.

On page 30, line 17, increase the amount by $63,900,000,000.

SA 242. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

''In response to the ongoing drought in certain western states, Congress should allocate $15,000,000 to the Bureau of Reclamation's Drought Emergency Assistance Program from within fiscal year 2006 funds available in the Water and Related Resources account for bureauwide programs of the Bureau of Reclamation, an agency of the Department of the Interior.''

SA 243. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the appropriate place insert the following:

SEC._____. SENSE OF THE SENATE ON REDUCING THE TAX ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that the tax cuts assumed in this resolution include repeal of the 1993 law that subjects 85% of certain Social Security benefits to the income tax, provided that the revenue loss to the Medicare Hospital Insurance Trust Fund is fully replaced so that seniors' access to health care is not adversely affected. If the inclusion of these proposals would otherwise cause the cost of the tax cuts to exceed the level authorized in the resolution, any excess should be fully offset by closing corporate tax loopholes.

SA 244. Mr. REID (for Mrs. CLINTON (for herself, Mr. REID, Mr. KERRY, Mr. CORZINE, Mrs. MURRAY, Mr. LAUTENBERG, and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the

congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $72,000,000.

On page 3, line 11, increase the amount by $108,000,000.

On page 3, line 12, increase the amount by $14,000,000.

On page 3, line 13, increase the amount by $4,000,000.

On page 3, line 19, increase the amount by $72,000,000.

On page 3, line 20, increase the amount by $108,000,000.

On page 3, line 21, increase the amount by $14,000,000.

On page 4, line 1, increase the amount by $4,000,000.

On page 4, line 7, increase the amount by $100,000,000.

On page 4, line 16, increase the amount by $36,000,000.

On page 4, line 17, increase the amount by $54,000,000.

On page 4, line 18, increase the amount by $7,000,000.

On page 4, line 19, increase the amount by $2,000,000.

On page 4, line 24, increase the amount by $36,000,000.

On page 4, line 25, increase the amount by $54,000,000.

On page 5, line 1, increase the amount by $7,000,000.

On page 5, line 2, increase the amount by $2,000,000.

On page 5, line 7, decrease the amount by $36,000,000.

On page 5, line 8, decrease the amount by $90,000,000.

On page 5, line 9, decrease the amount by $97,000,000.

On page 5, line 10, decrease the amount by $99,000,000.

On page 5, line 11, decrease the amount by $99,000,000.

On page 5, line 15, decrease the amount by $36,000,000.

On page 5, line 16, decrease the amount by $90,000,000.

On page 5, line 17, decrease the amount by $97,000,000.

On page 5, line 18, decrease the amount by $99,000,000.

On page 5, line 19, decrease the amount by $99,000,000.

On page 18, line 16, increase the amount by $100,000,000.

On page 18, line 17, increase the amount by $36,000,000.

On page 19, line 4, increase the amount by $2,000,000.

On page 30, line 16, decrease the amount by $72,000,000.

On page 30, line 17, decrease the amount by $198,000,000.

On page 48, line 6, increase the amount by $36,000,000.

At the appropriate place, insert the following:

SEC.____. SENSE OF THE SENATE CONCERNING PREVENTIVE HEALTH CARE SERVICES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Although the Centers for Disease Control and Prevention included family planning in its published list of the Ten Great Public Health Achievements in the 20th Century, the United States still has one of the highest rates of unintended pregnancies among industrialized nations.

(2) Increasing access to family planning services will improve women's health and reduce the rates of unintended pregnancy, abortion, and infection with sexually transmitted infections.

(3) Contraceptive use saves public health dollars. Every dollar spent on providing family planning services saves an estimated $3 in expenditures for pregnancy-related and newborn care for Medicaid alone.

(4) Each year, 3,000,000 pregnancies, nearly half of all pregnancies, in the United States are unintended, and nearly half of unintended pregnancies end in abortion.

(5) In 2002, 34,000,000 women—half of all women of reproductive age were in need of contraceptive services and supplies to help prevent unintended pregnancy, and half of those were in need of public support for such care.

(6) The United States also has the highest rate of infection with sexually transmitted infections of any industrialized country. In 2003 there were approximately 19,000,000 new cases of sexually transmitted infections. According to the Centers for Disease Control and Prevention (November 2004), these sexually transmitted infections impose a tremendous economic burden with direct medical costs as high as $15,500,000,000 per year.

(7) The child born from an unintended pregnancy is at greater risk of low birth weight, dying in the first year of life, being abused, and not receiving sufficient resources for healthy development.

(8) Each year, services under title X of the Public Health Service Act enable Americans to prevent approximately 1,000,000 unintended pregnancies, and one in three women of reproductive age who obtains testing or treatment for sexually transmitted infections does so at a title X-funded clinic. In 2003, title X-funded clinics provided 2,800,000 Pap tests, 5,100,000 sexually transmitted infection tests, and 526,000 HIV tests.

(9) The increasing number of uninsured individuals, stagnant funding, health care inflation, new and expensive contraceptive technologies, and improved but expensive screening and treatment for cervical cancer and sexually transmitted infections, have diminished the ability of clinics funded under title X of the Public Health Service Act to adequately serve all those in need. Taking medical inflation into account, funding for the program under such title X declined by 59 percent between 1980 and 2004.

(10) Although employer-sponsored health plans have improved coverage of contraceptive services and supplies, largely in response to State contraceptive coverage laws, there is still significant room for improvement. Half of the 45,000,000 women of reproductive age currently live in the 29 States without contraceptive coverage policies. These women may still find the most effective forms of contraceptives beyond their financial reach due to a lack of coverage.

(11) Including contraceptive coverage in private health care plans saves employers money. Not covering contraceptives in employee health plans costs employers 15 to 17 percent more than providing such coverage.

(12) Approved for use by the Food and Drug Administration, emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. It is estimated that the use of emergency contraception could cut the number of unintended pregnancies in half, thereby reducing the need for abortion. New research confirms that easier access to emergency contraceptives does not increase sexual risk-taking or sexually transmitted infections.

(13) In 2000, 51,000 abortions were prevented by the use of emergency contraception. Increased use of emergency contraception accounted for up to 43 percent of the total decline in abortions between 1994 and 2000.

(14) Thirteen percent of all teens give birth before age 20. Eighty-eight percent of births to teens age 17 or younger were unintended. Twenty-four percent of Hispanic females gave birth before the age of 20. (Centers for Disease Control and Prevention, December 2004).

(15) Children born to teen moms begin life with the odds against them. They are less likely to be ready for kindergarten, more likely to be of low-birth weight, 50 percent more likely to repeat a grade, more likely to live in poverty, and significantly more likely to be victims of abuse and neglect.

(16) Research shows that a range of initiatives, including sex education, youth development and service learning programs, can encourage teens to behave responsibly by delaying sexual activity and pregnancy. Federal tax dollars are best invested in programs with research-based evidence of success.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that—

(1) $100,000,000 of the amount provided for under function category 550 (health) for fiscal year 2006 may be used for any or all of the following—

(A) to fund increases in amounts appropriated to carry out title X of the Public Health Service Act (42 U.S.C. 300 et seq.) above amounts appropriated for fiscal year 2005;

(B) to fund legislation that would require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans;

(C) to fund legislation that would create a public education program administered through the Centers for Disease Control and Prevention concerning the use, safety, efficacy, and availability of emergency contraception that is—

(i) approved by the Food and Drug administration to prevent pregnancy; and

(ii) used post-coitally; or

(D) to fund legislation that would permit the Secretary of Health and Human Services to award, on a competitive basis, grants to public and private entities to establish or expand teenage pregnancy prevention programs or to disseminate information to educators and parents about the most effective strategies for preventing teen pregnancy (funds made available under the authority of this subparagraph are not intended for use by abstinence-only education programs);

(2) the prevention programs described in paragraph (1) are cost effective and will achieve savings by—

(A) reducing the number of unintended pregnancies;

(B) reducing the rate of sexually transmitted infections;

(C) reducing the costs to the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(D) providing for the early detection of HIV and early detection of breast and cervical cancer; and

(3) the increase in funding described in paragraph (1) is offset by an increase in revenues of not to exceed $200,000,000 to be derived from closing corporate tax loopholes, of which the remaining $100,000,000 (after amounts are expended pursuant to this section) should be used for deficit reduction.

SA 245. Mr. REED (for himself, Mr. KENNEDY, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $90,000,000.
On page 3, line 11, increase the amount by $1,920,000,000.
On page 3, line 12, increase the amount by $780,000,000.
On page 3, line 13, increase the amount by $210,000,000.
On page 3, line 19, increase the amount by $90,000,000.
On page 3, line 20, increase the amount by $1,920,000,000.
On page 3, line 21, increase the amount by $780,000,000.
On page 4, line 1, increase the amount by $210,000,000.
On page 4, line 7, increase the amount by $1,500,000,000.
On page 4, line 16, increase the amount by $45,000,000.
On page 4, line 17, increase the amount by $960,000,000.
On page 4, line 18, increase the amount by $390,000,000.
On page 4, line 19, increase the amount by $105,000,000.
On page 4, line 24, increase the amount by $45,000,000.
On page 4, line 25, increase the amount by $960,000,000.
On page 5, line 1, increase the amount by $390,000,000.
On page 5, line 2, increase the amount by $105,000,000.
On page 5, line 7, decrease the amount by $45,000,000.
On page 5, line 8, decrease the amount by $1,005,000,000.
On page 5, line 9, decrease the amount by $1,395,000,000.
On page 5, line 10, decrease the amount by $1,500,000,000.
On page 5, line 11, decrease the amount by $1,500,000,000.
On page 5, line 15, decrease the amount by $45,000,000.
On page 5, line 16, decrease the amount by $1,005,000,000.
On page 5, line 17, decrease the amount by $1,395,000,000.
On page 5, line 18, decrease the amount by $1,500,000,000.
On page 5, line 19, decrease the amount by $1,500,000,000.
On page 17, line 16, increase the amount by $1,500,000,000.
On page 17, line 17, increase the amount by $45,000,000.
On page 17, line 21, increase the amount by $960,000,000.
On page 17, line 25, increase the amount by $390,000,000.
On page 18, line 4, increase the amount by $105,000,000.
On page 30, line 16, decrease the amount by $90,000,000.
On page 30, line 17, decrease the amount by $3,000,000,000.
On page 48, line 6, increase the amount by $1,500,000,000.
On page 48, line 7, increase the amount by $45,000,000.

SA 246. Mr. REED (for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $710,000,000.
On page 3, line 11, increase the amount by $2,188,000,000.
On page 3, line 12, increase the amount by $60,000,000.
On page 3, line 19, increase the amount by $710,000,000.
On page 3, line 20, increase the amount by $2,188,000,000.
On page 3, line 21, increase the amount by $60,000,000.
On page 4, line 7, increase the amount by $1,479,000,000.
On page 4, line 16, increase the amount by $355,000,000.
On page 4, line 17, increase the amount by $1,094,000,000.
On page 4, line 18, increase the amount by $30,000,000.
On page 4, line 24, increase the amount by $355,000,000.
On page 4, line 25, increase the amount by $1,094,000,000.
On page 5, line 1, increase the amount by $30,000,000.
On page 5, line 7, decrease the amount by $355,000,000.
On page 5, line 8, decrease the amount by $1,449,000,000.
On page 5, line 9, decrease the amount by $1,479,000,000.
On page 5, line 10, decrease the amount by $1,479,000,000.
On page 5, line 11, decrease the amount by $1,479,000,000.
On page 5, line 15, decrease the amount by $355,000,000.
On page 5, line 16, decrease the amount by $1,449,000,000.
On page 5, line 17, decrease the amount by $1,479,000,000.
On page 5, line 18, decrease the amount by $1,479,000,000.
On page 5, line 19, decrease the amount by $1,479,000,000.
On page 17, line 16, increase the amount by $1,479,000,000.
On page 17, line 17, increase the amount by $355,000,000.
On page 17, line 21, increase the amount by $1,094,000,000.
On page 17, line 25, increase the amount by $30,000,000.
On page 30, line 16, decrease the amount by $710,000,000.
On page 30, line 17, decrease the amount by $2,958,000,000.
On page 48, line 6, increase the amount by $1,479,000,000.
On page 48, line 7, increase the amount by $355,000,000.

SA 247. Mr. REED (for himself, Mr. SARBANES, Mr. LEAHY, Mr. SCHUMER, Mr. KENNEDY, Ms. STABENOW, Mrs. CLINTON, Mr. DURBIN, Mrs. MURRAY, Mr. CORZINE, Mr. DODD, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $3,200,000,000.
On page 3, line 19, increase the amount by $3,200,000,000.
On page 4, line 7, increase the amount by $3,200,000,000.
On page 4, line 16, increase the amount by $3,200,000,000.
On page 20, line 16, increase the amount by $3,200,000,000.
On page 20, line 17, increase the amount by $3,200,000,000.
On page 30, line 16, decrease the amount by $3,200,000,000.
On page 30, line 17, decrease the amount by $3,200,000,000.
On page 48, line 6, increase the amount by $3,200,000,000.
On page 48, line 7, increase the amount by $3,200,000,000.

SA 248. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 9, line 15, decrease the amount by $1,000,000,000.
On page 9, line 16, decrease the amount by $421,000,000.
On page 9, line 20, decrease the amount by $349,000,000.
On page 9, line 24, decrease the amount by $75,000,000.
On page 10, line 3, decrease the amount by $5,000,000.
On page 17, line 16, increase the amount by $850,000,000.
On page 17, line 17, increase the amount by $421,000,000.
On page 17, line 22, increase the amount by $349,000,000.
On page 17, line 25, increase the amount by $75,000,000.
On page 18, line 4, increase the amount by $5,000,000.
On page 24, line 16, increase the amount by $150,000,000.
On page 24, line 17, increase the amount by $150,000,000.

SA 249. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $113,000,000.
On page 3, line 11, increase the amount by $26,000,000.
On page 3, line 19, increase the amount by $113,000,000.
On page 3, line 20, increase the amount by $26,000,000.

On page 4, line 7, increase the amount by $139,000,000.

On page 4, line 16, increase the amount by $113,000,000.

On page 4, line 17, increase the amount by $26,000,000.

On page 14, line 15, increase the amount by $139,000,000.

On page 14, line 16, increase the amount by $113,000,000.

On page 14, line 20, increase the amount by $26,000,000.

On page 30, line 16, decrease the amount by $113,000,000.

On page 30, line 17, decrease the amount by $139,000,000.

On page 48, line 6, increase the amount by $139,000,000.

On page 48, line 7, increase the amount by $113,000,000.

SA 250. Mr. CORZINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $1,100,000,000.

On page 3, line 11, increase the amount by $1,700,000,000.

On page 3, line 12, increase the amount by $1,700,000,000.

On page 3, line 13, increase the amount by $1,700,000,000.

On page 3, line 14, increase the amount by $1,800,000,000.

On page 3, line 19, increase the amount by $1,100,000,000.

On page 3, line 20, increase the amount by $1,700,000,000.

On page 3, line 21, increase the amount by $1,700,000,000.

On page 4, line 1, increase the amount by $1,700,000,000.

On page 4, line 2, increase the amount by $1,800,000,000.

On page 4, line 24, increase the amount by $1,100,000,000.

On page 4, line 25, increase the amount by $1,700,000,000.

On page 5, line 1, increase the amount by $1,700,000,000.

On page 5, line 2, increase the amount by $1,700,000,000.

On page 5, line 3, increase the amount by $1,800,000,000.

On page 5, line 7, decrease the amount by $1,100,000,000.

On page 5, line 8, decrease the amount by $2,800,000,000.

On page 5, line 9, decrease the amount by $4,500,000,000.

On page 5, line 10, decrease the amount by $6,200,000,000.

On page 5, line 11, decrease the amount by $8,000,000,000.

On page 5, line 15, decrease the amount by $1,100,000,000.

On page 5, line 16, decrease the amount by $2,800,000,000.

On page 5, line 17, decrease the amount by $4,500,000,000.

On page 5, line 18, decrease the amount by $6,200,000,000.

On page 5, line 19, decrease the amount by $8,000,000,000.

On page 30, line 16, decrease the amount by $1,100,000,000.

On page 30, line 17, decrease the amount by $8,000,000,000.

SA 251. Mr. CORZINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC.___. SENSE OF THE SENATE ON SUPPORT FOR THE INVESTOR PROTECTION MISSION OF THE SECURITIES AND EXCHANGE COMMISSION.

(a) FINDINGS.—The Senate finds the following:

(1) Investor protection is essential to the mission of the Securities and Exchange Commission (hereafter referred to as the ''Commission''), which is to promote fair, orderly, and competitive financial markets.

(2) The integrity of America's securities markets depends on accurate financial disclosure and transparency.

(3) Public confidence in our securities markets is enhanced by the continued independence of the Commission.

(4) Cuts to the Securities and Exchange Commission budget that would force the agency to delay hiring or the implementation of technology projects could undermine the ability of the Commission to protect investors.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the functional totals in this resolution assume that there will be no cuts to the Securities and Exchange Commission budget that would diminish the ability of the Commission to protect investors.

SA 252. Mr. PRYOR (for himslf and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the end of title III, insert:

SEC._____. RESERVE FUND FOR EXTENSION OF TREATMENT OF COMBAT PAY FOR EARNED INCOME AND CHILD TAX CREDITS.

If the Committee on Finance reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that makes permanent the taxpayer election to treat combat pay otherwise excluded from gross income under section 112 of the Internal Revenue Code as earned income for purposes of the earned income credit and makes permanent the treatment of such combat pay as earned income for purposes of the child tax credit, the Chairman of the Committee on the Budget may revise the allocations of budget authority and outlays, the revenue aggregates, and other appropriate measures, provided that such legislation would not increase the deficit for the period of fiscal year 2006 or the total of fiscal years 2006 though 2010.

SA 253. Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEAHY, Mr. BINGAMAN, Mrs. MURRAY, Mr. TALENT, Mr. SMITH, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 65, after line 25, insert the following:

SEC.___. SENSE OF THE SENATE SUPPORTING FUNDING FOR HIDTAS.

(a) FINDINGS.—The Senate finds the following:

(1) The High Intensity Drug Trafficking Area (HIDTA) program encompasses 28 strategic regions, 355 task forces, 53 intelligence centers, 4,428 Federal personnel, and 8,459 State and local personnel.

(2) The purposes of the HIDTA program are to reduce drug trafficking and drug production in designated areas in the United States by—

(A) facilitating cooperation among Federal, State, and local law enforcement agencies to share information and implement coordinated enforcement activities;

(B) enhancing intelligence sharing among Federal, State, and local law enforcement agencies;

(C) providing reliable intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and

(D) supporting coordinated law enforcement strategies which maximize use of available resources to reduce the supply of drugs in HIDTA designated areas.

(3) In 2004, HIDTA efforts resulted in disrupting or dismantling over 509 international, 711 multi-State, and 1,110 local drug trafficking organizations.

(4) In 2004, HIDTA instructors trained 21,893 students in cutting-edge practices to limit drug trafficking and manufacturing within their areas.

(5) The HIDTAs are the only drug enforcement coalitions that include equal partnership between Federal, State, and local law enforcement leaders executing a regional approach to achieving regional goals while pursuing a national mission.

(6) The proposed budget of $100,000,000 for the HIDTA program is inadequate to effectively maintain all of the operations currently being supported.

(7) The proposed budget of $100,000,000 for the HIDTA program would undermine the viability of this program and the efforts of law enforcement around the country to combat illegal drugs, particularly methamphetamine.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the spending level of budget function 750 (Administration of Justice) is assumed to include $227,000,000 for the High Intensity Drug Trafficking Areas; and

(2) unless new legislation is enacted, it is assumed that the HIDTA program will remain with the Office of National Drug Control Policy, where Congress last authorized it to reside.

SA 254. Mr. SALAZAR (for himself, Mr. ENSIGN, Mr. ALLARD, Mr. BINGAMAN, Mr. CRAIG, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006

and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 4, line 7, decrease the amount by $5,000,000.
On page 4, line 16, increase the amount by $42,000,000.
On page 4, line 17, decrease the amount by $21,000,000.
On page 4, line 18, decrease the amount by $12,000,000.
On page 4, line 19, decrease the amount by $6,000,000.
On page 4, line 24, decrease the amount by $42,000,000.
On page 4, line 25, increase the amount by $21,000,000.
On page 5, line 1, increase the amount by $12,000,000.
On page 5, line 2, increase the amount by $6,000,000.
On page 5, line 3, increase the amount by $3,000,000.
On page 5, line 7, increase the amount by $42,000,000.
On page 5, line 8, increase the amount by $21,000,000.
On page 5, line 9, increase the amount by $9,000,000.
On page 5, line 10, decrease the amount by $18,000,000.
On page 5, line 15, increase the amount by $42,000,000.
On page 5, line 16, increase the amount by $21,000,000.
On page 5, line 17, increase the amount by $9,000,000.
On page 5, line 18, decrease the amount by $18,000,000.
On page 9, line 15, decrease the amount by $52,000,000.
On page 9, line 16, decrease the amount by $5,000,000.
On page 9, line 20, decrease the amount by $21,000,000.
On page 9, line 24, decrease the amount by $12,000,000.
On page 10, line 3, decrease the amount by $6,000,000.
On page 10, line 7, decrease the amount by $3,000,000.
On page 24, line 16, increase the amount by $47,000,000.
On page 24, line 17, increase the amount by $47,000,000.
On page 48, line 7, increase the amount by $42,000,000.

SA 255. Mr. SALAZAR (for himself, Ms. COLLINS, Mr. DORGAN, Mr. OBAMA, Mr. CONRAD. Mrs. MURRAY, Mr. JEFFORDS, Ms. CANTWELL, Mr. LEVIN, Mr. KENNEDY, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18. setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $13,000,000.
On page 3, line 11, increase the amount by $81,000,000.
On page 3, line 12, increase the amount by $98,000,000.
On page 3, line 13, increase the amount by $72,000,000.
On page 3, line 14, increase the amount by $28,000,000.
On page 3, line 19, increase the amount by $13,000,000.
On page 3, line 20, increase the amount by $81,000,000.
On page 3, line 21, increase the amount by $98,000,000.
On page 4, line 1, increase the amount by $72,000,000.
On page 4, line 2, increase the amount by $28,000,000.
On page 4, line 7, increase the amount by $150,000,000.
On page 4, line 16, increase the amount by $7,000,000.
On page 4, line 17, increase the amount by $40,000,000.
On page 4, line 18, increase the amount by $49,000,000.
On page 4, line 19, increase the amount by $36,000,000.
On page 4, line 20, increase the amount by $14,000,000.
On page 4, line 24, increase the amount by $6,000,000.
On page 4, line 25, increase the amount by $41,000,000.
On page 5, line 1, increase the amount by $49,000,000.
On page 5, line 2, increase the amount by $36,000,000.
On page 5, line 3, increase the amount by $14,000,000.
On page 5, line 7, decrease the amount by $6,000,000.
On page 5, line 8, decrease the amount by $47,000,000.
On page 5, line 9, decrease the amount by $96,000,000.
On page 5, line 10, decrease the amount by $132,000,000.
On page 5, line 11, decrease the amount by $146,000,000.
On page 5, line 15, decrease the amount by $6,000,000.
On page 5, line 16, decrease the amount by $47,000,000.
On page 5, line 17, decrease the amount by $96,000,000.
On page 5, line 18, decrease the amount by $132,000,000.
On page 5, line 19, decrease the amount by $146,000,000.
On page 22, line 16, increase the amount by $150,000,000.
On page 22, line 17, increase the amount by $7,000,000.
On page 22, line 21, increase the amount by $40,000,000.
On page 22, line 25, increase the amount by $49,000,000.
On page 23, line 4, increase the amount by $36,000,000.
On page 23, line 8, increase the amount by $14,000,000.
On page 30, line 16, decrease the amount by $13,000,000.
On page 30, line 17, decrease the amount by $292,000,000.
On page 48, line 6, increase the amount by $150,000,000.
On page 48, line 7, increase the amount by $7,000,000.

SA 256. Mr. CHAFEE (for himself, Mr. SARBANES, Mr. VOINOVICH, Mr. INHOFE, Mr. JEFFORDS, Mrs. CLINTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Mr. LEVIN, Mr. KENNEDY, Ms. SNOWE, Mr. DEWINE, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.___. SENSE OF SENATE REGARDING WATER INFRASTRUCTURE.

(a) FINDINGS.—The Senate finds that—

(1) payments to States from the Federal Water Pollution Control State Revolving Fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) are essential to protect public health, fisheries, wildlife, and watersheds, and to ensure opportunities for public recreation and economic development;

(2) despite important progress in protecting and enhancing water quality since the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in 1972, serious water pollution problems persist throughout the United States;

(3) the report of the Environmental Protection Agency dated September 30, 2002, and relating to clean water and drinking water infrastructure gap analysis found that there will be a $535,000,000,000 gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made;

(4) in November 2002, the Congressional Budget Office estimated the annual investment in clean water infrastructure needs to be at least $13,000,000,000 for capital construction and $20,300,000,000 for operation and maintenance; and

(5) the Federal Government is a vital partner with State and local governments and must continue to share in the burden of maintaining and improving the water infrastructure of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that payments to States from the Federal Water Pollution Control State Revolving Fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) should be increased to $1,350,000,000 for fiscal year 2006 to assist States and local communities in meeting water quality standards and restoring the health and safety of the water of the United States.

SA 257. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the appropriate place, insert the following:

SEC.___. POINT OF ORDER.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any appropriations bill if it allows funds to be provided for prepackaged news stories that do not have a disclaimer that continuously runs through the presentation which says, ''Paid for by the United States Government.''.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of

the ruling of the Chair on a point of order raised under this section.

SA 258. Mr. FEINGOLD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 40, after line 8, insert the following:

SEC.___. RESERVE FUND FOR DEFICIT REDUCTION AND TO STRENGTHEN THE PART A TRUST FUND.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings under the medicare program under title XVIII of the Social Security Act by reducing overpayments to Medicare Advantage plans (such as legislation that requires the full amount of savings from the implementation of risk adjusted payments to Medicare Advantage plans to accrue to the medicare program, that eliminates the plan stabilization fund under section 1858(e) of such Act, and that adjusts the MA area-specific nondrug monthly benchmark amount under part C of such title to exclude payments for the indirect costs of medical education under section 1886(d)(5)(B) of such Act), by the amount of savings in that legislation, to ensure that those savings are reserved for deficit reduction and to strengthen the Federal Hospital Insurance Trust Fund.

SA 259. Mrs. BOXER proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 65, after line 25, insert the following:

SEC. 510. SENSE OF THE SENATE REGARDING THE NEED FOR A COMPREHENSIVE, COORDINATED, AND INTEGRATED NATIONAL OCEAN POLICY.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Commission on Ocean Policy and the Pew Ocean Commission have each completed and published independent findings on the state of the United States oceans, coasts, and Great Lakes.

(2) The findings made by the Commissions include the following:

(A) The United States oceans, coasts, and Great Lakes are a vital component of the economy of the United States.

(B) The resources and ecosystems associated with the United States oceans, coasts, and Great Lakes are in trouble.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President and the Congress should—

(1) expeditiously consider the recommendations of the United States Commission on Ocean Policy during the 109th Congress; and

(2) enact a comprehensive, coordinated, and integrated national ocean policy that will ensure the long-term economic and ecological health of the United States oceans, coasts, and Great Lakes.

SA 260. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

SEC._____. SENSE OF THE SENATE REGARDING DROUGHT ASSISTANCE PROGRAM.

It is the sense of the Senate that, in response to the ongoing drought in certain western states, Congress should allocate $15,000,000 to the Bureau of Reclamation's Drought Emergency Assistance Program from within fiscal year 2006 funds available in the Water and Related Resources account for bureauwide programs of the Bureau of Reclamation, an agency of the Department of the Interior.

SA 261. Mr. CHAFEE (for himself, Mr. SARBANES, Mr. VOINOVICH, Mr. INHOFE, Mr. JEFFORDS, Mrs. CLINTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Mr. LEVIN, and Mr. KENNEDY) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the appropriate place, insert the following:

SEC.___. SENSE OF SENATE REGARDING WATER INFRASTRUCTURE.

(a) FINDINGS.—The Senate finds that—

(1) payments to States from the Federal Water Pollution Control State Revolving Fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) are essential to protect public health, fisheries, wildlife, and watersheds, and to ensure opportunities for public recreation and economic development;

(2) despite important progress in protecting and enhancing water quality since the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in 1972, serious water pollution problems persist throughout the United States;

(3) the report of the Environmental Protection Agency dated September 30, 2002, and relating to clean water and drinking water infrastructure gap analysis found that there will be a $535,000,000,000 gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made;

(4) in November 2002, the Congressional Budget Office estimated the annual investment in clean water infrastructure needs to be at least $13,000,000,000 for capital construction and $20,300,000,000 for operation and maintenance; and

(5) the Federal Government is a vital partner with State and local governments and must continue to share in the burden of maintaining and improving the water infrastructure of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that payments to States from the Federal Water Pollution Control State Revolving Fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) should be increased to $1,350,000,000 for fiscal year 2006 to assist States and local communities in meeting water quality standards and restoring the health and safety of the water of the United States.

SA 262. Mr. GREGG (for Mr. GRASSLEY) submitted an amendment intended to be proposed by Mr. GREGG to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the end of title V, insert the following:

SEC.___. SENSE OF THE SENATE WITH RESPECT TO PENSION REFORM.

(a) FINDINGS.—The Senate finds the following:

(1) The rules for calculating the funded status of pension plans and for determining calculations, premiums, and other issues should ensure strong funding of such plans in both good and bad economic times.

(2) The expiration of the interest rate provisions of the Pension Funding Equity Act of 2004 at the end of 2005 and the need to address the deficit at the Pension Benefit Guaranty Corporation (referred to in this section as the ''PBGC'') demand enactment of pension legislation this year.

(3) Thirty-four million active and retired workers are relying on their defined benefit plans to provide retirement security, and a failure by Congress to reform the defined benefit system will place at risk the pensions of millions of Americans.

(4) Stabilization of the defined benefit pension system and the PBGC may require significant and structural changes in the Employee Retirement and Income Security Act of 1974 and the Internal Revenue Code of 1986, which must be undertaken in a single comprehensive set of reforms.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate conferees shall insist on the Senate position expressed in this resolution with respect to PBGC premiums.

SA 263. Mr. GRASSLEY (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting for the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

SEC._____. SPECIAL RULE WITH RESPECT TO PENSION REFORM

In the Senate, if the Committee on Finance or the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution that includes pension reform and that measure achieves not less than $476 million in net outlay reductions in fiscal year 2006 and $3.306 billion in net outlay reductions for the period of fiscal years 2006 through 2010, and provided both committees have met their respective spending reconciliation instructions pursuant to Sec. 201(a), the Chairman of the Committee on the Budget may file with the Senate appropriately revised allocations, function levels and aggregates as long as the cumulative value of the adjustments do not increase overall Federal Government outlays. Function levels or aggregate spending levels for fiscal year 2006 or

for the period of fiscal years 2006 through 2010.

Such revised allocations, function levels and aggregates shall be considered as allocations, function levels, and aggregates contained in the most recently agreed to concurrent resolution on the budget.

SA 264. Mr. FRIST proposed an amendmend to the resolution S. Res. 43, designating the first day of April 2005 as ''National Asbestos Awareness Day''; as follows:

Strike the preamble and insert the following:

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas these fibers can cause mesothelioma, asbestosis and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognosis;

Whereas the United States has substantially reduced its consumption of asbestos yet continues to consume almost 7,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas asbestos exposures continue and safety and prevention will reduce and has reduced significantly asbestos exposure and asbestos-related diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of Americans die from asbestos related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975; and

Whereas the establishment of a ''National Asbestos Awareness Day'' 'would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, April 6, at 10 a.m. in 366 Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of David Garman to be Under Secretary of Energy.

For further information, please contact Judy Pensabene of the Committee staff at (202) 224–1327.

AUTHORITY FOR COMMITTEES TO MEET

COMMITEE 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 March 17, 2005, at 9:30 a.m., in open and closed session to receive testimony on current and future worldwide threats to the national security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 17, 2005, at 11 a.m. to mark up an original bill entitled the Federal Public Transportation Act of 2005.

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 in open Executive Session during the session on Thursday, March 17, 2005, at 2:30 p.m., to consider favorably reporting the nomination of Daniel R. Levinson, to be Inspector General, Department of Health and Human Services, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, March 17, 2005 at 9:30 a.m. in SD–430.

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, March 17, 2005 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda:

I. Nominations: William G. Myers, III, to be U.S. Circuit Judge for the Ninth Circuit; Terrence W. Boyle, II, to be U.S. Circuit Judge for the Fourth Circuit; Robert J. Conrad, Jr., to be U.S. District Judge for the Western District of North Carolina; James C. Dever, III, to be U.S. District Judge for the Eastern District of North Carolina; Thomas B. Griffith, to be U.S. Circuit Judge for the District of Columbia Circuit; Paul A. Crotty, to be U.S. District Judge for the Southern District of New York; J. Michael Seabright, to be U.S. District Judge for the District of Hawaii.

II. Bills: Asbestos—S. 378, Reducing Crime and Terrorism at America's Seaports Act of 2005, Biden, Specter, Feinstein, Kyl; S. 188, State Criminal Alien Assistance Program Reauthorization Act of 2005, Feinstein, Kyl, Schumer, Cornyn, Durbin, Specter; S. 119, Unaccompanied Alien Child Protection Act of 2005, Feinstein, Schumer, Durbin, DeWine, Feingold, Kennedy, Brownback, Specter; S. 589, a bill to establish the Commission on Freedom of Information Act Processing Delays, Cornyn, Leahy.

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, March 17, 2005, for a committee hearing titled ''Back from the Battlefield: Are We Providing the Proper Care for America's Wounded Warriors?''

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.

SUBCOMMITTEE ON FISHERIES AND COAST GUARD

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries and Coast Guard be authorized to meet on Thursday, March 17, 2005, at 10 a.m. on Coast Guard Operational Readiness/Mission Balance/FY 2006 Budget Request in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be authorized to meet during the session of the Senate on March 17, 2005, at 3 p.m., in open session to receive testimony on the posture of the U.S. Transportation Command in review of the Defense Authorization Request for fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Mindy Lanie, a sign language interpreter from congressional support services, be granted the privileges of the floor during consideration of the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Kathleen

Strottman be granted the privilege of the floor during consideration of the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR AND DISCHARGE

Mr. FRIST. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 27, 28, 29, 31, 32, 33, 34, 36, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54, and all nominations on the Secretary's desk. Further, that Harold Damelin, PN87, be discharged from the Governmental Affairs Committee, and the Senate also proceed to its consideration.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

David B. Bolton, of the District of Columbia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Oceans and Fisheries. (New Position)

Joseph R. DeTrani, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks. (New Position)

John Thomas Schieffer, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

R. Nicholas Burns, of Massachusetts, to be an Under Secretary of State (Political Affairs).

C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (Near Eastern Affairs).

Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

Rudolph E. Boschwitz, of Minnesota, for the rank of Ambassador during his tenure of services as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

DEPARTMENT OF ENERGY

Jeffrey Clay Sell, of Texas, to be Deputy Secretary of Energy.

NATIONAL SECURITY EDUCATION BOARD

George M. Dennison, of Montana, to be a Member of the National Security Education Board for a term of four years.

James William Carr, of Arkansas, to be a Member of the National Security Education Board for a term of four years.

Kiron Kanina Skinner, of Pennsylvania, to be a Member of the National Security Education Board for a term of four years.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Claude R. Kehler, 6600

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Robert R. Allardice, 0051
Colonel C. D. Alston, 3231
Colonel Michael J. Basla, 6753
Colonel Francis M. Bruno, 3512
Colonel Brooks L. Bash, 3966
Colonel Thomas K. Andersen, 8905
Colonel Herbert J. Carlisle, 9032
Colonel Charles R. Davis, 8766
Colonel Donald Lustig, 4218
Colonel James M. Kowalski, 3604
Colonel Frank J. Kisner, 0380
Colonel Jimmie C. Jackson, Jr., 9118
Colonel Mary K. Hertog, 9595
Colonel Blair E. Hansen, 0421
Colonel Frank Gorenc, 1011
Colonel Gregory A. Feest, 5242
Colonel Daniel R. Dinkins, Jr., 2842
Colonel Robert Yates, 5708
Colonel Janet A. Therianos, 7369
Colonel Mark S. Solo, 7827
Colonel Stephen D. Schmidt, 3532
Colonel Paul G. Schafer, 7952
Colonel Albert F. Riggle, 3194
Colonel Joseph Reynes, Jr., 5709
Colonel Joseph M. Reheiser, 0899
Colonel Robin Rand, 6920
Colonel Ellen M. Pawlikowski, 2245
Colonel Mark H. Owen, 6573
Colonel Joseph F. Mudd, Jr., 8962
Colonel Harold W. Moulton, II5, 917
Colonel Christopher D. Miller, 9947
Colonel Gary S. Connor, 3923

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. James J. Dougherty, III, 8516
Col. Patricia C. Lewis, 2054

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title, 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Stanley E. Green, 4130

The following named officer for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Charles K. Ebner, 6011

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. James O. Barclay, III, 4493
Col. Arthur M. Bartell, 7214
Col. Donald M. Campbell, Jr., 3215
Col. Dennis E. Rogers, 6273

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Byron S. Bagby, 3934
Brigadier General Vincent E. Boles, 8885
Brigadier General Thomas P. Bostick, 3680
Brigadier General Howard B. Bromberg, 2959
Brigadier General Sean J. Byrne, 2057
Brigadier General Charles A. Cartwright, 2898
Brigadier General Thomas R. Csrnko, 1332
Brigadier General John DeFreitas, III, 7924
Brigadier General Robert E. Durbin, 9354
Brigadier General David A. Fastabend, 5081
Brigadier General Charles W. Fletcher, Jr.,
Brigadier General Daniel A. Hahn, 0301
Brigadier General Rhett A. Hernandez, 7009
Brigadier General Mark P. Hertling, 3917
Brigadier General Charles H. Jacoby, Jr., 3627
Brigadier General Jerome Johnson, 6280
Brigadier General Gary M. Jones, 0483
Brigadier General William M. Lenaers, 8865
Brigadier General Douglas E. Lute, 2691
Brigadier General Benjamin R. Mixon, 7168
Brigadier General James R. Myles, 2299
Brigadier General Roger A. Nadeau, 8893
Brigadier General David M. Rodriguez, 1850
Brigadier General Richard J. Rowe, Jr., 5346
Brigadier General Jeffrey J. Schloesser, 3460
Brigadier General Jeffrey A. Sorenson, 3510
Brigadier General Abraham J. Turner, 5542
Brigadier General Robert M. Williams, 6304
Brigadier General Richard P. Zahner, 3707

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Donald L. Jacka, Jr., 5508

To be brigadier general

Col. Jerry D. La Cruz, Jr., 0400

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Evan M. Chanik, Jr., 9906

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Barry M. Costello, 3332

AIR FORCE

PN149 AIR FORCE nominations (54) beginning Arlene D. * Adams, and ending Robert G. * Young, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN247 AIR FORCE nominations (54) beginning Erik L. Abrames, and ending Duojia Xu, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN261 AIR FORCE nominations of Steven F. Reck, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN262 AIR FORCE nomination of Mark D. Miller, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN263 AIR FORCE nomination of Nancy B. Grane, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN264 AIR FORCE nomination of Jack M. Davis, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN265 AIR FORCE nominations (2) beginning Ramon Morales, and ending Frank M. Wood, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN266 AIR FORCE nominations (6) beginning Richard E. Ando Jr., and ending Kenneth S. Papier, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN267 AIR FORCE nominations (4) beginning Stephen H. Gregg, and ending Robert L. Shaw, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN268 AIR FORCE nominations (6) beginning John P. Albright, and ending Louis B. Miller, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN269 AIR FORCE nominations (6) beginning Lester H. Bakos, and ending Gregory G. Movesesian, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN270 AIR FORCE nominations (9) beginning Charles M. Bolin, and ending James A. Withers, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN271 AIR FORCE nominations (14) beginning Bruce Steuart Ambrose, and ending Patricia L. Wildermuth, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN272 AIR FORCE nominations (15) beginning Karen A. Baldi, and ending Paul E. Wright, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN273 AIR FORCE nominations (19) beginning Vickie Z. Beckwith, and ending Gayle Seifullin, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN274 AIR FORCE nominations (23) beginning Paul N. Austin, and ending Florence A. Valley, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN275 AIR FORCE nominations (66) beginning Edmond O. Anderson, and ending Scott A. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN276 AIR FORCE nomination of Kenneth M. Francis, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN277 AIR FORCE nomination of Vito Manente, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN278 AIR FORCE nominations of Jeffrey H. Wilson, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN287 AIR FORCE nominations (1425) beginning David C. Abruzzi, and ending Michael J. Zuber, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN288 AIR FORCE nominations (57) beginning Steven G. Allred, and ending John R. Wrockloff, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN290 AIR FORCE nominations (134) beginning Travis R. * Adams, and ending Wendy J. * Wyse, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN291 AIR FORCE nominations (2173) beginning Christopher N. * Aasen, and ending Ronald J. * Zwickel, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

ARMY

PN39 ARMY nominations (54) beginning Peter W Aubrey, and ending Jeffrey K Wilson, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN40 ARMY nominations (28) beginning Michael J Arinello, and ending James E Whaley III, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN41 ARMY nominations (33) beginning Donna A Alberto, and ending Douglas A Wild, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

P43 ARMY nominations (344) beginning Ronald P Alberto, and ending X2800, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN216 ARMY nomination of Gerald L. Dunlap, which was received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN217 ARMY nomination of Robert D. Saxon, which was received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN218 ARMY nominations (2) beginning Richard R. Guzzetta, and ending Robert J. Johnson, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN219 ARMY nominations (2) beginning James R. Hajduk, and ending Fritz W. Kirklighter, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN220 ARMY nominations (2) beginning Brian E. Baca, and ending Anthony E. Baker Sr., which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN248 ARMY nomination of William T. Monacci, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN249 ARMY nominations (2) beginning Brian J. Tenney, and ending Karen T. Welden, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN250 ARMY nominations (5) beginning David J. Bricker, and ending Wayne A. Steltz, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN251 ARMY nominations (35) beginning Larry N Barber, and ending David D Worcester, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN252 ARMY nominations (2) beginning Hays L. Arnold, and ending William C. Otto, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN253 ARMY nomination of John P. Guerreiro, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN254 ARMY nomination of Evelyn I. Rodriguez, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN255 ARMY nomination of Demetres William, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN292 ARMY nominations (13) beginning Kenneth A Beard, and ending Karen E Semeraro, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN294 ARMY nominations (48) beginning Stanley P. Allen, and ending Henry J. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

MARINE CORPS

PN64 MARINE CORPS nominations (127) beginning Robert S Abbott, and ending Ronald M Zich, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN131 MARINE CORPS nominations (577) beginning Carlton W Adams, and ending Wayne R Zuber, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2005.

PN132 MARINE CORPS nominations (99) beginning Keith R Anderson, and ending Gary K Wortham, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2005.

PN174 MARINE CORPS nominations (5) beginning Michael S. Driggers, and ending Robert R. Sommers, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

NAVY

PN256 NAVY nominations (79) beginning Donald R Bennett, and ending George B Younger, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN257 NAVY nomination of Matthew S. Gilchrist, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

DEPARTMENT OF THE TREASURY

Harold Damelin, of Virginia, to be Inspector General, Department of the Treasury.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURE READ THE FIRST TIME—H.R. 841

Mr. FRIST. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill.

The legislative clerk read as follows:

A bill (H.R. 841) to require States to hold special elections to fill vacancies in the House of Representatives not later than 49 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances.

Mr. FRIST. I now ask for a second reading and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read the second time on the next legislative day.

APPOINTMENT AUTHORITY

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President

of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards conferences, or other interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO FILE LEGISLATIVE AND EXECUTIVE ITEMS ON WEDNESDAY, MARCH 30, 2005

Mr. FRIST. I ask unanimous consent that not withstanding the recess, committees be allowed to file legislative and executive items on Wednesday, March 30, between the hours of 10 a.m. and 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ASBESTOS AWARENESS DAY

Mr. FRIST. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 43, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution designating the first day of April 2005 as ''National Asbestos Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the Frist amendment be agreed to, the preamble, as amended, be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 43) was agreed to.

The amendment (No. 264) was agreed to, as follows:

Strike the preamble and insert the following:

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas these fibers can cause mesothelioma, asbestosis and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognosis;

Whereas the United States has substantially reduced its consumption of asbestos yet continues to consume almost 7,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas asbestos exposures continue and safety and prevention will reduce and has reduced significantly asbestos exposure and asbestos-related diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of Americans die from asbestos related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975; and

Whereas the establishment of a ''National Asbestos Awareness Day'' would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 43

Whereas deadly asbestos fibers are invisible and cannot be smelled or tasted;

Whereas when airborne fibers are inhaled or swallowed, the damage is permanent and irreversible;

Whereas these fibers can cause mesothelioma, asbestosis, lung cancer, and pleural diseases;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival rate of those diagnosed with mesothelioma is between 6 and 24 months;

Whereas little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases would give patients increased treatment options and often improve their prognosis;

Whereas asbestos is a toxic and dangerous substance and must be disposed of properly;

Whereas nearly half of the more than 1,000 screened firefighters, police officers, rescue workers, and volunteers who responded to the World Trade Center attacks on September 11, 2001, have new and persistent respiratory problems;

Whereas the industry groups with the highest incidence rates of asbestos-related diseases, based on 2000 to 2002 figures, were shipyard workers, vehicle body builders (including rail vehicles), pipefitters, carpenters and electricians, construction (including insulation work and stripping), extraction, energy and water supply, and manufacturing;

Whereas the United States imports more than 30,000,000 pounds of asbestos used in products throughout the Nation;

Whereas asbestos-related diseases kill 10,000 people in the United States each year, and the numbers are increasing;

Whereas asbestos exposure is responsible for 1 in every 125 deaths of men over the age of 50;

Whereas safety and prevention will reduce asbestos exposure and asbestos-related diseases;

Whereas asbestos has been the largest single cause of occupational cancer;

Whereas asbestos is still a hazard for 1,300,000 workers in the United States;

Whereas asbestos-related deaths have greatly increased in the last 20 years and are expected to continue to increase;

Whereas 30 percent of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975; and

Whereas the establishment of a ''National Asbestos Awareness Day'' would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate designates the first day of April 2005 as ''National Asbestos Awareness Day''.

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1270, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1270) to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1270) was read the third time and passed.

FINANCIAL LITERACY MONTH

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 88, submitted earlier today by Senators AKAKA, SARBANES, COCHRAN, BAUCUS, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 88) designating April 2005 as ''Financial Literacy Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 88) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 88

Whereas at the end of 2004, Americans carried 657,000,000 bank credit cards, 228,000,000

debit cards, and 550,000,000 retail credit cards;

Whereas based on the number of total United States households, there are now 6.3 bank credit cards, 2.2 debit cards, and 6.4 retail credit cards per household;

Whereas Americans consumer credit debt continues to increase, and has reached a level of in excess of $2,100,000,000,000 as of year end 2004, of which $791,000,000,000 is revolving consumer credit;

Whereas a United States Public Interest Research Group and Consumer Federation of America analysis of Federal Reserve data indicates that the average household with debt carries approximately $10,000 to $12,000 in total revolving debt;

Whereas Americans owe $766,200,000,000 on home equity loans and lines of credit, more than twice as much as in 1998;

Whereas Americans converted $41,000,000,000 in real estate equity into spendable cash in the third quarter of 2004 alone;

Whereas the current level of personal savings as a percentage of personal income is at one of the lowest levels in history, 2 percent, a decline from 7.5 percent in the early 1980s;

Whereas through November 2004, 1,869,343 individuals filed for bankruptcy;

Whereas a 2002 Retirement Confidence Survey found that only 32 percent of workers surveyed have calculated how much money they will need to save for retirement;

Whereas only 30 percent of those surveyed in a 2003 Employee Benefit Trend Study are confident in their ability to make the right financial decisions for themselves and their families, and 25 percent have done no specific financial planning;

Whereas approximately 10 percent of individual households remain unbanked, i.e., not using mainstream, insured financial institutions;

Whereas expanding access to the mainstream financial system provides individuals with lower cost, safer options for managing their finances and building wealth;

Whereas a greater understanding and familiarity with financial markets and institutions will lead to increased economic activity and growth;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion of an increasingly complex economy;

Whereas the Spring 2004 Student Monitor Financial Services Survey found that 46 percent of college students have a general purpose credit card in their own name and 37 percent carry over a credit card balance from month to month;

Whereas 45 percent of college students are in credit card debt, with the average debt being $3,066;

Whereas only 26 percent of 13- to 21-year-olds reported that their parents actively taught them how to manage money;

Whereas a 2004 study by the Jump$tart Coalition for Personal Financial Literacy found an increase in high school seniors' scores on an exam about credit cards, retirement funds, insurance, and other personal finance basics for the first time since 1997; however, 65 percent of students still failed the exam;

Whereas a 2004 survey of States by the National Council on Economic Education found that 49 States include economics, and 38 States include personal finance, in their elementary and secondary education standards, up from 48 States and 31 States, respectively, in 2002;

Whereas personal financial management skills and life-long habits develop during childhood;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens; and

Whereas Congress found it important enough to ensure coordination of Federal financial literacy efforts and formulate a national strategy that it established the Financial Literacy and Education Commission in 2003 and designated the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2005 as ''Financial Literacy Month'' to raise public awareness about the importance of financial education in the United States and the serious consequences that may be associated with a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

CONGRATULATING THE MONTANA FFA ON ITS 75TH ANNIVERSARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 89 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 89) congratulating the Montana FFA on its 75th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, this year marks the 75th anniversary of the Montana FFA, an organization near and dear to my heart. As a former blue jacket myself, I know firsthand how much this organization contributes to the development of leadership skills. A number of my staff, including my chief of staff, are former Montana FFA officers. I couldn't be prouder to introduce today, along with my colleague, Senator BAUCUS, a resolution congratulating the Montana FFA on its 75th anniversary.

With over 2,500 current members from 75 chapters, the Montana FFA provides outstanding career and technical education to students across the State. Over 40,000 Montanans have participated in FFA programs.

As this resolution states, the mission of the FFA, a federally chartered national organization, is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agriculture education. In Montana, that mission is achieved every day. Whether focusing on public speaking skills, or developing business expertise, or learning about horticulture at the new greenhouse at Park High in Livingston, FFA ensures that our students are ready to embrace all the opportunities the future holds for them.

When the national FFA began in 1928, it did so with just 33 members. Today, it has blossomed into a powerful force for career education, with over 475,000 members. Each year, the halls of Congress are filled with the familiar blue-and-gold jackets, as FFA students from across the nation come to share their thoughts and concerns with us.

The contributions of both the Montana FFA and the national FFA are numerous, and I am pleased to have the opportunity to honor this great organization today. I know this program will continue to flourish and offer our youngsters skills in leadership, personal growth, and career options in the agricultural community as it has done every day since its inception back in Kansas City.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 89) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 89

Whereas in 2005, the Montana FFA, chartered in 1930, celebrates its 75th anniversary as a premier student development organization where members gain life and leadership skills;

Whereas more than 40,000 Montanans have been FFA members;

Whereas Montana FFA alumni provide outstanding leadership to agriculture and agribusiness at the local, State, and Federal levels;

Whereas the Montana FFA Association is the largest career and technical student organization in the State, with over 2,550 members from 75 chapters;

Whereas the mission of the FFA is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agriculture education;

Whereas FFA is an integral component of agriculture education in the public school system; and

Whereas the National FFA Organization is a federally-chartered organization:

Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Montana FFA on its 75th anniversary; and

(2) directs the Secretary of the Senate to transmit to the Montana FFA an enrolled copy of this resolution for appropriate display.

HOLOCAUST COMMEMORATION WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate

proceed to the consideration of S. Res. 90 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 90) designating the week of May 1, 2005, as ''Holocaust Commemoration Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 90) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 90

Whereas the year 2005 marks the 60th anniversary of the end of the Holocaust, which was ruthlessly and tragically carried out by Nazi Germany under the leadership of Adolf Hitler and his collaborators;

Whereas the Holocaust involved the murder of millions of innocent Jewish men, women, and children along with millions of others, and an enormity of suffering inflicted on the many survivors through mistreatment, brutalization, violence, torture, slave labor, involuntary medical experimentation, death marches, and numerous other acts of cruelty that have come to be known as ''genocide'' and ''crimes against humanity''; and

Whereas in the past 60 years, the Holocaust has provided the peoples of the world with an object lesson in the importance of compassion, caring, and kindness; an awareness of the dangers inherent in bigotry, racism, intolerance, and prejudice; and an understanding of the importance of an appreciation of the sensitivity to diversity: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1, 2005, as ''Holocaust Commemoration Week'';

(2) commemorates the occasion of the 60th anniversary of the end of World War II and the liberation of the concentration camps; and

(3) encourages all Americans to commemorate the occasion through reflection, acts of compassionate caring, and learning about the terrible consequences and lessons of the Holocaust.

EUROPEAN ARMS EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 91 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 91) urging the European Union to maintain its arms export embargo on the People's Republic of China.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH. Mr. President, I rise today to support an updated version of S. Res. 59, which I submitted on February 17 that calls on the European Union to maintain its arms embargo against the People's Republic of China.

I am pleased that all of the original cosponsors of S. Res. 59 are joining me in submitting this revised legislation. This resolution states our strong support of the United States arms embargo on China and urges the European Union to strengthen, enforce, and maintain its embargo as well. It encourages the EU to examine its current arms control policies, close any loopholes, and examine their trade with China inn light of serious human rights concerns.

The human rights abuses at Tiananmen Square in 1989 led the United States and the EU to impose this embargo. Now is not the time to lift it. If the EU proceeds down this road, there will be negative consequences to our relationship—an outcome their officials claim they do not want. This resolution expresses the Senate's view that maintaining the embargo is in our mutual security interests.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 91) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 91

Whereas, on June 4, 1989, the Communist Government of the People's Republic of China ordered the People's Liberation Army to carry out an unprovoked, brutal assault on thousands of peaceful and unarmed demonstrators in Tiananmen Square, resulting in hundreds of deaths and thousands of injuries;

Whereas, on June 5, 1989, President George H. W. Bush condemned these actions of the Government of the People's Republic of China, and the United States took several concrete steps to respond to the military assault, including suspending all exports of items on the United States Munitions List to the People's Republic of China;

Whereas, on June 27, 1989, the European Union (then called the European Community) imposed an arms embargo on the People's Republic of China in response to the Government of China's brutal repression of protestors calling for democratic and political reform;

Whereas the European Council, in adopting that embargo, ''strongly condemn[ed] the brutal repression taking place in China'' and ''solemnly request[ed] the Chinese authorities ... to put an end to the repressive actions against those who legitimately claim their democratic rights'';

Whereas the poor human rights conditions that precipitated the decisions of the United States and the European Union to impose and maintain their respective embargoes have not improved;

Whereas the Department of State 2004 Country Reports on Human Rights Practices states that, during 2004, ''[t]he [Chinese] Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses'';

Whereas, according to the same Department of State report, credible sources estimated that hundreds of persons remained in prison in the People's Republic of China for their activities during the June 1989 Tiananmen demonstrations;

Whereas the Government of the People's Republic of China continues to maintain that its crackdown on democracy activists in Tiananmen Square was warranted and remains unapologetic for its brutal actions, as demonstrated by that Government's handling of the recent death of former Premier and Communist Party General Secretary, Zhao Ziyang, who had been under house arrest for 15 years because of his objection to the 1989 Tiananmen crackdown;

Whereas, since December 2003, the European Parliament, the legislative arm of the European Union, has rejected in five separate resolutions the lifting of the European Union arms embargo on the People's Republic of China because of continuing human rights concerns in China;

Whereas the February 24, 2005, resolution passed by the European Parliament stated that the Parliament ''believes that unless and until there is a significant improvement in the human rights situation in China, it would be wrong for the EU to envisage any lifting [of] its embargo on arms sales to China, imposed in 1989'' and that it ''requests that the Commission formally oppose such a move when it is discussed in the [European] Council'';

Whereas the governments of a number of European Union member states have individually expressed concern about lifting the European Union arms embargo on the People's Republic of China, and several have passed resolutions of opposition in their national parliaments;

Whereas the European Union Code of Conduct on Arms Exports, as a non-binding set of principles, is insufficient to control European arms exports to the People's Republic of China;

Whereas public statements by some major defense firms in Europe and other indicators suggest that such firms intend to increase military sales to the People's Republic of China if the European Union lifts its arms embargo on that country;

Whereas the Department of Defense fiscal year 2004 Annual Report on the Military Power of the People's Republic of China found that ''[e]fforts underway to lift the European Union (EU) embargo on China will provide additional opportunities to acquire specific technologies from Western suppliers'';

Whereas the same Department of Defense report noted that the military modernization and build-up of the People's Republic of China is aimed at increasing the options of the Government of the People's Republic of China to intimidate or attack democratic Taiwan, as well as preventing or disrupting third-party intervention, namely by the United States, in a cross-strait military crisis;

Whereas the June 2004, report to Congress of the congressionally-mandated, bipartisan United States-China Economic and Security Review Commission concluded that ''there

has been a dramatic change in the military balance between China and Taiwan,'' and that ''[i]n the past few years, China has increasingly developed a quantitative and qualitative advantage over Taiwan'';

Whereas the Taiwan Relations Act (22 U.S.C. 3301 et seq.) codifies in United States law the basis for continued relations between the United States and Taiwan, affirmed that the decision of the United States to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas the balance of power in the Taiwan Straits and, specifically, the military capabilities of the People's Republic of China, directly affect peace and security in the East Asia and Pacific region;

Whereas the Foreign Minister of Japan, Nobutaka Machimura, recently stated that Japan is opposed to the European Union lifting its embargo against the People's Republic of China and that ''[i]t is extremely worrying as this issue concerns peace and security environments not only in Japan but also in East Asia as a whole'';

Whereas the United States has numerous security interests in the East Asia and Pacific region, and the United States Armed Forces, which are deployed throughout the region, would be adversely affected by any Chinese military aggression;

Whereas the lifting of the European Union arms embargo on the People's Republic of China would increase the risk that United States troops could face military equipment and technology of Western or United States origin in a cross-strait military conflict;

Whereas this risk would necessitate a reevaluation by the United States Government of procedures for licensing arms and dual-use exports to member states of the European Union in order to attempt to prevent the reexport or retransfer of United States exports from such countries to the People's Republic of China;

Whereas the report of the United States-China Economic and Security Review Commission on the Symposia on Transatlantic Perspectives on Economic and Security Relations with China, held in Brussels, Belgium and Prague, Czech Republic from November 29, 2004, through December 3, 2004, recommended that the United States Government continue to press the European Union to maintain the arms embargo on the People's Republic of China and strengthen its arms export control system, as well as place limitations on United States public and private sector defense cooperation with foreign firms that sell sensitive military technology to China;

Whereas the lax export control practices of the People's Republic of China and the continuing proliferation of technology related to weapons of mass destruction and ballistic missiles by state-sponsored entities in China remain a serious concern of the Government of the United States;

Whereas the People's Republic of China remains a primary supplier of weapons to countries such as Burma and Sudan where, according to the United States Commission on International Religious Freedom, the military has played a key role in the oppression of religious and ethnic minorities;

Whereas the most recent Central Intelligence Agency Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, found that ''Chinese entities continued to work with Pakistan and Iran on ballistic missile-related projects during the second half of 2003,'' and that ''[d]uring 2003, China remained a primary supplier of advanced conventional weapons to Pakistan, Sudan, and Iran'';

Whereas, as recently as December 27, 2004, the Government of the United States determined that seven entities or persons in the People's Republic of China, including several state-owned companies involved in China's military-industrial complex, are subject to sanctions under the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) for sales to Iran of prohibited equipment or technology;

Whereas the authority under the Iran Nonproliferation Act of 2000 to impose sanctions on Chinese persons or entities was used 23 times in 2004; and

Whereas the assistance provided by these entities to Iran works directly counter to the efforts of the United States Government and several European governments to curb illicit weapons activities in Iran: Now, therefore, be it

Resolved, That the Senate—

(1) strongly supports the United States embargo on the People's Republic of China;

(2) strongly urges the European Union to continue its ban on all arms exports to the People's Republic of China;

(3) requests that the President raise United States objections to the potential lifting of the European Union arms embargo against the People's Republic of China in any upcoming meetings with European officials;

(4) encourages the Government of the United States to make clear in discussions with representatives of the national governments of European Union member states that a lifting of the European Union embargo on arms sales to the People's Republic of China would potentially adversely affect transatlantic defense cooperation, including future transfers of United States military technology, services, and equipment to European Union countries;

(5) urges the European Union—

(A) to strengthen, enforce, and maintain its arms embargo on the People's Republic of China and in its Code of Conduct on Arms Exports;

(B) to make its Code of Conduct on Arms Exports legally binding and enforceable in all European Union member states;

(C) to more carefully regulate and monitor the end-use of exports of sensitive military and dual-use technology; and

(D) to increase transparency in its arms and dual-use export control regimes;

(6) deplores the ongoing human rights abuses in the People's Republic of China; and

(7) urges the United States Government and the European Union to cooperatively develop a common strategy to seek—

(A) improvement in the human rights conditions in the People's Republic of China;

(B) an end to the military build-up of the People's Republic of China aimed at Taiwan;

(C) a permanent and verifiable end to the ongoing proliferation by state and non-state owned entities and individuals in the People's Republic of China of munitions, materials, and military equipment and the trade in such items involving countries, such as Burma and Sudan, whose armies have played a role in the perpetration of violations of human rights and of humanitarian law against members of ethnic and religious minorities;

(D) improvement in the administration and enforcement of export controls in the People's Republic of China; and

(E) an end to the ongoing proliferation by state and non-state owned entities and individuals in the People's Republic of China of technology related to conventional weapons, weapons of mass destruction, and ballistic missiles.

AUTHORIZATION TO SIGN LEGISLATION

Mr. FRIST. Mr. President, I ask unanimous consent that during this adjournment of the Senate, the majority leader, the assistant majority leader, and the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

THE PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, appoints the following Senators to the United States Holocaust Memorial Council:

The Senator from Wisconsin, Mr. Feingold, and the Senator from New Jersey, Mr. Lautenberg.

TERRI SCHIAVO

Mr. FRIST. Mr. President, in closing tonight, I will take a few final moments to speak on an issue that I opened with early this morning, about 14 hours ago, an issue which Senators MARTINEZ and SANTORUM were on the floor speaking to about 45 minutes ago. It has to do with the Terri Schiavo case in Florida.

I close this evening speaking more as a physician than as a U.S. Senator and speak to my involvement as a physician and as a Senator and as leader in the Senate in what has been a fascinating course of events for us over the last 48 hours, a saga which has not ended but one which we took major steps toward tonight in seeing that this woman is not starved to death tomorrow beginning at 1 o'clock, about 13 hours from now.

When I first heard about the situation facing Terri Schiavo, I immediately wanted to know more about the case from a medical standpoint. I asked myself, just looking at the newspaper reports, is Terri clearly in this diagnosis called persistent vegetative state. I was interested in it in part because it is a very difficult diagnosis to make and I have been in a situation such as this many, many times before as a transplant surgeon.

When we do heart transplants and lung transplants—and they are done routinely and were done routinely at the transplant center that I directed at Vanderbilt—in each and every case when you do a heart transplant or a lung transplant or a heart-lung transplant, the transplanted organs come from someone who is brain dead and

death is clearly defined with a series of standardized clinical exams over a period of time, as well as diagnostic tests.

Even brain death is a difficult diagnosis to make, and short of brain death, there are stages of incapacitation that go from coma to this persistent vegetative state to a minimally conscious state. They are tough diagnoses to make. You can make brain death with certainty, but short of that it is a difficult diagnosis and one that takes a series of evaluations over a period of time because of fluctuating consciousness.

So I was a little bit surprised to hear a decision had been made to starve to death a woman based on a clinical exam that took place over a very short period of time by a neurologist who was called in to make the diagnosis rather than over a longer period of time. It is almost unheard of. So that raised the first question in my mind.

I asked myself, does Terri clearly have no hope of being rehabilitated or improved in any way? If you are in a true persistent vegetative state, that may be the case. But, again, it is a very tough diagnosis to make and only by putting forth that rehabilitative therapy and following over time do you know if somebody is going to improve. At least from the reporting, that has not been the case.

Then I asked myself, because we have living wills now and we have written directives which are very commonplace now, but 10 years ago they were not that common and, to be honest with you, a lot of 20- and 30-year-olds do not think about their own mortality and do not offer those written directives. They did not 10 years ago. Now they do with increasing frequency. I encourage people to do that.

So, I asked, did they have a written directive? And the answer was no. And did she have a clear-cut oral directive? And the answer was no.

So my curiosity piqued as I asked to see all of the court affidavits. I received those court affidavits and had the opportunity to read through those over the last 48 hours. My curiosity was piqued even further because of what seemed to be unusual about the case, and so I called one of the neurologists who did evaluate her and evaluated her more extensively than what at least was alleged other neurologists had. And he told me very directly that she is not in a persistent vegetative state. I said, well, give me a spectrum from this neurologist who examined her. To be fair, he examined her about 2 years ago and, to the best of my knowledge, no neurologist has been able to examine her. I am not positive about that, but that is what I have been told in recent times. But at that exam, clearly she was not in a persistent vegetative state, and of 100 patients this neurologist would take care of, she was not at the far end of being an extreme patient in terms of her disability. He described it as if there were 100 patients, she might have been the 70th but not the 80th or 90th or 100th.

So I was really curious that a neurologist who has spent time with her says she is not in a persistent vegetative state but they will begin starving her to death tomorrow at 1 o'clock because of what another neurologist said.

I met with her family and her son. Her son says she has a severe disability. A lot of people have severe disabilities, such as cerebral palsy and receptive aphasia, but her brother said that she responds to her parents and to him. That is not somebody in persistent vegetative state.

I then met in person with the chairman of the Judiciary Committee 2 days ago in Florida to discuss the case. He told me that they had exhausted all options in the State of Florida to reverse what was going to be inevitable tomorrow, Friday, the 18th of March; and that is, that feedings and hydration were going to stop, that everything had been exhausted.

He said the courts have been exhausted, and that all of the court decisions and the court cases had not been based on the facts because the facts were very limited and were the conclusions of one judge and two neurologists, and that was it, and that there were, in terms of the affidavits—I will get the exact number that I read—there were something like 34 affidavits from other doctors, who said that she could be improved with rehabilitation.

So then it came to, what do you do? Here is the U.S. Senate that normally does not and should not get involved in all of these private-action cases. It is not our primary responsibility here in the U.S. Senate. But with an exhaustion of a State legislature, an exhaustion of the court system in a State—yet all of this is based on what one judge had decided on what, at least initially, to me, looks like wrong data, incomplete data. But somebody is being condemned to death—somebody who is alive; there is no question she is alive—is being condemned to death.

It takes an action to pull out a feeding tube. It takes an action to stop feeding. The inaction of feeding becomes an action. And thus, as I started talking about it this morning, the question was, what do we do? Bills had been put forth broadly on the floor, and Senator MARTINEZ had very effective legislation, but it had to do with the habeas corpus, a very large issue that we have not had hearings on and debated.

So what we decided to do was to fashion a bill that was very narrow, aimed specifically at this case that would say she is not going to be starved to death tomorrow, but let's go and collect more information, have neurologists come in and obtain a body of facts before such a decision would be made.

That is what we have done. As Senator MARTINEZ said, and Senator SANTORUM said, we are not there yet. We have three different tracks going on that will be going on over the course of tonight. In my office, right now, letters are being written and being sent out, and we will not give up, and we have not given up. We passed the bill here tonight. The House has a bill. And I am confident if we continue working, and we are going to stay in session—we are not staying in session tonight but we are going to stay in session until we complete action.

Let me just comment a little bit about the Terri Schiavo case because what I said is how we got involved. What I am about to say is a little bit more information than we have been able to talk about on the floor today because of the focus on the Budget Committee, although when we were just off the floor in the cloakroom behind us and in my office, we have been going nonstop on this all day long—all day long.

Terri Schiavo is right now in a Florida hospice. She is breathing on her own. So she does not have a ventilator keeping her lungs expanding. She is breathing on her own. She is not a terminal case. She is, as I said, disabled. Under court order, this feeding tube was to be removed tomorrow, in about 14 hours from now. When her feeding tube is removed, she does not receive food; she starves to death. She has no hydration and she becomes dehydrated, has cardiovascular collapse, her heart and lungs would work overtime, and, of course, she would die.

Her parents, Bob and Mary Schindler, have been fighting for over 10 years to prevent her death. Imagine, if you and your spouse had a daughter, and you said: Don't let her die. We will take care of her. We will financially take care of her. How in the world can you have somebody come in and remove a feeding tube? That is what they have been saying for 10 years. They love her. They say that she responds to them. They would welcome the chance—welcome the chance—to be her guardian.

As I understand it, Terri's husband will not divorce Terri and will not allow her parents to take care of her. Terri's husband, who I have not met, does have a girlfriend he lives with, and they have children of their own.

A single Florida judge ruled that Terri is in this persistent vegetative state. And this is the same judge who has denied new testing, new examinations of Terri by independent and qualified medical professionals. They have not been allowed.

As I mentioned, the attorneys for Terri's parents have submitted 33 affidavits from doctors and other medical professionals, all of whom say that Terri should be re-evaluated. About 15—I read through the affidavits—and about 14 or 15 of these affidavits are

from board certified neurologists. Some of these doctors, very specifically, say they believe, on the data they had seen, that Terri could benefit from therapy.

There have been many comments that her legal guardian, that is Terri's husband, has not—it ranges. It is either that he has not been aggressive in rehabilitation, to other reports saying that he has thwarted rehabilitation since 1992. I can only report what I have read there because I have not met him.

Persistent vegetative state, which is what the court has ruled, I say that I question it, and I question it based on a review of the video footage which I spent an hour or so looking at last night in my office here in the Capitol. And that footage, to me, depicted something very different than persistent vegetative state.

One of the classic textbooks we use in medicine today is called ''Harrison's Principles of Internal Medicine.'' And in the 16th edition, which was published just this year, 2005, on page 1625, it reads:

> . . . the vegetative state signifies an awake but unresponsive state. These patients have emerged from coma after a period of days or weeks to an unresponsive state in which the eyelids are open, giving the appearance of wakefulness.

This is from ''Harrison's Principles of Internal Medicine.''

This ''unresponsive state in which the eyelids are open''—I quote that only because on the video footage, which is the actual exam by the neurologist, when the neurologist said, ''Look up,'' there is no question in the video that she actually looks up. That would not be an ''unresponsive state in which the eyelids are open.''

Skipping on down to what the Harrison's textbook says about ''vegetative state,'' I quote:

> There are always accompanying signs that indicate extensive damage in both cerebral hemisphere, e.g. decerebrate or decorticate limb posturing and absent responses to visual stimuli.

And then, let me just comment, because it says: ''absent responses to visual stimuli.'' Once again, in the video footage—which you can actually see on the Web site today—she certainly seems to respond to visual stimuli that the neurologist puts forth.

And lastly—I will stop quoting from the classic internal medicine textbook—one other sentence:

> In the closely related minimally conscious state the patient may make intermittent rudimentary vocal or motor responses.

I would simply ask, maybe she is not in this vegetative state and she is in this minimally conscious state, in which case the diagnosis upon which this whole case has been based would be incorrect.

Fifteen neurologists have signed affidavits that Terri should have additional testing by unbiased, independent neurologists. I am told that Terri never had an MRI or a PET scan of her head, and that disturbs me only because it suggests she hasn't been fully evaluated by today's standards. You don't have to have an MRI or PET scan to make a diagnosis of persistent vegetative state, but if you are going to allow somebody to die, starve them to death, I would think you would want to complete a neurological exam. She has not had an MRI or a PET scan, which suggests she has not had a full neurological exam.

I should also note that the court sided with the testimony of Dr. Ronald Cranford, who is an outspoken advocate of physician-assisted suicide.

A 1996 British Medical Journal study conducted in England's Royal Hospital for Neurodisability concluded there was a 43 percent error rate in the diagnosis of PVS. It takes a lot of time, as I mentioned earlier, to make this diagnosis with a very high error rate. If you are going to be causing somebody to die with purposeful action, like withdrawal of the feeding tube, you are not going to want to make a mistake in terms of the diagnosis.

I mentioned that Terri's brother told me Terri laughs, smiles, and tries to speak. That doesn't sound like a women in a persistent vegetative state. So the Senate has acted tonight and the House of Representatives acted last night. The approaches are different, and over the course of tonight and tomorrow, I hope we can resolve those differences. It is clear to me that Congress has a responsibility, since other aspects of government at the State level had failed to address this issue, that we do have a responsibility given the uncertainties that I have outlined over the last few minutes.

Remember, she has family members—her parents and brother—who say they love her, they will take care of her, they will be responsible for her, and they will support her. There seems to be insufficient information to conclude that Terry Schiavo is in a persistent vegetative state. Securing the facts, I believe, is the first and proper step at this juncture. Whoever spends time making the diagnosis with Terri needs to spend enough time to make an appropriate diagnosis.

At this juncture, I don't see any justification in removing hydration and nutrition. Prudence and caution and respect for the dignity of life must be the undergirding principles in this case.

I will close with an e-mail a friend sent me once they saw that we in this body were involved in this case. It reads:

> I know you are dealing with so many major issues, but I believe this one threatens to send us down another shameful path we may never recover from.
>
> I don't think I ever had an occasion to tell you that I have a severely brain damaged adult daughter that I cared for in my home for 20 years. Sasha's functioning level is far below Terri's, but she has been such a blessing in my life. Dietrich Bonhoffer said, ''Not only do the weak need the strong, but the strong need the weak.'' It's hard to explain that in a day and age where physical perfection is so highly valued, but I know it to be true.
>
> Senator Frist, as you fight this battle today, hold fast. If ever the weak needed a champion, it is now.
>
> on behalf of my sweet Sasha . . .

Then the e-mail is signed.

I close tonight with those powerful words.

ORDERS FOR MONDAY, MARCH 21, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Monday, March 21; I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate begin a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. On Monday, the Senate will convene for a short period of morning business. There will be no rollcall votes, although we hope to finish our business with respect to the legislation relating to my comments on the Theresa Marie Shiavo case.

I want to take this opportunity to thank Chairman GREGG and Senator CONRAD for the tremendous, outstanding work on the budget resolution this week. Today alone, we conducted 25 votes to complete this resolution. Although it was not a record in terms of votes in 1 day, I would guess that we broke the land speed record as to the greatest number of votes in the shortest timeframe. We started voting at 1:17 and finished our last vote just after 10 p.m. It is ironic, but last night, I believe, on the floor in the evening we predicted—and it is rare to predict—that we would finish sometime around 10 p.m. tonight, and indeed we may have missed it by a couple of minutes.

I thank all of our colleagues for their patience and endurance. I hope we finish our work on the Schiavo issue early next week and, if so, we will begin the Easter break.

ADJOURNMENT UNTIL MONDAY, MARCH 21, 2005 AT 4 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:48 p.m., adjourned until Monday, March 21, 2005, at 4 p.m.

NOMINATIONS

Executive nominations received by the Senate March 17, 2005:

DEPARTMENT OF TRANSPORTATION

JOSEPH H. BOARDMAN, OF NEW YORK, TO BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION, VICE ALLAN RUTTER, RESIGNED.

DEPARTMENT OF STATE

JOHN ROBERT BOLTON, OF MARYLAND, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

JOHN ROBERT BOLTON, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN L. JOHNSON, OF MARYLAND, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE MICHAEL O. LEAVITT.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN D. NEGROPONTE, OF NEW YORK, TO BE DIRECTOR OF NATIONAL INTELLIGENCE. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ROBERT B. ROTTSCHAFER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTINE A. LIDDLE, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CECIL D. ALLEN, 0000
LAWRENCE J. ASHLEY, 0000
WAYNE E. KOWAL, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

THOMAS E. BERON, 0000
ANDREW R. BRADBURY, 0000
KENNETH J. VEGA, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRAD K. BLACKNER, 0000
KEVIN M. CIEPLY, 0000
WILLARD G. FINCH, 0000
MORRIS E. NELSON, 0000
MARVIN A. ZERR, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MICHAEL J. BOUCHARD, 0000
PHILIP E. DYER, 0000
CAROL A. EGGERT, 0000
JOHN T. GERESKI, JR, 0000
DEBRA A. ROSE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSORS AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be lieutenant colonel

GREGORY L. DANIELS, 0000
MICHAEL D. PHILLIPS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

CINDY W. BALTRUN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

RICHARD L. URSONE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

THANH MINH DO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be major

LORINE LAGATTA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be major

GARY ZEITZ, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

AMY V. DUNNING, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID J. WILSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL AKSELRUD, 0000

THE FOLLOWING NAMED OFFICERS FOR ORIGINAL REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be captain

CHARLES R. BAUGHN, 0000
CHRISTOPHER F. BERGERON, 0000
ROBERT BOYERO, 0000
KEITH D. BURGESS, 0000
RICHARD CANEDO, 0000
CHRISTOPHER J. COX, 0000
DOUGLAS R. CUNNINGHAM, 0000
CHRISTOPHER A. DAVIS, 0000
MORRIS A. DESIMONE III, 0000
DANIEL E. DESMIT, 0000
JOHN DIGIOVANNI, 0000
MICHAEL D. DODSON, 0000
JAMES S. DUCKER, 0000
MICHAEL W. DUNCAN, 0000
CHRISTOPHER S. EICHNER, 0000
RICHARD D. EKBORG, 0000
JOSE A. FALCHE, 0000
CHRISTOPHER L. FIELDS, 0000
PEDRO B. GOMEZ, 0000
MICHAEL A. GRAHAM, 0000
GERALD D. HABIGER, 0000
KYLE B. HANNER, 0000
JULIE C. HENDRIX, 0000
MARK L. HOBIN, 0000
BRANDEE G. HOLBROOK, 0000
JOHN L. HYATT, JR., 0000
DONALD A. JOHNSON, 0000
TROY A. KACZMARSKI, 0000
DANIEL C. KOCH, 0000
THOMAS J. LIPPERT, 0000
JUNIOR L. LOGAN, 0000
ROBERT M. MANNING, 0000
LUIS A. MARIN, 0000
LARRY MIYAMOTO, 0000
CHRISTOPHER N. NORRIS, 0000
TERRY G. NORRIS, 0000
RICHARD P. OWENS, 0000
PAUL E. QUICKENTON, 0000
DONALD E. REID, JR., 0000
JAMES R. REUSSE, JR., 0000
JAMES C. ROSE, 0000
RONALD J. ROSTEK, JR., 0000
MARK S. ROY, 0000
SHANNON W. SIMS, 0000
SAMUEL W SPENCER III, 0000
BRIAN J SPOONER, 0000
BRYAN S TEET, 0000
JAMES R TOWNEY, 0000
WILLIAM C TRAQUAIR, 0000
BRIAN L WHITE, 0000
TIMOTHY P WOODRING, 0000
PHILLIP J WOODWARD, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate March 17, 2005:

DEPARTMENT OF STATE

DAVID B. BALTON, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR OCEANS AND FISHERIES.

JOSEPH R. DETRANI, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR THE SIX PARTY TALKS.

JOHN THOMAS SCHIEFFER, OF TEXAS, TO BE AMBASSADOR TO JAPAN.

R. NICHOLAS BURNS, OF MASSACHUSETTS, TO BE AN UNDER SECRETARY OF STATE (POLITICAL AFFAIRS).

C. DAVID WELCH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS).

CHRISTOPHER R. HILL, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF STATE (EAST ASIAN AND PACIFIC AFFAIRS).

RUDOLPH E. BOSCHWITZ, OF MINNESOTA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE HUMAN RIGHTS COMMISSION OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

DEPARTMENT OF ENERGY

JEFFREY CLAY SELL, OF TEXAS, TO BE DEPUTY SECRETARY OF ENERGY.

NATIONAL SECURITY EDUCATION BOARD

GEORGE M. DENNISON, OF MONTANA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

JAMES WILLIAM CARR, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

KIRON KANINA SKINNER, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF THE TREASURY

HAROLD DAMELIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CLAUDE R. KEHLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL ROBERT R. ALLARDICE
COLONEL C. D. ALSTON
COLONEL THOMAS K. ANDERSEN
COLONEL BROOKS L. BASH
COLONEL MICHAEL J. BASLA
COLONEL FRANCIS M. BRUNO
COLONEL HERBERT J. CARLISLE
COLONEL GARY S. CONNOR
COLONEL CHARLES R. DAVIS
COLONEL DANIEL R. DINKINS, JR.
COLONEL GREGORY A. FEEST
COLONEL FRANK GORENC
COLONEL BLAIR E. HANSEN
COLONEL MARY K. HERTOG
COLONEL JIMMIE C. JACKSON, JR.
COLONEL FRANK J. KISNER
COLONEL JAMES M. KOWALSKI
COLONEL DONALD LUSTIG
COLONEL CHRISTOPHER D. MILLER
COLONEL HAROLD W. MOULTON II
COLONEL JOSEPH F. MUDD, JR.
COLONEL MARK H. OWEN
COLONEL ELLEN M. PAWLIKOWSKI
COLONEL ROBIN RAND
COLONEL JOSEPH M. REHEISER
COLONEL JOSEPH REYNES, JR.
COLONEL ALBERT F. RIGGLE
COLONEL PAUL G. SCHAFER
COLONEL STEPHEN D. SCHMIDT

COLONEL MARK S. SOLO
COLONEL JANET A. THERIANOS
COLONEL ROBERT YATES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JAMES J. DOUGHERTY III
COL. PATRICIA C. LEWIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STANLEY E. GREEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CHARLES K. EBNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JAMES O. BARCLAY III
COL. ARTHUR M. BARTELL
COL. DONALD M. CAMPBELL, JR.
COL. DENNIS E. ROGERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL BYRON S. BAGBY
BRIGADIER GENERAL VINCENT E. BOLES
BRIGADIER GENERAL THOMAS P. BOSTICK
BRIGADIER GENERAL HOWARD B. BROMBERG
BRIGADIER GENERAL SEAN J. BYRNE
BRIGADIER GENERAL CHARLES A. CARTWRIGHT
BRIGADIER GENERAL THOMAS R. CSRNKO
BRIGADIER GENERAL JOHN DEFREITAS III
BRIGADIER GENERAL ROBERT E. DURBIN
BRIGADIER GENERAL DAVID A. FASTABEND
BRIGADIER GENERAL CHARLES W. FLETCHER, JR.
BRIGADIER GENERAL DANIEL A. HAHN
BRIGADIER GENERAL RHETT A. HERNANDEZ
BRIGADIER GENERAL MARK P. HERTLING
BRIGADIER GENERAL CHARLES H. JACOBY, JR.
BRIGADIER GENERAL JEROME JOHNSON
BRIGADIER GENERAL GARY M. JONES
BRIGADIER GENERAL WILLIAM M. LENAERS
BRIGADIER GENERAL DOUGLAS E. LUTE
BRIGADIER GENERAL BENJAMIN R. MIXON
BRIGADIER GENERAL JAMES R. MYLES
BRIGADIER GENERAL ROGER A. NADEAU
BRIGADIER GENERAL DAVID M. RODRIGUEZ
BRIGADIER GENERAL RICHARD J. ROWE, JR.
BRIGADIER GENERAL JEFFREY J. SCHLOESSER
BRIGADIER GENERAL JEFFREY A. SORENSON
BRIGADIER GENERAL ABRAHAM J. TURNER
BRIGADIER GENERAL ROBERT M. WILLIAMS
BRIGADIER GENERAL RICHARD P. ZAHNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DONALD L. JACKA, JR.

To be brigadier general

COL. JERRY D. LA CRUZ, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. EVAN M. CHANIK, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. BARRY M. COSTELLO

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ARLENE D. ADAMS AND ENDING WITH ROBERT G. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH ERIK L. ABRAMES AND ENDING WITH DUOJIA XU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2005.

AIR FORCE NOMINATION OF STEVEN F. RECK TO BE COLONEL.

AIR FORCE NOMINATION OF MARK D. MILLER TO BE COLONEL.

AIR FORCE NOMINATION OF NANCY B. GRANE TO BE COLONEL.

AIR FORCE NOMINATION OF JACK M. DAVIS TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH RAMON MORALES AND ENDING WITH FRANK M. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD E. ANDO, JR. AND ENDING WITH KENNETH S. PAPIER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH STEPHEN H. GREGG AND ENDING WITH ROBERT L. SHAW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN P. ALBRIGHT AND ENDING WITH LOUIS B. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH LESTER H. BAKOS AND ENDING WITH GREGORY G. MOVSESIAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH CHARLES M. BOLIN AND ENDING WITH JAMES A. WITHERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH BRUCE STEUART AMBROSE AND ENDING WITH PATRICIA L. WILDERMUTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH KAREN A. BALDI AND ENDING WITH PAUL E. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH VICKIE Z. BECKWITH AND ENDING WITH GAYLE SEIFULLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH PAUL N. AUSTIN AND ENDING WITH FLORENCE A. VALLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH EDMUND O. ANDERSON AND ENDING WITH SCOTT A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATION OF KENNETH M. FRANCIS TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF VITO MANENTE TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF JEFFREY H. WILSON TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID C. ABRUZZI AND ENDING WITH MICHAEL J. ZUBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH STEVEN G. ALLRED AND ENDING WITH JOHN R. WROCKLOFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH TRAVIS R. ADAMS AND ENDING WITH WENDY J. WYSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTOPHER N. AASEN AND ENDING WITH RONALD J. ZWICKEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH PETER W. AUBREY AND ENDING WITH JEFFREY K. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH MICHAEL J. ARINELLO AND ENDING WITH JAMES E. WHALEY III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH DONNA A. ALBERTO AND ENDING WITH DOUGLAS A. WILD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH RONALD P. ALBERTO AND ENDING WITH X2800, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATION OF GERALD L. DUNLAP TO BE COLONEL.

ARMY NOMINATION OF ROBERT D. SAXON TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH RICHARD R. GUZZETTA AND ENDING WITH ROBERT J. JOHNSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2005.

ARMY NOMINATIONS BEGINNING WITH JAMES R. HAJDUK AND ENDING WITH FRITZ W. KIRKLIGHTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2005.

ARMY NOMINATIONS BEGINNING WITH BRIAN E. BACA AND ENDING WITH ANTHONY E. BAKER, SR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2005.

ARMY NOMINATION OF WILLIAM T. MONACCI TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BRIAN J. TENNEY AND ENDING WITH KAREN T. WELDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2005.

ARMY NOMINATIONS BEGINNING WITH DAVID J. BRICKER AND ENDING WITH WAYNE A. STELTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2005.

ARMY NOMINATIONS BEGINNING WITH LARRY N. BARBER AND ENDING WITH DAVID D. WORCESTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2005.

ARMY NOMINATIONS BEGINNING WITH HAYS L. ARNOLD AND ENDING WITH WILLIAM C. OTTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2005.

ARMY NOMINATION OF JOHN P. GUERREIRO TO BE MAJOR.

ARMY NOMINATION OF EVELYN I. RODRIGUEZ TO BE MAJOR.

ARMY NOMINATION OF DEMETRES WILLIAM TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH KENNETH A. BEARD AND ENDING WITH KAREN E. SEMERARO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

ARMY NOMINATIONS BEGINNING WITH STANLEY P. ALLEN AND ENDING WITH HENRY J. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT S. ABBOTT AND ENDING WITH RONALD M. ZICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH CARLTON W. ADAMS AND ENDING WITH WAYNE R. ZUBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH KEITH R. ANDERSON AND ENDING WITH GARY K. WORTHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH MICHAEL S. DRIGGERS AND ENDING WITH ROBERT R. SOMMERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH DONALD R. BENNETT AND ENDING WITH GEORGE B. YOUNGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2005.

NAVY NOMINATION OF MATTHEW S. GILCHRIST TO BE LIEUTENANT.

EXTENSIONS OF REMARKS

HONORING THE CONTRIBUTIONS OF ATASCOSA COUNTY JUDGE DIANA BAUTISTA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the many contributions of Judge Diana Bautista.

Judge Bautista works day after day for the betterment of the 40,000 members of Atascosa County in Texas. It is because of people like her that the legislation we do on this very floor is able to run the country so efficiently. Through her post as Judge of Atascosa County, Diana Bautista works for the betterment of the people in the community that she so vigorously serves.

Judge Bautista's service did not begin with her current position as a county judge; she has held other public service positions in law enforcement. She has been an official of the Pleasanton Police Department and the Atascosa County Sheriff's Office where she ensured the safety of the general public. It was during her tenure with public service offices such as these that she gained the necessary experience to understand what the people of Atascosa County need.

In 2002, she was elected to her post as the Atascosa County Judge, and has served there ever since. Judge Bautista always puts the people of Atascosa County first in whatever she does. She serves on numerous committees throughout the area to make sure her constituents are getting all the necessary tools from the local government they need.

Mr. Speaker, I am proud to have this opportunity to recognize the contributions of Atascosa County Judge Diana Bautista.

IN HONOR OF ALBERT O'NEILL JR.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to Albert O'Neill Jr. upon his nomination as a Jefferson Award finalist. Mr. O'Neill Jr. is a patient care volunteer with Delaware Hospice and a member of the Delaware Lions Foundation. Mr. O'Neill Jr. is instrumental in collecting donated items and distributing them throughout the world to persons in need.

Since 1998, Mr. O'Neill has donated over 15,000 pairs of shoes and over 1.2 million pounds of donated items. Mr. O'Neill's efforts have meant that thousands of needy people have not gone without.

Mr. Speaker, I commend and congratulate Mr. O'Neill Jr. upon his nomination as a finalist for the Jefferson Award. Mr. O'Neill's selflessness serves as an example to us all.

A TRIBUTE TO JANICE Y. JONES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Janice Y. Jones in recognition of her strong commitment to her family and dedication to educating our children.

Janice Y. Jones was born in the Bedford-Stuyvesant neighborhood of Brooklyn, New York to James and Clara Jones. At the age of five the family moved to East New York, where Janice attended local public schools, P.S. 159, I.S. 218 and Franklin Lane High School. Janice won a scholarship to Connecticut College. After a year at Connecticut, she returned home to help her mother care for her three younger brothers due to the death of her father.

Janice went back to Lane where she was hired as an Educational Assistant. She went through the Career Training Program and obtained her degree from York College and her Teaching License.

During her tenure at Lane, she worked closely with the activities director, the guidance department and was one of the coaches for the cheerleading squad. She accompanied her mother to numerous community and school meetings as well.

Although Lane did not have a teaching position for Janice, Transit Tech High School hired her as a Special Education Teacher. After one year of teaching, Janice became the Coordinator of Student Activities at Transit Tech. The title included many duties such as the leadership program for students, senior activities, the Transit Tech Volunteer Program, SkillsUSA (VICA), and a parent and community liaison.

She worked closely with and underwent training by the Anti-Defamation League, the National Conference of Community, the Department of Justice, and the Department of Education Conflict Resolution and Negotiation Team where she now is a trainer herself. Janice has served on the Board of Trustees for New York City VICA and as the Vice Chairperson of the New York State VICA Board of Trustees.

Janice is very devoted to her students and tries to encourage them to reach for greatness and realize their potential. When time allows, she is also an active volunteer in the community.

Mr. Speaker, Janice Y. Jones has dedicated herself to her community and to educating our children. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

CONGRATULATING THE FRIENDLY SONS OF ST. PATRICK OF LACKAWANNA COUNTY ON THEIR 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to a group of men from the past and present who are part of a proud tradition in Northeastern Pennsylvania. The Friendly Sons of St. Patrick of Lackawanna County will celebrate its 100th anniversary on St. Patrick's Day, March 17, 2005.

The Friendly Sons of St. Patrick is a group of men who gets together each year on St. Patrick's Day to partake in dinner and camaraderie in a celebration of the Irish-American experience. The Friendly Sons dinners are a tradition in Lackawanna County that have grown considerably since the first one in 1906—from about 80 men in 1906 to 1,200 this year. This year's dinner was sold out months in advance.

The Friendly Sons had its beginning as the Irish-American Society of Lackawanna County, formed by Judge Edward F. Blewitt, former Scranton Diocese Bishop M.J. Hoban, Col. F.J. Fitzsimmons and Scranton Times publisher E.J. Lynett. The organization wanted a more formal way to mark St. Patrick's Day than with the parades in downtown Scranton.

The Lackawanna County group called itself the Irish-American Society until 1940. Members felt that a hyphenated name was no longer appropriate. World War II was just beginning and the organization wanted to have people united as Americans, not identified because of their descent.

For the first few years, the dinner took place at the old Hotel Jermyn. It moved to the former Hotel Casey in 1911, where it remained for 60 years. As time went on, the Friendly Sons had to find another venue because the Hotel Casey could not accommodate the expanding guest list. Some attendees were even forced to sit in the hotel coffee shop or in the nearby Preno's Restaurant and watch the evening's festivities on tiny television monitors.

Eventually, the dinner moved again—this time to St. Mary's Center and then in 1984 to Genetti Manor in Dickson City, where it has been held since.

The dinner has earned quite a reputation for hosting one notable speaker after another. Typically, the organization tries to have two main speakers—a lay person and a member of the clergy. The list of prominent names dates back to the dinner's 1909 speaker, John Mitchell, revered labor leader and international president of United Mineworkers of America.

President Harry S. Truman spoke at the dinner twice—in 1943 and 1956. In 1943, he was

a little-known senator from Missouri who spoke about foreign policy during the Cold War. When he came back to the Friendly Sons dinner in 1956, he had served two terms as president.

Perhaps the most notable speaker came in 1964. The Friendly Sons dinner was the first public appearance made by then-U.S. attorney general Robert F. Kennedy following the assassination of his brother, President John F. Kennedy. In September of that year, Robert Kennedy resigned to run for the U.S. Senate in New York. A column written 10 years later by one of his aides stated that Mr. Kennedy made his decision to remain in public service because of the amazing support and outpouring of affection shown to him in Scranton as 2,000 people lined the streets to greet him.

Many politicians have spoken at the Friendly Sons dinner. Beginning with John K. Tener in 1911 and including our current governor, Ed Rendell, in 2003, almost all Pennsylvania governors have attended the dinner, including Lackawanna County residents William W. Scranton and the late Robert P. Casey, who himself was a member of the Friendly Sons.

My good friend former U.S. Rep. Joseph McDade, also a Friendly Sons member, spoke in 1986. U.S. senators, including Eugene McCarthy, Henry ''Scoop'' Jackson, John Glenn, and Delaware's JOSEPH BIDEN—a native of Scranton—have spoken at the dinner.

Guests from abroad have also graced the stage, including former Irish Prime Ministers Garret FitzGerald and Albert Reynolds, Sinn Fein leader Gerry Adams and British Parliament member Martin McGuiness.

The Friendly Sons organization has about 900 members and elects officers each year. The president has the intimidating job of organizing the dinner and arranging for the speaker.

This year's president is Dr. Joseph T. Kelly Sr. and the speaker is Alex Maskey, the first Catholic mayor of Belfast, Northern Ireland.

Mr. Speaker, please join me and my fellow colleagues in the House of Representatives in congratulating the Friendly Sons of St. Patrick of Lackawanna County, an organization steeped in rich traditions, as they celebrate their 100th anniversary.

RECOGNIZING THE WE THE PEOPLE CIVICS TEAM FROM FREMONT, CALIFORNIA'S IRVINGTON HIGH SCHOOL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. STARK. Mr. Speaker, I rise to congratulate the 2005 ''We the People: The Citizen and the Constitution'' class of Fremont, California's Irvington High School in my district for winning the state championship in January.

The We the People competition is an educational program administered by the Center for Civic Education of Los Angeles and funded by the U.S. Department of Education. The main focus of the program is to commemorate the framing and adoption of the Constitution and the Bill of Rights and to revitalize educational programs on the Constitution in our Nation's schools. It provides a course of instruction on the basic principles of our Nation's constitutional democracy and the history of the Constitution and the Bill of Rights. Participants then enter into competitive simulated congressional hearings following the course of study.

Students who wish to participate in the program must go through an interview process the year prior to the start of the class. The applicants must answer questions similar to the ones they will be asked during competition.

Accepted applicants learn and familiarize themselves with current event topics along with curriculum taught in the class. There are six different areas that are taught in the course and each participant must become an expert in each and every area.

The participants prepare for several months before testifying to a panel made up of judges representing the community. The judges ask detailed follow-up questions regarding the presentation, which require the students to think quickly and provide spontaneous answers. They compete first at two competitions at the local level before going to the state championships. Those who win at the state level go on to compete nationally.

In January, students from ten schools representing various areas of California came to Sacramento to compete in the state We the People championship. I am proud to say that the Irvington High School team, coached by their teacher Mrs. Cook-Kallio, won the competition and will be representing California during the national finals, which will be held from April 30th through May 3rd here, in Washington, DC.

The victory reflects the hard work and dedication these students put together after about nine months of preparation. The Irvington team spent countless hours in and out of class getting ready for the competition. Most groups stayed past 10 p.m. on some nights to take part in practice sessions where their teacher, Mrs. Cook-Kallio, along with other teachers and alumni of Irvington High School, drilled them on their subjects to try and simulate the environment of the competition.

I applaud the We the People class, Mrs. Cook-Kallio, and Irvington High School in reaching the national finals and am honored to have them represent the state of California at the national level. I join with other admirers and members in the community of Fremont in wishing the team luck. I hope to be giving another congratulatory speech once they become National champions.

HONORING THE CONTRIBUTIONS OF BEXAR COUNTY CONSTABLE ROBERT ''MIKE'' BLOUNT

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Constable Robert Blount in my congressional district, for his exceptional career in law enforcement.

Robert Blount was elected as Constable of Precinct Four in January 2005, but has been actively serving his community for the last sixteen years. He believes in establishing a solid law enforcement agency that is committed to the needs of the community, and has devoted his department to serve the public through honesty and integrity .

Constable Blount is an excellent example of an elected official who understands the needs of his community. The mission for his department is to promote safety in the community by enforcing court orders, supporting early intervention activities, and to work together with neighboring law enforcement agencies.

Constable Blount is a man who believes in the value of community involvement and intervention. Currently he is focusing his department on lowering truancy levels and high school dropout rates, reducing neighborhood crime, and maintaining clear communication within the people in his community.

Mr. Speaker, I am proud to honor Bexar County Constable Robert ''Mike'' Blount for his dedication and service to the community.

IN HONOR OF AUDREY HOPE-MILTON

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CASTLE. Mr. Speaker it is with great pleasure that I rise today to honor and pay tribute to Audrey Hope-Milton upon her nomination as a Jefferson Award finalist. Ms. Hope-Milton is a volunteer to the Stop the Violence Coalition, as the program administrator for the Playstation Too Mentoring Program. Ms. Hope-Milton is predominately concerned with the health, welfare and safety of young people and takes great care to make sure that they are not overlooked or forgotten.

Ms. Hope-Milton's passion for volunteer work comes from a religious family legacy of working with today's youth. Ms. Hope-Milton's success is a result of her giving back what was given to her. Ms. Hope-Milton's tireless efforts to help young people have touched the lives of many in our community.

Mr. Speaker, I commend and congratulate Ms. Hope-Milton upon her nomination as a finalist for the Jefferson Award. Ms. Hope-Milton's selflessness serves as an example to us all.

DEATH OF AGENT DAVID WILHELM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to express my condolences to the family, friends, and colleagues of Immigration and Customs Enforcement Agent David Wilhelm who was killed by a gunman in Atlanta, Georgia this past weekend. I join Agent

Wilhelm's family, including the law enforcement community in America, in mourning the tragic loss of Agent Wilhelm.

Mr. Wilhelm dedicated his 18-year career in law enforcement to protecting America. He was one of the many men and women who put their lives on the line every single day, no matter what the danger. He was one of the good guys who helped to make America safer by putting away the bad guys. His specialty was investigating financial crimes, narcotics smuggling, and human smuggling.

Agent Wilhelm's service was distinguished. He was awarded the 2001 Blue Eagle Award for his work on a narcotics investigation—Operation Prospero. Mr. Wilhelm received the award because he went far beyond the call of duty. Indeed, he was the sole recipient of the award in 2001.

Agent Wilhelm's service will not be forgotten. His service will be remembered every day as our law enforcement officers continue his work, carrying on the mission Agent Wilhelm loved so much and did so well.

I would also like to extend my sincere sympathies to the families of Superior Court Judge Rowland Barnes, Julie Brandau, and Hoyt Teasley, who were killed at the Fulton County Courthouse. Our hearts go out to their families and loved ones as well. Their lives will be remembered in the work we do here in Congress.

CHINA'S ANTI-SECESSION LAW

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. ACKERMAN. Mr. Speaker, late last year, the Standing Committee of the Chinese National People's Congress took a very destabilizing action when it voted to submit an "Anti-Secession Law" to the full Congress, which convened on March 5. That Anti-Secession Law was subsequently adopted by the full Congress and is now Chinese law.

There can be absolutely no doubt about the intent of this law, which is to create the legal justification for a military attack against Taiwan.

The law spells out a range of activities which, if taken by the Taiwanese people and their democratically elected leaders, would legally constitute secession to the Chinese. Many of these activities, such as Constitutional reform and popular referenda, are the mainstay of any democracy. Yet the Chinese would use them as an excuse for a military attack on the 21 million people on Taiwan.

The United States fully understands Taiwan is in a very difficult bind. It is a flourishing democracy, one of the most vibrant in Asia, with freedoms of speech, the press and assembly and intensely competitive free political parties. Yet it is claimed as a sovereign territory by the People's Republic of China, which is not a democracy and has no freedom of the press, speech or assembly. And this neighbor now threatens to annex Taiwan by force.

Under the terms of the Taiwan Relations Act, which is the legal bedrock of our policy, the United States insists that the future of Taiwan must be determined by peaceful means. And we have stated that no actions should be taken by either Taiwan or the People's Republic of China, that endanger the peace and stability that now exists across the Taiwan Strait.

Mr. Speaker, during the past year, the Bush Administration cautioned Taiwan about actions which might appear to challenge this status quo. Now the PRC, through this provocative legislation, is challenging the status quo in a very big way. The State Department said this legislation is highly unhelpful. I strongly agree with this position and register my strong opposition to the enactment of the Anti-Secession Law.

IN HONOR OF JENNIFER CROUSE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to Jennifer Crouse upon her nomination as a Jefferson Award finalist. Ms. Crouse is the founder of Fun Packs. Fun Packs are for use by children patients at area hospitals to help young children through difficult times in their lives. In 200I, the program was expanded to include Care Packs, which were distributed to service people who were deployed through the Dover Air Force base. Ms. Crouse has volunteered within the community for more than 10 years, and has logged more than 3,200 volunteer hours.

Ms. Crouse's volunteer efforts have touched the lives of many in our community. Ms. Crouse is a deserving candidate for the Jefferson Award.

Mr. Speaker, I commend and congratulate Ms. Crouse upon her nomination as a finalist for the Jefferson Award. Ms. Crouse is truly worthy of this honor.

A TRIBUTE TO BEATRICE JACKSON-WALLS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Beatrice Jackson-Walls in recognition of her commitment to her church and her community.

Beatrice is a vivacious, effervescent Virginia Belle. A member of Cornerstone Baptist Church in Brooklyn for 57 years, she has dedicated her teenage and young adult life to serving in the Youth Fellowship, Young People's Choir and as a teacher in the Baptist Training Union, Junior Department.

Professionally, Beatrice serves Cornerstone Baptist Church as a skillful efficient Administrative Assistant and has had the honor and pleasure of working with three spiritual giants: the late Pastor Emeritus, Reverend Dr. Sandy F. Ray; the Reverend Dr. Harry S. Wright; and her present Pastor, the Reverend Lawrence E. Aker, III.

Artistically, Beatrice is a gifted soprano soloist in the Senior Choir and has performed in concerts throughout the New York Metropolitan area, including Carnegie Recital Hall and the prestigious St. Peters Church in Manhattan. A past Sunday School Teacher, she continues to utilize her educational and volunteer leadership skills as Secretary of the Board of Directors of the Cornerstone Day Care Center, Inc., Chair of Special Projects of the Capital Fund Raising Committee, President of the Senior Choir, Corresponding Secretary of the Brooklyn Ecumenical Choir of Bedford Stuyvesant, and Chairman of the Board of Directors of the Food Pantry. She also served on the Board of Directors of the American Lung Association of Brooklyn.

A product of the school systems in Virginia and Delaware, she pursued her education at New York Community College (now New York Technical College) in Brooklyn. She is the recipient of numerous religious, community and business awards and honors. Her hobbies include stained glass designing, traveling, serving, gardening, poetry and people.

God blessed her with 39 years of marriage to the late Deacon Joseph M. Walls. She is mother of two sons, Joseph Demetrius and Darryl Christopher and the grandmother of three of the most precious and special children, Jasmyne Marie, D. Christopher II, and Amara Aurellia.

Mr. Speaker, Beatrice Jackson-Walls has strengthened her community through her numerous volunteer efforts with her church. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING THE CONTRIBUTIONS OF HAYS COUNTY COMMISSIONER SUSIE CARTER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the many accomplishments of Hays County Commissioner Susie Carter.

Susie Carter is a proud lifelong citizen of Hays County. She and her husband, John, live on the same farm where Susie grew up. She earned degrees from Southwest Texas State University and the University of Texas at Austin, and returned to rural Hays County to serve her neighbors.

Susie has served Hays County in a variety of capacities: as a health professional, college instructor, character education consultant, and public servant. She was elected President of the Concerned Taxpayers of Hays County, and remains an advocate for taxpayer rights and fiscal responsibility.

As county commissioner, Susie has consistently worked to make Hays County a better place to live. She led the reconstruction of some of the county's worst roads, installed traffic signals to make intersections safer, passed resolutions to protect the local environment and water supply, and fought against illegal dumping. She has been an advocate for low taxes and budget discipline, and a watchdog for the rights of taxpaying citizens and

local government. Susie Carter has been a farsighted and effective advocate for her county.

Mr. Speaker, I am honored to have had this opportunity to recognize the many achievements of Hays County Commissioner Susie Carter.

CONGRATULATING MICHAEL PATRICK HINCHEY ON BEING NAMED MAN OF THE YEAR BY THE WILKES-BARRE FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Michael Patrick Hinchey, who will receive the Man of the Year Award from the Wilkes-Barre Friendly Sons of St. Patrick on St. Patrick's Day, March 17, 2005.

Mr. Hinchey, a native of Kingston, is the son of the late John H. Hinchey Jr. and Margaret Jennings Hinchey. He has three brothers: John III, Frank and Edward.

Michael had a distinguished professional career as vice president of the Matheson Transfer Company. He is also co-owner and vice president of the Matheson Warehouse Company, where he still serves in his official capacity along with his three brothers.

Michael is a member of St. Ignatius Church in Kingston, as well as the Church's Holy Name Society. He was a past president of the Friendly Sons of St. Patrick in 1984 and was dinner chairman in 1983. Michael is a founding Legacy Member of the Forty Fort Lions Club, an organization in which he served as president, vice president and secretary. He is a board member, golf chairman and building chairman of the Fox Hill Country Club and an active member of the Westmoreland Club as development chairman, historical committee chairman and golf club co-chairman. He is also a committee member of the Pennsylvania Movers Storage Association.

Michael is active in many service organizations, including the American Heart Association, American Red Cross, American Cancer Society, Boy Scouts, Keystone College, King's College, St. Vincent de Paul Kitchen, United Way, YMCA and Wilkes University.

Michael has been married to the former Sharon Cravatta for 28 years. He is the proud father of two beautiful daughters, Westyn Layne and Collyn Michael.

Michael was raised by two wonderful parents who instilled in him a love of family and devotion to community. Michael attributes his pride in his Irish heritage to his grandfather, who was a first generation immigrant.

Mr. Speaker, please join me in congratulating Michael Patrick Hinchey upon being named Man of the Year by the Wilkes-Barre Friendly Sons of St. Patrick.

CONSTRUCTIVE DEMOCRATIC DEVELOPMENT IN TURKEY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. HASTINGS of Florida. Mr. Speaker, we spend a great deal of time in this chamber speaking about democracy and how to ensure its continuance at home and how to instill it abroad. Encouragingly, one of our most important friends and allies, Turkey, has worked very hard over the past few years to deepen, strengthen and ensure democracy in that country.

Over the past several years Turkey has debated, in the fullness of an open legislature, measures covering human rights, foreign investment, governance, protection of minority interests, freedom of speech and association. A majority of the duly elected members of that body have voted in the affirmative to amend old laws and pass new ones. Many of these changes have been enshrined as permanent parts of Turkish law through amendments to its national constitution.

There are literally hundreds of changes but among the most important are abolition of the death penalty, ability to broadcast in minority languages, ability to be educated in minority languages and cementing civilian control over the military. While we still look forward to more improvements to their democratic infrastructure, Turkey's future looks promising.

Many of these reforms were driven by the demands of the European Union. But to be fair, and to give Turkey its due, irrespective of the reasons why there was a consideration of the need for reform, no reforms would have occurred without the political will of that nation's people and government to squarely face these issues, debate them and overturn, in some cases, policies that have been in existence since the 1923 founding of the Turkish Republic.

Last December 17th, the European Union extended the formal invitation to our friend and ally to begin discussions that will lead to eventual Turkish membership in the EU—the first predominantly Muslim nation to be so considered.

Muslim nations wrestling with the movement toward democracy. I hope all of my colleagues welcome and applaud Turkey's actions.

RECOGNIZING SANDY ALLMON ANDERSON AND HER INDUCTION INTO WOMEN IN AVIATION INTERNATIONAL PIONEER HALL OF FAME

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend Sandy Allmon Anderson, from Lewisville, located in the 26th Congressional District of Texas, for her contributions of women in the aviation field.

I congratulate Sandy Anderson for this outstanding achievement. Anderson helped pave the way for women in aviation. She was the first female pilot to check-out in the left seat and the captain's seat, of both the Boeing 727 and 747, first Northwest Airlines Boeing 727 female instructor and check airman, first female Fleet Check Captain among the major U.S. airlines, and the first and only female chief pilot that Northwest Airlines has ever had. Ms. Anderson is the senior female on every flight she takes and one of five females on the Boeing 747–400. She was the second female hired to Northwest Airlines some twenty-two years ago. As a fellow pilot, I recognize the dedication and continual commitment to education that flying demands.

Ms. Anderson was inducted into the Lewisville High School Hall of Fame in 2001 and honored as a Distinguished Alumni at Texas Woman's University in 1996. Sandy Anderson established and managed the first endowment fund as a founding board member representing the airline aviation industry for international organization. In the first seven years of the fund's existence, it has distributed more than $3 million in aviation scholarships.

Today, Anderson speaks at conferences and schools to spread the message of reaching for your dreams. She has an especially close connection with the young girls who have dreams of being in traditionally male occupations. Anderson believes that these girls need support along the way if they too are to accomplish their dreams.

I am proud of representing such a heroine. Sandy Anderson is an astonishing example of a determined person who would not settle and made her dreams a reality against the odds. She is a role model not only to women but also for everyone who has obstacles to overcome in reaching their goals.

INTRODUCTION OF LEGISLATION CONDEMNING RELIGIOUS PERSECUTION AND INTOLERANCE IN INDIA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CONYERS. Mr. Speaker, I rise today on behalf of Mr. PITTS and myself to introduce this Resolution to condemn the alleged statements and actions of complacency by the government authorities in Gujarat, led by Chief Minister Narendra Modi, in the face of the religious persecution of the Gujarati people.

In February of 2002, India experienced its greatest human rights crisis in a decade: orchestrated violence against Muslims in the state of Gujarat that claimed at least 2,000 lives in a matter of days. Three years after that horrific incident, Narendra Modi, the Chief Minister of Gujarat has been indicted by various Indian and International human rights organizations for lending his hand to the violence.

Mr. Modi himself has not been shy about proudly professing his anti-Christian, anti-Muslim, and anti-tribal stances. He has repeatedly dehumanized the Muslim population of his state by accusing them of treachery; he has actively sought to interfere in the practice of

the Christian faith in Gujarat, and he has caused wide-scale displacement of indigenous populations in the State in the face of stiff popular resistance. I find Mr. Modi's actions to be of the most reprehensible sort.

In an article in the Hindu Times on March 2, 2005, former Indian President K.R. Narayanan stated that "there was a 'conspiracy' between the BJP governments at the Centre and the state behind the 2002 Gujarat riots . . .". Further, a number of Indian human rights organizations, international human rights organizations, and a former Supreme Court Justice all recognize Chief Minister Modi's complicity in the violence.

He has attacked Muslims and Christians with vile venom, and according to both India's highest court and many international human rights groups, has condoned terrible, violent religious hate crimes, all the while, shielding those said to have committed them. In fact, in a scathing indictment of Mr. Modi, the Supreme Court of India referred to the Chief Minister and his government as "the modern day Neros". Moreover, in a recent unprecedented order, the Supreme Court of India ordered the reopening of all the criminal cases that Mr. Modi has closed, regarding over 2000 police cases in which the non-Hindu victims filed reports of rapes, killings, and destruction of their property.

Such actions by high ranking government officials of any religion are unacceptable and must not be tolerated.

I urge my colleagues to join me in condemning religious intolerance and promoting religious freedom, so that others may see what our great democracy stands for.

REMEMBERING THE LIFE OF FORMER U.S. REPRESENTATIVE WILLIAM LEHMAN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. HASTINGS of Florida. Mr. Speaker, today we mark the passing of William Lehman, retired Member of this august body and exemplary human being. Mr. Lehman was born in Selma, Alabama on October 5, 1913. His reputation for honesty was developed early in life when he moved to Miami and opened a used car business. Television viewers got to know "Alabama Bill" through his commercial advertising. Auto buyers in Dade County quickly realized that he always treated his customers fairly.

In the early 1960s, he began teaching English literature in Dade County public schools, where he was highly valued and greatly respected by his colleagues and his students. Building on his success as an educator, he was elected to the school board in 1966 and became its chairman in 1970.

In 1972, Bill ran for Congress in the newly created 13th District, winning easily. From then until his retirement in 1992, he was a tireless advocate for the citizens of northeast Dade County. He quickly rose to a position of prominence in the House of Representatives, becoming chairman of the Appropriations Committee's subcommittee that oversaw highways, seaports and mass transit systems. Public transit was always important to Bill Lehman, as he knew it was a lifeline to employment, grocery shopping, doctor visits and other necessary services for poor and working class citizens.

In addition to normal Congressional business, Mr. Lehman's career in the House of Representatives was noted for many remarkable deeds. Among those were his trips to Cuba and Argentina to secure the release of political prisoners and the brave venture of smuggling an artificial heart valve into the Soviet Union to save the life of a critically ill woman. Throughout his career in Congress, Bill Lehman was known as an "unbending liberal." This is one of many characteristics that endeared him to me. He was a friend of more than thirty years, a mentor and a very important role model. By his very nature, he was a constant source of inspiration and encouragement to people who work every day to make our world a better place.

Florida, America, and the world have lost a giant with the passing of William Lehman. To paraphrase another famous American political leader known for his honesty, Abraham Lincoln, the world will greatly note and long remember the life of Bill Lehman. May he rest in peace.

HONORING THE CONTRIBUTIONS OF WEBB COUNTY JUDGE LOUIS BRUNI

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to tell the Congress about a man who works constantly to ensure the people of Webb County Texas get the services they need from the local government. Judge Louis Bruni is and always has been committed to working for others; he is the ideal public servant.

The sixth-generation Laredoan has held multiple positions of service to the community from his first position in 1994 as a Laredo City Councilman up to his current position as the Webb County Judge. Every post Judge Louis Bruni has occupied he has pumped out results to the people he so faithfully serves. As Laredo City Councilman he played an influential role in securing funding for roads and recreational areas within his district and also was a driving force behind the construction of the city library.

In 2001 he was elected to serve as the Webb County Judge. It can be seen in this position that he currently holds how dear to his heart the people of Webb County are. He has efficiently allocated the resources of Webb County to better serve the populace in a countless number of ways. Take for instance his environmentally conscious idea of turning all carbon-based waste materials into electric power creating an extra energy source sufficient enough to power 800 additional houses. Not only is he a crusader for the proper usage of the environment, he also wants to ensure all his fellow members of Webb County get the first-class economy they deserve. His life in the public sphere should be a model for people who want to give all they can to their communities.

Mr. Speaker, Judge Bruni is not alone a public servant but also a father of two amazing children Fredick and Allison, and I am proud to that him for everything he had done for our community.

IN MEMORY OF JUNE RITCHIE CHAMBERS, M.D.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor the memory of a distinguished American, Dr. June Ritchie Chambers, who died on January 24, 2005, at the age of eighty.

June Ritchie was born in Parkersburg, West Virginia, and graduated from West Virginia University. She attended its School of Medicine before transferring to the Western Reserve University School of Medicine in Cleveland, Ohio. She completed residencies in Internal Medicine and Psychiatry at Charleston Area Medical Center Memorial Hospital, practicing Psychiatry at Shawnee Hills and working as an Internal Medicine specialist as well.

June Ritchie Chambers was married to her husband John T. "Jack" Chambers, also a Charleston physician, for 57 years. In 2002, together with their son and wife, John and Elaine Chambers, my constituents, they donated $1.5 million to their alma mater, West Virginia University, establishing a program to train students in electronic business techniques.

Mr. Speaker, I ask my colleagues to join me in extending our deep sympathy to the family of June Ritchie Chambers and to honor her lifetime of remarkable accomplishments and service to her community and her country.

HONORING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF MRS. MARGIT WORSHAM

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. JENKINS. Mr. Speaker, I rise today to pay tribute to Mrs. Margit Worsham, a resident of the First Congressional District of Tennessee. Mrs. Worsham is being recognized for her extraordinary efforts by the Tennessee General Assembly, and I would appreciate having the opportunity to recognize her efforts here in the United States House of Representatives as well.

Margit, along with her husband Earl, has been a tireless contributor to Sevier County, Tennessee. Through her efforts she has been directly involved and/or responsible for raising over $2,500,000 in benefits to aid those in need.

Margit has served as the Sevier County United Way Chairman, breaking fundraising

records during her tenure. She has also served in a variety of capacities within the community; serving as Board Chair of the Sevier County Arts Council, Board Member of the Gatlinburg Gateway Foundation, Board member of Leadership Sevier, member of the Gatlinburg First and Lasting Impressions Committee, Board Member of the Sevier County Bear & Boar Club, and the Sevier County Representative on the Nine Counties One Vision organization. On top of that, Margit has also served as an organizing member of Gatlinburg's Fourth of July Parade, Taste of Autumn event, Vision Conference, and the Leadership Sevier Graduation Event.

While those missions should be enough to keep Margit fully occupied, she also serves with several conservation groups working to protect the Great Smoky Mountains National Park and the Atlantic Salmon.

When asked to describe her personality, a fellow volunteer remarked that her enthusiasm, friendliness, positive attitude, and energy made her a natural leader. It was also noted that Margit never delegates a job she is not willing to do herself, and never asks for contributions until and unless she has done so herself.

Mr. Speaker, residents like Margit Worsham are the reason many local communities flourish. Margit, and thousands like her, contributes so much time and effort to ensure that important causes and important people continue to be assisted or protected. We should always recognize these valuable personal assets to our local communities, and I ask that the House join me in honoring this remarkable woman.

IN HONOR OF ROBERT BRANDT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to Robert Brandt upon his nomination as a Jefferson Award finalist. For nearly 19 years, Mr. Brandt has aided Delawareans confronting personal crisis. Mr. Brandt has logged over 8,000 hours of volunteer service and over 3,000 hours as a help line listener.

Mr. Brandt's tireless dedication to the well being of others is an inspiration to all Americans. Mr. Brandt has touched the lives of countless individuals as one of the organizations most committed rape crisis volunteers. He is a most worthy candidate for the Jefferson Award and a truly outstanding Delawarean.

Mr. Speaker, I commend and congratulate Mr. Ellison upon his nomination as a finalist for the Jefferson Award. Mr. Brandt's selflessness serves as an example to us all.

A TRIBUTE TO MAGGIE HARVEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Maggie Harvey who has committed herself strengthening her community and has had an accomplished thirty-year career in finance.

Maggie was born in Georgetown, Guyana. The second of two girls and two boys, she was born to Uric and Gwendoline Harris-Haynes. She was baptized in St. George Cathedral.

During her early years, she was dedicated as a soldier in the Salvation Army and worshiped at the Citadel Corp. She received her early education and professional training in Guyana and upon graduation, accepted the position of personal secretary to the Divisional Commander of the Salvation Army.

In 1970, she immigrated to the United States and married Ronald Harvey, who is also Guyanese. Maggie and Ronald have three daughters.

During her 30 years of employment with JP Morgan Chase & Co., she has worked in various departments of the bank. Presently, she is in the Legal Department, Corporate Compliance/Money Laundering and Foreign Assets Control.

In 1988, she was received into fellowship at Miracle Temple Ministries in Brooklyn (formerly Church of the First Born), where Bishop E. Stewart is the Pastor. She serves on the Bishop's Anniversary Committee and also has responsibility for the Church's weekly bulletin.

She is also a Home League Member of the Salvation Army Bedford Temple Corp. in Brooklyn. Members of the organization sew handmade blankets, lap throws, cosmetic bags for personal items and smocks, which are given to the homeless, sick and nursing home shut-ins. Maggie finds this work very rewarding, and takes a leading role in the organization as the Service Chairperson for the Home Leaguers. She looks forward to doing greater things through Christ, which strengthens her.

Mr. Speaker, Maggie Harvey has served her community while launching a successful career in the financial industry. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

CONGRATULATING JAMES CONLON JR. AS HE IS NAMED MAN OF THE YEAR BY THE GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to James Conlon Jr. as he receives the Man of the Year Award from the Greater Pittston Friendly Sons of St. Patrick on St. Patrick's Day, March 17, 2005.

Mr. Conlon is a lifelong resident of Inkerman. He is the son of the late James and Mary McAndrew Conlon. James graduated from Jenkins Township High School in 1944 and was drafted into the Army the following September. He served overseas with the Third Army, 90th Division, fighting in campaigns in Central Europe and Rhineland, Germany.

In 1956, James took a position with the Wilkes-Barre Record and worked there until 1978, when unionized workers went on strike and formed The Citizens' Voice newspaper. He was a member of the board of directors of The Citizens' Voice and was foreman of the plate department until he retired in 1989.

James has been a member of the Jenkins Township Volunteer Fire Department since 1948 and served as Fire Chief from 1970 through 1991. He also belonged to the Luzerne County Fire Chiefs Association and the Greater Pittston Mutual Aid.

James is a member of the Greater Pittston Friendly Sons of St. Patrick, Fox Hill Country Club, Knights of Columbus JFK Council #372 as Fourth Degree Knight, and a lifelong member of St. Mark's Church in Inkerman.

James and his wife, the former Jean McGarry, celebrated their 50th wedding anniversary last year. The couple has five children: James III, Mary Jo Pacchioni, William, Robert and Maureen Fetchko. They have seven grandchildren: Kathryn, James IV, Kelly, Mary Kate, William Jr., Michael and Megan.

Mr. Speaker, please join me in congratulating James Conlon Jr. upon being named Man of the Year by the Greater Pittston Friendly Sons of St. Patrick.

HONORING THE DEDICATION OF HARLANDALE INDEPENDENT SCHOOL DISTRICT BOARD MEMBER JOSHUA J. CERNA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the dedication of Harlandale Independent School District Board Member Joshua J. Cerna, of my Congressional District for a lifetime of distinguished public service.

Mr. Cerna is a San Antonio native and a graduate of Harlandale High School. He received a Bachelor's of Science Degree at Mississippi State University. Currently he is serving his community as an educator, contributing much of his time and efforts to educational matters.

Joshua Cerna was elected to District 1 Board of Trustees in 2002, and through his years of service he has held the position of the Board's Vice President, Secretary, and currently he serves as President. His active role in the District has led him to join various committees such as the Building Committee, Finance Committee, and for the past three years he has been the Chairman of the Curriculum Committee.

Mr. Cerna was one of the architects of the Bexar County School Board Coalition, which

brings together different School Board leaders to communicate ideas that will lead to a higher level of education for students, parents, and teachers. He also serves as a member of the TASB Legislative Advisory Council, and TASB School Board Advisory network.

Mr. Speaker, I am proud to have had this opportunity to thank Harlandale Independent School District Board President Joshua J. Cerna for all he has done in my community.

TRIBUTE TO DAWN STALEY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Dawn Staley, a three-time Olympic and World Championship gold medalist who is also the outstanding coach of the Temple University women's basketball team. The team, the Temple Women's Owls, just last week captured the Atlantic Ten Conference NCCA tournament championship. The Owls team has won a school record 27 games which includes the last 24 which represents the longest current winning streak for any Division I basketball team, men's or women's.

As a member of the 2004 U.S. Olympic team Ms. Staley was voted by other U.S. team Olympic captains to carry the flag and lead the U.S. delegation into the coliseum, in Athens, Greece. A fixture on U.S. basketball teams since the 1989 Junior World Championship, she competed in the old American Basketball League (ABL) from 1997–1999 where she was a two-time all ABL honoree. She is also just one of three University of Virginia Cavaliers to have their number retired. She twice was named National Player of the Year, during her junior and senior seasons at UVA.

Born in North Philadelphia, as a young girl Ms. Staley played basketball with the boys as a way of staying out of trouble. She attended Dobbins High School and the University of Virginia, where she was all-American. As a sports phenomenon she strives to be the role model that she says she was in search of as a child. In 1996 she created the Dawn Staley Foundation whose mission is to create a future of hope for at-risk youth by providing opportunities to help them realize their dreams and become productive and responsible citizens. Because of her efforts to give back to her community she was awarded the 1998 American Red Cross Spectrum Award and she also received the 1999 WNBA Entrepreneurial Spirit Award.

Dawn Staley is an outstanding athlete, coach and inspiration. She is a champion in the truest sense of the word.

RECOGNIZING TOM HARPOOL FOR HIS ENDLESS COMMUNITY SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend Tom Harpool, from Denton, Texas, in the heart of the 26th Congressional District of Texas, for his dedicated service to the community.

Tom Harpool makes helping his community a high priority in his life. He has spent so much of his time dedicated to assisting others in throughout the community. From education to banking, Tom Harpool has made a difference in our lives.

In 1954, Mr. Harpool began the first of six terms on the Denton Independent School District Board of Trustees serving as its board president from 1969 until 1973. Mr. Harpool has also been a part of the United Way of Denton County, Boy Scouts of America, 4–H Club and Saint Andrew Presbyterian Church for years. In addition, Mr. Harpool has served on the boards of a local bank and savings & loan before becoming a board member of the Upper Trinity River Authority.

In his own, Mr. Harpool has become a "Master Gardener" and enjoys sharing this hobby with the community through a gardening organization. He has been an active member of the Kiwanis Club for over 50 years and dutifully served on their board. Mr. Harpool has even dabbled in politics by being an active supporter of many candidates in both local and national races.

I am proud to represent Tom Harpool—a man who has given so much back to his community. Mr. Harpool's advice, council and support to the community, whether directly or indirectly, over the years, are certainly something for which to be thankful. I am grateful that can represent such wonderful citizens like Mr. Harpool.

TRIBUTE TO TEMPLE BETH JACOB ON THE OCCASION OF THE SEVENTY-FIFTH ANNIVERSARY OF ITS FOUNDING

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor Temple Beth Jacob as it celebrates the 75th anniversary of its founding. As the oldest congregation on the San Francisco Peninsula, Temple Beth Jacob stands as a testament to the long tradition of involvement of the Jewish community in the religious and public life in the Bay Area.

Founded in 1930, Temple Beth Jacob was the first Jewish religious institution created between the cities of San Francisco and San Jose. Its membership today is burgeoning with a vibrant congregation of more than 450 families from throughout the Peninsula to worship, to learn, and to strengthen both the Jewish community and the Bay Area community as a whole.

The congregation is led by Rabbi Nathaniel Ezray, who is now in his tenth year as the head of this congregation. Over the years, he's demonstrated a sincere commitment to translating the lessons of faith into actions that will benefit the community. In a 1995 interview, he said, "What's compelling for me is the social justice of Judaism. I want our congregation to respond together to domestic violence, AIDS, black-Jewish relations. My passion is teaching, but the pulpit allows me the opportunity to teach in many different ways and to create meaning and relevance." He lives with his wife, Mimi, and their daughter, Emily, and son, Ethan, in Redwood City.

In the decades before Rabbi Ezray began at the synagogue, Rabbi H. David Teitelbaum led the congregation at Temple Beth Jacob for 38 years. Under his leadership, the congregation grew from only 100 active families to its present size of nearly four times that number. A longtime advocate for civil rights, Rabbi Teitelbaum traveled to Selma, Alabama in the 1960's to march with Dr. Martin Luther King, Jr., believing that the history of persecution of the Jewish people creates in them a special obligation to protect the human rights of all. He continues to serve as a beacon for the community and his former congregation in his current role as Executive Director of the Board of Rabbis of Northern California.

Temple Beth Jacob has a long tradition of coordinating with other religious institutions in the Bay Area to provide vital services to the community at large. In addition to providing a school and a pre-school to the community, Temple Beth Jacob's efforts have helped to house the homeless through the Interfaith Homeless Network and feed the hungry through the Urban Ministry's "Breaking Bread" program. They are annual cosponsors of the Martin Luther King observance in Redwood City, and have hosted the event over the years. All told, Temple Beth Jacob is a model of dedicated community action.

Mr. Speaker, I'm proud to honor Temple Beth Jacob as it celebrates its 75th anniversary. After three quarters of a century, Temple Beth Jacob remains a source of pride for the Peninsula, and promises to be a center of our community for decades to come.

UNITED STATES AND RUSSIA ENERGY DIALOG

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. SESSIONS. Mr. Speaker, much attention has been paid to the recent conversations President Bush and President Putin have had about democracy. Less attention has been paid to their other discussions regarding market economics, supply and demand, and U.S. energy security.

Although there are varying ideas in American political discourse about the proper role of government, in the post-September 11th world there can be no disagreement that our government's main concern is security of American citizens. National security discussions usually focus on threats to public safety, but I would like to call attention to a less-noticed facet of American security: the importance of our energy security. One of the great strengths of our nation is our access to affordable, reliable energy. Safeguarding that energy security means ensuring that access to energy continues.

In earlier Administrations, energy policies concentrated on lowering the United States'

increasing dependence on imported oil. But the oil embargo of 1973 changed America's approach to energy policy. The focus shifted to reducing dependence on other countries to meet our energy needs and to minimizing the economic impact of future oil disruptions. The measures put in place (enhanced energy efficiency, increased industrial fuel switching capabilities, decreased use of oil for power generation, and others) altered America's use of energy by decoupling energy growth from GDP growth and decreasing our average energy intensity, important factors in making the U.S. less vulnerable to oil supply disruptions. Other measures such as developing strategic stocks (building and filling the strategic petroleum reserve, or SPR), developing international institutions to respond collectively to energy disruptions, and diversifying the sources of oil imported into the United States have brought more certainty and stability to the energy market. While energy security policies have not stopped oil disruptions (nor stopped the growth of oil imports which are at 58 percent of to day's consumption) they have enhanced our ability cope with disruptions while limiting economic and market impacts.

Diversifying the sources of energy refers to both fuel and geographic diversity, as well as work to develop other types of energy supplies. Increasingly, America is looking to imports of liquefied natural gas (LNG) to fill the supply gap with diverse, reliable, long-term supplies as United States demand increases, domestic supplies decrease and imports from Canada stabilize. The Bush Administration has identified liquefied natural gas (LNG) imports as one important way to decrease our overdependence on a small number of countries.

Russia plays an important role in both gas and oil markets, as the location of the world's largest gas reserves and the world's largest producer and exporter. In the international oil market, Russia is challenging Saudi Arabia as the largest crude oil producer. The Bush Administration recognized Russia's increased importance in energy markets, and launched an energy dialogue in May 2002 to enhance United States investment opportunities in Russia and to enhance Russian opportunities for energy trade with the United States.

Results under the Energy Dialogue have been mixed. American company investment opportunities in Russia have been dampened by recent events. Despite President Putin's attempts to mollify the international investment community by indicating that Russia is open to foreign investment, the Russian investment environment has deteriorated through actions undermining the rule of law and contract sanctity such as renationalizing oil assets and limiting bidding on strategic leases in oil, gas, and mining sectors. U.S.-Russian oil trade, however, has been stymied through lack of Russian infrastructure (a deepwater port that would make it economical to ship crude in large vessels to the U.S.) and pipeline decisions directing future crude oil shipments to the Far East. The more rational, economic choice of a pipeline to the Barents Sea in the north of Russia and the development of a deepwater port near Murmansk has been delayed despite backing by both Russian and American firms.

But there is positive news coming from the Russian gas market, which is dominated by Gazprom, of which the government owns 38 percent. Gazprom exports one third of its production to Europe via pipeline supplying about 25 percent of Europe's gas needs. Over the last two or three decades of service, there has been only one day of interruption in gas service due to a payment problem in Belarus. Gazprom now is seeking to expand and diversify its markets, through both expansion of its pipelines and entry into the LNG trade. Gazprom spoke at the U.S. LNG Summit in December 2003, and the U.S. held a workshop at Gazprom's headquarters in June 2004, again urging Gazprom to focus on the U.S. market. Gazprom President Alexsey Miller signed agreements last year with three U.S. multinationals to explore developing Russian gas and LNG facilities, and marketing the LNG to the U.S. In fact, Gazprom expects to enter the U.S. LNG market indirectly by 2006, and directly by 2010. After the summit meeting, the joint communiqúe from President Bush and President Putin referred to this issue, saying, "We are interested in increasing U.S. commercial investment in Russia, so as to create additional capacity for liquefied natural gas (LNG) in Russia, and also with the aim of increasing LNG exports to U.S. markets. We would welcome increased Russian oil exports to the world market and an increased presence of imports from Russia in the United States." That would be welcome news to the U.S. market.

The U.S. must remain engaged in the U.S.-Russia Energy Dialogue, despite recent adversities. We should not shrink from discussing these setbacks openly, frankly and seriously. But we need to support the May 2002 agreement to increase energy trade between the U.S. and Russia in both oil and gas, since it would enhance U.S. energy security through diversity of supply, while helping to stabilize Russia's economy and tie its interests to American success. Both countries will benefit from a long-term, stable trade in both oil and gas.

HONORING THE CONTRIBUTIONS OF LAREDO POLICE CHIEF AGUSTIN DOVALINA III

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important achievements of Laredo Police Chief Agustin Dovalina III in Laredo, TX in my Congressional District.

Agustin Dovalina III was named interim police chief for the City of Laredo Police Department in 1996, and was subsequently named as the LPD chief in 1997. He began his law enforcement career with the Laredo Police Department in 1978 as a patrolman and rose through the ranks of Laredo's finest. He has served prior posts as a Patrol Officer, Detective, Sergeant, Lieutenant, and Captain.

Under this administration, the police department has evolved into a thriving, highly successful, and professional organization with unprecedented personnel and equipment growth. He currently oversees a multi-million dollar departmental budget and over 500 employees, including over 400 full-time police officers. Recognized nationally, Chief Dovalina is a firm believer and staunch advocate of community-based policing philosophies as evidenced by the continued commitment of the Laredo Police Department to continually enhance its delivery of Community-Oriented Policing Services in our city. Chief Agustin was one of the featured speakers at the 2002 National Community Policing Conference, where the Laredo Police Department was honored for the success of its community-based policing efforts.

Police Chief Dovalina has both a Bachelor and a Master of Science Degree in Criminal Justice and is a graduate of the Harvard University Kennedy School of Government's State & Local Executives Program. He is also a graduate of the 178th session of the Federal Bureau of Investigation National Academy. He holds a Master Peace Officer Certification and Police Instructor Certification from the Texas Commission on Law Enforcement Officers Standards & Education and, is an active member of the Texas Chapter of FBI NA Associates. He also serves as Regional Representative to the National Criminal Justice Association and is an adjunct professor of Criminal Justice.

Mr. Speaker, I am proud to have this opportunity to recognize the dedication of Laredo Police Chief Agustin Dovalina III.

IN HONOR OF VIRGINIA LANIER BIASOTTO

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to Virginia Lanier Biasotto upon her nomination as a Jefferson Award finalist. Ms. Biasotto is the founder of Reading ASSIST® Institute. This institute is a nonprofit organization that trains volunteer tutors to implement a one-on-one help method using scientific research-based instruction for struggling readers. This program is provided at no cost to families or schools.

Beginning in 1980, Ms. Biasotto developed a reading curriculum based on the Orton-Gillingham model, and trained friends at her kitchen table. One sound at a time, one child at a time, the groups persistence offered the education community a way to deal with the challenge of reading difference.

Mr. Speaker, I commend and congratulate Ms. Biasotto upon her nomination as a finalist for the Jefferson Award. Ms. Biasotto's determination and drive to educate and empower others serves as an example to us all. She is truly worthy of this honor.

A TRIBUTE TO QUEENIE MARY CORLEY WOOTEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Queenie Mary Corley Wooten in recognition of her public service and numerous contributions to her community.

Queenie has made a difference in many people's lives. She was born into a family of ten in Salley, South Carolina to the late James and Estella Hunt Corely. She is the wife of the late James Wooten and the companion of Dr. Raymond B. Croskey for the past 21 years.

She has encountered many challenges during her life and has embraced them all with courage and dignity, which exemplifies the type of person she is. Queenie graduated from Medgar Evers College in 1974 with a Bachelor of Arts degree in education. She took additional courses, which enhanced her long and remarkable career in education. Presently, she is working in Region #5 as a Coordinator of External Community Programs. In addition to networking with East New York and Brownsville city agencies, she serves on the cabinets of Planning Board #5 and #16.

Queenie is developing innovative and creative external programs to improve educational and developmental outcomes for students. She coordinates activities with the external community, also assists the director with setting priorities and selecting high quality collaborative programs. She mobilizes resources for regional and school priorities, collaborates with schools in Region #5 to create inter-agency regional advisory councils, and volunteers on Planning Board #5, working with the committee on education. Additionally, she works diligently with students to help them get credit for community service.

Queenie is one of the founders of the American College of Counselors, for the New York Branch, and was recently honored by the Department of Education for her service of 41 years. In fact, she has received numerous honors and awards for her work including: an award from Medgar Evers College as one of its first graduates; the Sojourner Truth Award from the Brooklyn Club of the Negro Business & Professional Women's Club; an honoree of the Women's League of Science and Medicine Inc; and the education award from Van Siclen Block Association. Organizations such as National Sickle Cell Research and the Latin Souls Little League Baseball have honored her as well. Queenie serves on the Board of Directors for Medgar Evers Alumni Association, as the Youth Advisor for the Brooklyn Youth Club, and the chair of North East Committee of Elections.

She notes that all of her accomplishments would not have been possible without the spiritual leadership of Rev. Jacob Underwood. Queenie has been a faithful member of Grace Baptist for the past 35 years.

Mr. Speaker, Queenie Mary Corley Wooten has been dedicated to serving her community through her work on numerous community boards and volunteer efforts. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

CONGRATULATING JOSEPH J. CARMODY AS HE IS AWARDED THE W. FRANCIS SWINGLE AWARD BY THE GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Judge Joseph J. Carmody as he is awarded the W. Francis Swingle Award by the Greater Pittston Friendly Sons of St. Patrick at their annual banquet on St. Patrick's Day, March 17, 2005.

W. Francis Swingle, a lifelong Pittstonian, was a professor of English at King's College and tirelessly aided the community and encouraged college students to give back to society. To that end, Judge Carmody has proven himself a worthy recipient of this award.

Judge Carmody is a lifelong resident of Greater Pittston and a former Past President of the Friendly Sons. He was elected to serve as the West Side District Justice in 2004.

Judge Carmody has been an attorney in the area for more than 27 years. In his career, he has served as First Assistant District Attorney of Luzerne County and Solicitor to the Wyoming Area School District and several municipalities. He is a member of St. Mary of Assumption Church and a 4th Degree member of the Knights of Columbus. He has served on numerous boards, including St. Michael's School for Boys and the Fox Hill Country Club.

Judge Carmody is the son of Jule Carmody of West Pittston and the late Joseph Carmody. He is married to the former Catherine Sowa, and the couple has five children: Joseph, Christopher, Matthew, Sara and Michael.

Mr. Speaker, please join me in congratulating Judge Joseph J. Carmody as he receives the W. Francis Swingle Award from the Greater Pittston Friendly Sons of St. Patrick.

SALUTING THE GRAND OPENING OF THE TRI-STATE WARBIRD MUSEUM IN CLERMONT COUNTY, OHIO

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. PORTMAN. Mr. Speaker, I rise today to salute the grand opening on May 20, 2005 of the extraordinary new Tri-State Warbird Museum in Clermont County, Ohio.

The museum, based at the Clermont County Airport, will showcase the history of fighter planes in World War II and Vietnam. Housed in a new 20,000 square foot state of the art facility, the museum features an exhibit area for historic artifacts; a library of reference books; a classroom; a professional restoration shop for the preservation and restoration of original historic aircraft; and a storage area for specialized tools and parts.

Historic aircraft are invaluable to understanding our nation's history, and examples of these planes are few in number and in danger of being lost forever. With the museum's painstaking preservation efforts, they will come to life for everyone to learn from and enjoy. Thanks to this museum, the importance of these airplanes to our enduring freedom and the sacrifice of those involved—from engineers to mechanics to the pilots—will never be lost.

The Tri-State Warbird Museum's unique building has resulted from the hard work and expertise of man volunteers and supporters. In 2003, a group of volunteers, led by business leader David O' Maley, formed to preserve the memory of those who sacrificed their lives for our freedom. Museum President Paul Redlich, a pilot and professional technician with more than twenty years of historic aviation expertise, closed his business and moved his family to Cincinnati to run the museum. The facility also boasts two professional technicians committed to Warbird painstaking restoration and maintenance: Greg Muir and Nathan Dalrymple.

The museum also boasts an advisory board composed of a broad group of area citizens who have unique talents and experience in aviation and history. Members of the advisory board include: Neil Armstrong; Howard Becker; Jim Bushman; Jack Brown; Joe Campanella; Mark Clark; Richard Cross; Tad Lawrence; Dr. Francis LeRoy; Phil Myers; Buck Niehoff; David O'Maley; Jim Orr; Scott Robertson; Hal Shevers; Dudley Taft; and Oliver Waddell. Of particular note is the extraordinary commitment of the advisory board members and the museum's capital campaign committee, which resulted in the museum's entire cost being funded by private donations.

Mr. Speaker, all of us in Southern Ohio congratulate the many professionals and volunteers who have helped to make this wonderful new museum a reality.

HONORING THE CONTRIBUTIONS OF STAFF SERGEANT MICHAEL PAUL BARRERA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the outstanding contributions of SSG Michael Paul Barrera, and to acknowledge the renaming of Veterans Elementary School as SSG Michael P. Barrera Veterans Elementary.

After enlisting in the Army in December of 1995 at the age of 18, he completed his basic training in Fort Knox, KY. Michael was always passionate about his job and strove to be the best.

His commanding officers recognized him with such commendations and achievement awards as a Bronze Star and a Purple Heart.

On April 9 of 2003 Michael was sent to Iraq with the 4th Infantry Division from Fort Hood,

TX, in support of "Operation Iraqi Freedom." During a routine trip for food as Michael and his crew were returning to camp, an improvised explosive device that had been buried in the sand was set off by remote control as the tank rolled over it. As a result of his injuries, Michael passed away on October 28, 2003, at the age of 26.

Michael joined a long list of family members in service. In light of his outstanding service, he was appointed Sergeant by the young age of 20. He sought to make a career in the Army, aspiring to become an ROTC instructor.

Mr. Speaker, I am honored today to have this opportunity to recognize the bravery and dedication of SSG Michael Paul Barrera.

ANTHONY BARSAMIAN SPEAKS ELOQUENTLY ABOUT THE ARMENIAN GENOCIDE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, last month, Anthony Barsamian, Chairman of the Board of Directors for the Armenian Assembly of America, made an eloquent speech at the "International Refuge, Relief and Recognition Tribute" hosted by the Armenian-American community in California. Mr. Barsamian eloquently stressed the importance to all of us of remembering that "the history of genocide must remain inviolable and periodically affirmed regardless of political discomfort or cost so that we may learn its lessons."

Mr. Speaker, I think it is a grave error that this Congress has not been allowed to vote on a resolution affirming this important point with regard to the terrible history of the genocide perpetrated against the Armenians. We cannot allow current foreign policy considerations to override our obligation in this critical area. Anthony Barsamian cogently and forcefully reminds us why such an omission is unacceptable, and I ask that his moving, thoughtful remarks be printed here.

ASSEMBLY BOARD OF DIRECTORS CHAIRMAN ANTHONY BARSAMIAN'S REMARKS AT THE ''INTERNATIONAL REFUGE, RELIEF AND RECOGNITION TRIBUTE''—FEBRUARY 24, 2005

Your Eminence, Reverend clergy, Your Excellencies, Ladies and Gentlemen,

This remembrance and recognition highlights two issues of critical importance to the horrific recurrence of Genocide and the apparent impotence of the world to stop this crime against us all.

First, the history of genocide must remain inviolable and periodically affirmed regardless of political discomfort or cost so that we may learn its lessons.

Second, the actions of 3rd parties are vital to raising awareness about the crime as soon as it becomes known, to taking resolute steps to end the genocidal process, to bring to account the perpetrators, to provide comfort to the survivors, and to forever remember all instances of genocide.

This is why the Armenian Assembly joined with the AGBU and the Diocese to remember those nations and organizations that took action while the Armenian Genocide was being carried out and subsequently. Armenians remain deeply indebted to all who refused the easy path of indifference and inaction. You saved lives, you affirmed the truth, and you bore witness so that the world would be better equipped to act on the meaning of ''Never Again''.

As is evident today, the Republic of Turkey refuses to accept the judgment of history that the Ottoman Turkish government committed genocide against its Armenian minority. Instead, Turkey attempts to impose its revisionism on a civilized world that knows better, but occasionally succumbs to Turkish demands and intimidation by refraining from affirming the truth. Nations who had initially committed to participate in this recognition commemoration withdrew in the face of such Turkish pressure. This solves nothing. The dead are not honored for their sacrifice. The actions of the righteous are not recalled. And ironically, the descendants of the victimizers are not allowed to come to terms with the truth.

Nevertheless, we pause today as we begin this 90th commemorative year to give thanks to all nations and organizations that came to our aid—but particularly to those that attended today despite the Turkish government's campaign to stop you.

For Turkey's state sponsored denial effort, having this event is a defeat. This is a good day for the truth. As Armenian-Americans, we recall with special appreciation the leading role of the United States in attempting to prevent the Armenian Genocide and in aiding those that survived. As Armenian-Americans, we look to the United States to continue this proud chapter of American history by reaffirming the facts of this most calamitous chapter of Armenian history. There is an inevitability to universal affirmation of the Armenian Genocide, and America has not and will not be an exception.

A case in point is the recently concluded visit of U.S. Ambassador to Armenia John Evans with major Armenian-American communities across the country. In his public commentaries, Ambassador Evans repeatedly employed the words ''Armenian Genocide'' to properly characterize the attempted annihilation of our people by Ottoman Turkey.

This is in keeping with President Reagan's proclamation of April 22, 1981 where he stated in part, ''like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other persecutions of too many other people—the lessons of the Holocaust must never be forgotten''. . .

And also with the thrust of President Bush's 2001 to 2004 April 24 messages that set forth the textbook definition of genocide without using the word. Ambassador Evans completed the thought.

The Ambassador's characterization also is in keeping with the public declarations of over 120 renowned Holocaust and Genocide scholars regarding ''the incontestable fact of the Armenian Genocide''.

Further, Ambassador Evans' characterization conforms to the summary conclusion of the International Center for Transitional Justice on the use of the term Armenian Genocide. ICTJ stated that ''the Events, viewed collectively, can thus be said to include all of the elements of the crime of genocide as defined in the Convention, and legal scholars as well as historians, politicians, journalists and other people would be justified in continuing to so describe them.''

The Armenian-American community will not rest until the United States formally and irrevocably reaffirms the Armenian Genocide. By so doing, we forever advance the special role of the United States in genocide prevention.

Today, we are here to honor 17 nations who have joined the movement towards universal affirmation of the Armenian Genocide. You have appropriately remembered this instance of man's inhumanity to man. You have stepped forward to combat denial and revisionism. We will never forget your solidarity.

As Voltaire said, ''to the living we owe respect, but to the dead we owe only the truth''.

INTRODUCTION OF THE ''END GRIDLOCK ACT''

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to join my colleagues ELEANOR HOLMES NORTON and TOM DAVIS in introducing the "End Gridlock Act." This bill is a refinement of a proposal, the "Washington Regional Transportation Act" (H.R. 2882) that I introduced last session.

Unfortunately, this region is not yet prepared to embrace last year's proposal and establish a regional transportation authority. Last year's bill called for the creation of a regional transportation authority, one that could receive a dedicated revenue source, issue bonds and be in an ideal position to coordinate land use and transportation funding decisions. I regret that the time is not ripe for this a proposal.

The defeat of the Northern Virginia transportation referendum in 2002, in my view, moved us away from real progress in solving our transportation problems. Unfortunately, poor management of the state's transportation programs and false promises by past state officials left the public distrustful that any meaningful solutions were possible.

I'd trade the price of a daily cup of coffee for real investments in transit and road improvements, something that would shave 10 minutes off my commute. I think a majority of the public share this view, but they have been skeptical and fear that the money raised would not be spent wisely or spent on projects that have their own built-in opposition and controversy.

The legislation I am introducing today does not to create a regional authority, it won't build new roadways. Instead, it focuses on making improvements to what already exists. It is a small but important first step that I hope builds the foundation for greater regional coordination and cooperation and builds public confidence for longer term solutions.

Believe me, we need better coordination and cooperation. We need to rebuild confidence. The legislation I am introducing today borrows from some of the best, simplest and most cost-effective proposals. Some of the ideas were drawn from local transportation and planning experts. They are small ticket items, but if they prove successful, maybe the consensus will be there to support a more ambitious agenda. The Washington Post highlighted some of these potential projects in a series featured last year.

These investments included building sidewalks and pedestrian and bike paths to connect communities to schools, transit centers, Metrorail stations and commercial centers. This legislation will provide grants to help localities synchronize traffic lights signals on major transportation corridors which will reduce travel time and improve capacity. The bill provides money to encourage more businesses to offer greater telework and telecommuting options. It will provide grants to give transit riders real-time information on bus and rail schedules so they can time their departures from home and work to arrive at a transit stop just when the bus pulls up. It will also fund advance technologies to allow buses to slip through interchanges before the traffic lights change and on and offload passengers without blocking traffic.

These simple measures can be done for a few million dollars as opposed to the tens or hundreds of millions other projects require but for lack the funds are not being built and would take years to complete. It is said that if you can encourage just 3 percent to today's drivers to carpool or take the bus, you can reduce congestion by 10 percent.

In addition to these type of investments, the bill also allows the regional governments to fund a transportation incident management operations center. The center would be modeled after the New York-New Jersey-Connecticut program, known as TRANSCOM, where a full-time staff is focused on helping the public get around congestion problems when they occur. How many people remember the ''Tractor Man'' episode? There were hundreds of law enforcement and emergency response people on the scene, but it was hours before anyone there began to try to figure out how to move traffic around when all the adjacent streets were closed.

Similarly, how many times do commuters find road or utility construction closing traffic lanes in a haphazard manner. Jurisdictions should be working together to coordinate their construction schedule to minimize the time a lane along a transportation corridor remains closed. A New York-New Jersey TRANSCOM-type program for the National Capital Region would be on point for coordinating critical transportation information 24/7.

These are simple solutions, but ones that are not in the interest of any one jurisdiction to fund. But, if a federal grant was offered as an incentive, the local governments might all be willing to contribute, or better yet, compete to pull down the extra federal money. Mr. Chairman, this bill is the first step to end this region's gridlock. It gets us started and could bring measurable quality of life improvements to this region's citizens at a relatively small cost.

I will be working with my colleagues from this region to try to incorporate this proposal into this year's surface transportation reauthorization bill.

HONORING THE CONTRIBUTIONS OF BEXAR COUNTY DISTRICT ATTORNEY SUSAN REED

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Susan Reed for her distinguished career in law, and her many contributions to the justice system in the state of Texas.

Susan Reed was raised in San Antonio, Texas, and graduated from Alamo Heights High School. She attended the University of Texas at Austin, where she received an undergraduate degree in Economics, and completed her JD at the University of Texas Law School in 1974.

Ms. Reed began her legal career as an Assistant District Attorney for Bexar County in 1974. She served in that position for eight years, and was chief prosecutor in the 144th and 187th District Courts.

Following a successful career in civil practice, Ms. Reed served as Judge of the 144th District Court for 12 years. She was Administrative Judge for the District Courts of Bexar County in 1996 and 1997, and spearheaded the development of the gang unit within the Adult Probation Department, which she counts as one of her proudest accomplishments. Her work on this project resulted in her being awarded the Judge of the Year Award by the Texas Gang Investigators Association.

Since 1998, Susan Reed has served the people of Bexar County as District Attorney. She is a member of the National Advisory Council on Violence Against Women, and a member of the Regional Anti-Terrorism Task Force. She has been a tireless advocate for victims of crime, and a powerful force for making our communities and our State safer.

Mr. Speaker, the people of Bexar County have benefited greatly from Susan Reed, and I am proud to have the opportunity to thank her today.

IN MEMORY OF DR. JAMES O. McBRIDE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. BURGESS. Mr. Speaker, I rise today to give tribute to Dr. James O. McBride, from Fort Worth in the 26th Congressional District of Texas, for his lifelong contributions to his community and to medicine. Dr. McBride started the first open-heart surgery program in Fort Worth. Dr. Brooks died on March 11th at the age of 86.

I would like to recognize and celebrate Dr. McBride's life today. Dr. McBride was a third generation Fort Worth resident. Dr. McBride graduated from Central High School before going on to college at Texas Christian University. He then went to the University of Texas Medical Branch in Galveston and received his PhD in 1942. When Dr. McBride finished his internship in Fort Worth, he went on active duty with the Navy as a surgeon in the Pacific Theater. There, he earned a Navy Unit Citation and nine battle stars.

Upon completion of his active duty in 1946, Dr. McBride completed medical residencies at Bellevue Hospital and Columbia Presbyterian Hospital in New York. In 1951, Dr. McBride moved back to Fort Worth where he set up a thoracic surgery practice. He was known for visiting with patients' families after performing an operation, which was virtually unheard of then. While at Saint Joseph Hospital, Dr. McBride began the first open-heart surgery program in Fort Worth. He was later promoted to chief of surgery at Saint Joseph Hospital. Dr. McBride was also the chief of thoracic surgery at John Peter Smith Hospital.

Dr. McBride was very active in several philanthropic organizations and served on the board or as a chairman for the Fort Worth Chapter of the American Lung Association, YMCA's Camp Carter, Joseph White Foundation, Carter Blood Center, and Country Day School and Union Bank. Dr. McBride's community realized his great services in 1989 when he was presented with the Gold-Headed Cane Award by Tarrant County Medical Society. Only a doctor who has been a society member for 20 or more years can receive the award.

I respected him as a fellow doctor and was honored to represent him here in Congress. I extend my sympathies to his family and friends. Dr. McBride was described by one of his sons as a ''source of guidance for whoever sought his counsel.'' Such a man can never be replaced and will be dearly missed.

RECOGNIZING DR. R. DUNCAN LUCE ON THE OCCASION OF HIS RECEIVING THE 2003 NATIONAL MEDAL OF SCIENCE

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. COX. Mr. Speaker, I am proud to rise today to recognize Dr. R. Duncan Luce of the University of California-Irvine for his outstanding contributions to the scientific community. Professor Luce is one of eight U.S. scientists and engineers—and one of four Californians—to receive the 2003 National Medal of Science, the Nation's highest scientific honor.

Professor Luce is no stranger to high honors. Over his 50-year career, Professor Luce has been awarded the Society of Experimental Psychologists' Norman Anderson Award, the Decision Analysis Society's Frank P. Ramsey Medal, and the American Psychological Foundation's Gold Medal for Life Achievement in the Science of Psychology. Among his many influential publications are the seminal texts Games and Decisions (1957) and Individual Choice Behavior (1959), both of which remain in widespread academic use. His pioneering work in game and choice theory has resulted in dramatic advances in the fields of economics and psychology, and is applied to a variety of disciplines, including the analysis and prediction of stock market fluctuations.

Professor Luce has made vital contributions to Orange County in the course of his 20 years of service at the University of California-Irvine. He first came to UCI in 1972 before leaving in 1975 to serve in a variety of positions at the forefront of mathematical research at some of the Nation's finest universities, including the Massachusetts Institute of Technology, Columbia University, Harvard University, and the University of Pennsylvania. In 1988, he returned to Irvine, where he created UCI's Institute for Mathematical Behavioral Sciences, thereby reinforcing the campus's reputation as a leader in that field. He has served on search committees for three UCI chancellors.

Mr. Speaker, I know that all of our colleagues join me in paying tribute to Dr. R. Duncan Luce. In behalf of all of us in the United States Congress, I am pleased to recognize Professor Luce's remarkable achievements, and to thank him and his family for all that they have given to the improvement of learning and the betterment of our society.

HONORING COLONEL BILL GUINN

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to honor Colonel Bill Guinn, Commander of Letterkenny Army Depot in Chambersburg, Pennsylvania. Colonel Guinn, a native of San Bernardino, California, will have served as Commander of Letterkenny for an unprecedented 3 years on July 18, 2005.

While most Commanders assume posts for only 2 years, Letterkenny has been fortunate to have Colonel Guinn as Commander for 3. On July 29th, 2005, Colonel Guinn will complete his command duty and pursue another endeavor to add to an already impressive career of service to his country. He has commanded the 123rd Main Support Battalion, 1st Armored Division in Bosnia, Croatia, and Germany. Highlights of his honors include the Defense Superior Service Medal, the Legion of Merit Medal, the NATO Medal, and the Army Achievement Medal with Oak Leaf Cluster.

Devoted to Letterkenny's mission of supporting the Global War on Terror, Colonel Guinn ensures the best equipment is available to field units throughout the world but especially in Afghanistan and Iraq. Colonel Guinn's concern and care for his soldiers enhances the effectiveness of their missions and has established a new level of commitment among the troops.

However, what makes Colonel Guinn remarkable is not only his outstanding military credentials and devotion to country, but also to his immediate community. He has taken personal interest in the economic growth of Chambersburg and the surrounding area of Franklin County Pennsylvania. As Letterkenny transitions into the 21st century it has ceded some of its unused land to Franklin County to be used for private enterprise. Colonel Guinn has been there every step of the way with a spirit of cooperation and mutual support for the developing Cumberland Valley Business Park.

Colonel Guinn takes his leadership beyond the gates of Letterkenny by personally participating in community events and pro-actively informing and educating the surrounding community as to the efforts of the Army Depot. A good neighbor in the truest sense of the word, Colonel Guinn ensures the community is welcomed onto the installation by way of annual picnics, Armed Forces Day activities, and provides recreational land for the Cub Scout Program.

I know Chambersburg and all of Franklin County join me in grateful thanks for the spirit of service, patriotism, and dedication Colonel Guinn, his wife Karen, and their two daughters have inspired and provided to so many. My best wishes to him on the completion of his tremendous service at Letterkenny Army Depot.

HONORING KEITH WOOD MEURLIN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. WOLF. Mr. Speaker, it is my pleasure to draw the attention of the House to the retirement of Keith Wood Meurlin from the position of vice president and airport manager of Washington Dulles International Airport. He will leave his position at the end of March.

Keith has helped Washington Dulles grow from an airport that was used by few to an airport that is well respected world-wide. I remember attending an event on the runway of Dulles Airport when I was first elected to Congress. Last year alone 22.9 million passengers traveled through Dulles Airport.

As airport manager, Mr. Meurlin directed operations, maintenance, and commercial activities at Dulles, which employs nearly 17,000 people and is one of the busiest in the country in terms of aircraft operations. During Keith's tenure as airport manager, the Metropolitan Washington Airports Authority (MWAA) has invested nearly $1.5 billion in expanding the airport facilities in the late 1990's and is currently undertaking an additional $3 billion construction program to keep pace with current and future growth.

Mr. Meurlin came to the Washington airports in 1977 following his active duty in the United States Air Force. He began his service as an airport operations officer and successively advanced through the organization in engineering and maintenance and operations management positions before becoming the airport manager in 1989.

Mr. Meurlin helped guide Dulles after the September 11 terrorist attacks and has helped lead the way as the airport and the aviation industry have grown since that time. Last year at Dulles saw a passenger increase of almost 35 percent compared to 2003.

Keith has been extensively involved in the community. He has served on the Board of Directors of the Greater Reston and the Loudoun Chambers of Commerce; Board of Directors of the Loudoun County Convention and Visitors Association; member of Leadership Fairfax; the Board of the United Way for both Loudoun County and the National Capital Area; and is the past chairman of the Heart Association of Northern Virginia.

He was also the recipient of the 2000 Citizen of the Year award from the Loudoun Rotary and the 2002 Tower of Dulles Award from the Committee for Dulles.

In addition to his service with MWAA, Mr. Meurlin has continued his military service in the Air Force Reserve where he has attained the rank of major general, the highest rank a traditional reservist can achieve.

I wish Keith and his family the best as he retires from MWAA and again thank him for his efforts to make Dulles Airport the thriving aviation center it is today.

INTRODUCTION OF NUCLEAR DISARMAMENT AND ECONOMIC CONVERSION ACT OF 2005

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Ms. NORTON. Mr. Speaker, today, I am again introducing the Nuclear Disarmament and Economic Conversion Act, NDECA, as I have done since 1994. I have introduced this bill every year based on a ballot initiative passed by D.C. residents in 1993. NDECA will require the United States to disable and dismantle its nuclear weapons when all other nations possessing nuclear weapons enact laws to do the same. NDECA further provides that when U.S. nuclear weapons are dismantled, the resources used to support nuclear weapon programs would be diverted to our growing human and infrastructure needs, such as housing, health care, Social Security and the environment.

This year's introduction of this bill has special meaning because this is the sixtieth anniversary of the U.S. bombing of Hiroshima and Nagasaki. Only the United States has used an atom bomb, but today the number of nations with this capability has grown dangerously and continues without effective intervention by the Bush administration.

In addition to the economic cost of nuclear weapons, the weapons have increased as a destabilizing force in world affairs. North Korea, at least in part in response to stepped up aggressive talk and U.S. policies, has responded in a dangerously paranoid fashion by announcing that it is expanding its nuclear capabilities and even that it now has a nuclear weapon, although these claims have not been entirely verified. Iran also appears to be pursuing greater nuclear capability and is resisting inspections. India and Pakistan have moved back from the precipice of several years ago but each remains poised with nuclear weapons.

This country must lead the world community in redoubling efforts to push back the new surge of nuclear proliferation. Our country would be better able to dissuade other nations who aspire to become or remain nuclear powers if we ourselves took greater initiative in dismantling our own nuclear weapons program. We moved in the right direction when the Senate ratified the Moscow Treaty in 2003, which provides that by 2012 both the

U.S. and Russia will reduce their long-range warheads two thirds from approximately 6,000 warheads each to 2,200. However, the administration has failed to build on this effort. According to a recent study, ''Securing The Bomb: An Agenda for Action'' May 2004; prepared by the Belfer Center, Harvard University Kennedy School of Government: ''Total nuclear-threat reduction spending remains less than one quarter of one percent of the U.S. military budget. Indeed, on average, the Bush administration requests for nuclear-threat reduction spending over FY 2002–2005 have been less, in real terms, than the last Clinton administration request, made long before the 9/11 attacks ever occurred.''

However, the problem today is far more complicated than nuclear disarmament by nation states. The greatest threat today is from inadequately defended and guarded sites in many countries where there is enough material to make nuclear weapons and many opportunities for terrorists to secure nuclear materials. Astonishingly, because of the absence of Presidential leadership, less nuclear material was seized in the 2 years following the 9/11 attacks than in the 2 years immediately preceding the attacks (''Securing The Bomb: An Agenda for Action'', May 2004).

I serve on the Prevention of Nuclear and Biological Attack Subcommittee of the Homeland Security Committee. I know that threats from nuclear proliferation and available nuclear material are more dangerous in the post 9/11 era than at any time since I first introduced this bill in 1994. The way to begin is closing down nuclear capability here and around the world.

With 45 million people still without health insurance, Social Security without the benefits for the huge baby boomer generation, an economy burdened with a dangerous deficit, and millions of Americans pushed back into poverty during the last 4 years, the time has come to begin the transfer of nuclear weapons funds to urgent domestic needs.

HONORING THE CONTRIBUTIONS OF WILSON COUNTY JUDGE MARVIN QUINNEY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Wilson County Judge Marvin Quinney for a lifetime of dedicated public service.

A native Texan, Marvin Quinney grew up in Wilson County. In 1968 he worked with the Texas Department of Safety. Mr. Quinney served his community as a DPS state trooper in Wilson County for 27 years. He also served his country as a Military Police Officer in Vietnam and in the United States.

Providing a valuable service to our courts, Marvin Quinney has spent years as a Court Security Officer at the John Wood Federal Courthouse in San Antonio. He also belongs to numerous trooper organizations and participates in multiple safety projects for the citizens residing in his county.

Marvin Quinney currently serves as the County Judge of Wilson County, and currently serves as the presiding officer of the Wilson County Commissioners Court. He has been instrumental in the growth and infrastructure development of Wilson County, and serves the office with honor and distinction.

Mr. Speaker, Wilson County Judge Marvin Quinney is a credit to his community and a tremendous resource to his country. His concern for the people and his willingness to work hard has enabled him to accomplish great things and help serve the people of his community.

IN RECOGNITION OF HEATHER RAY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize an outstanding young woman in my district, Heather Ray. Heather is a sophomore at Northglenn High School. She was recently honored with the Human Rights Campaign 1st Annual Colorado Youth Award. Heather was selected for her exceptional commitment to diversity.

Specifically, she was instrumental in forming a diversity group at Northglenn High School called ''Students Teaching Not Discrimination'' or STAND. This organization is designed to give students a safe environment to talk about issues involving sexual orientation, discrimination and the peer pressure that can often lead young people to contemplate dropping out of school, or even worse, suicide.

Heather and her fellow students in STAND have spoken out against the violence and hatred that so many young people are subjected to, and no matter what your position or religious views may be on controversial issues like gay marriage or sexual orientation, I believe we can all applaud this young woman for having the courage of her convictions, and for pursuing a constructive vehicle to explore these issues.

Heather's teacher and mentor, Victoria Bull, describes Heather as an exceptional young person who not only cares passionately about equal right and human dignity but is also tenacious in her desire to affect change. Heather understands the importance of language and insists that those around her take care to make sure their words reflect the values of respect due all human beings. She plans to become a lawyer or a teacher so that she can continue to educate about and defend human rights.

I ask my colleagues to join me in honoring Heather for her commitment to diversity. I join her family and friends in acknowledging her courage and idealism.

HONORING THE ACCOMPLISHMENTS OF ANDREA LEEDS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to honor the accomplishments of Andrea Leeds. Andrea's steadfast involvement in the community has truly enriched the lives of children and families in our Long Island communities.

Upon graduating from Boston University with a BA in Psychology, Andrea began her career in Human Resources at Kenyon and Eckhardt Advertising. She continued in the Wall Street offices of Chemical Bank as a Corporate Training Specialist. Finally, as Assistant Director of Human Resources at Ziff Davis Publishing, she met her favorite applicant and most notable ''hire''—Michael Leeds. Following their engagement, Andrea left Ziff Davis to become Director of Human Resources at Lebhar Friedman Publishing.

While Michael was expanding CMP Media, Andrea became a full-time mom—raising three daughters. With her focus on the family, she became very involved in numerous school activities—most notably the PTA and girls' athletics.

Andrea's involvement in the community extends far beyond her own family. As a founding member and President of the Woodbury Jewish Center Sisterhood, Andrea was honored by the community as ''Woman of Achievement.'' She is currently a Trustee of the Woodbury Jewish Center and is the Board liaison to the Senior Citizens Group.

Andrea also co-chairs the United Jewish Agencies Long Island Legislative Committee and is Executive Vice President and a member of the Board of Directors of the North Shore Child and Family Guidance Center. Throughout her service to center, which is the largest non-profit mental health center on Long Island, Andrea has led numerous initiatives including the establishment of the Trauma and Bereavement Center. Along with her husband, Michael, Andrea was recognized with the prestigious ''Family Life Award'' in 2002.

Together, this dynamic spouse-team runs the Andrea and Michael Leeds Family Foundation, which focuses on community health care, education and support for Israel. The Center upholds one of Andrea's core beliefs that the ''key to success and understanding each other begins with education.'' This statement is one that Andrea maintains throughout her abundant work in our community, and I applaud her many achievements and contributions.

PERSONAL EXPLANATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I was out on Monday, March 14, and as a result, missed three votes. Had I been present:

For Roll Call No. 66—H.Res. 135, I would have voted ''yea.''

For Roll Call No. 67—H. Res. 101, I would have voted ''yea.''

For Roll Call No. 68—H. Res. 151, I would have voted ''yea.''

HONORING EARL V. JONES, SR.

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. DOYLE. Mr. Speaker, I rise today to honor a great American and Pittsburgher, Mr. Earl V. Jones, Sr. Mr. Jones is a constituent of mine and the founder of the worldwide Peace on Earth Campaign.

The Peace on Earth Campaign is centered on community leaders and the many volunteers in the community who do their part day in and day out. Local firefighters, police and paramedics have co-sponsored Mr. Jones' project which is showcased by a flag designed by Mr. Jones himself. The flag and symbol for the world peace campaign is a dove and globe in red, black, brown, yellow, and white to acknowledge the ongoing struggle for world peace.

In a post-9/11 world where terrorism and war surround us, Mr. Jones' Peace on Earth Campaign is a symbol for all nations to strive towards. The Peace on Earth campaign has been recognized and endorsed by President George W. Bush, former President Bill Clinton and Former Russian President Boris Yeltsin.

Mr. Jones organizes numerous events to promote community involvement in the Peace on Earth Campaign. One of the many events Mr. Jones' organization promotes is a highly successful student essay program in our public schools. Each essay is designed to bring awareness of the theme of peace on Earth to the youth of the world.

With his efforts to promote the noble goal of peace on Earth, Mr. Jones truly epitomizes the American values of peace, community, and brotherhood. I commend Mr. Jones on his countless hours of volunteer work spent as the ambassador and organizer for the Peace on Earth Campaign.

RECOGNIZING THE ARMENIAN GENOCIDE

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. LANGEVIN. Mr. Speaker, I rise today to commend U.S. Ambassador to Armenia John Evans for properly labeling the atrocities committed by the Ottoman Empire against the Armenians as genocide and to urge the President to follow his example and accurately characterize this crime against humanity in his commemorative statement next month.

Ambassador Evans recently completed his first U.S. visit to major Armenian-American communities to share his initial impressions of Armenia and our programs there. During his public exchanges with Armenian-American communities throughout the United States late last month, Ambassador Evans declared that ''the Armenian Genocide was the first genocide of the twentieth century.''

By employing this term, the Ambassador is building on previous statements by Presidents Reagan and Bush, as well as the repeated declarations of numerous world-renowned scholars. In effect, Evans has done nothing more than succinctly name the conclusions enunciated by those before him.

In 1981, President Reagan issued a presidential proclamation that said in part: ''like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other persecutions of too many other people—the lessons of the Holocaust must never be forgotten . . .'' President Bush, himself, has invoked the textbook definition of genocide in his preceding April 24th statements by using the expressions ''annihilation'' and ''forced exile and murder'' to characterize this example of man's inhumanity to man.

Furthermore, Evans' remarks correspond with the signed statement in 2000 by 126 Genocide and Holocaust scholars affirming that the World War I Armenian Genocide is an incontestable historical fact and accordingly urging the governments of Western democracies to likewise recognize it as such. The petitioners, among whom is Nobel Laureate for Peace Elie Wiesel, also asked the Western Democracies to urge the Government and Parliament of Turkey to finally come to terms with a dark chapter of Ottoman-Turkish history and to recognize the Armenian Genocide.

The Ambassador's declarations also conform to the summary conclusions of the International Center for Transitional Justice (ICTJ) when it facilitated an independent legal study on the applicability of the 1948 Genocide Convention to events that occurred during the early twentieth century. The ICTJ report stated that ''the Events, viewed collectively, can thus be said to include all of the elements of the crime of genocide as defined in the Convention, and legal scholars as well as historians, politicians, journalists and other people would be justified in continuing to so describe them.''

The Armenian people's ability to survive in the face of the repression carried out against them stands as a monument to their endurance and will to live. Therefore, it is critically important that the United States speak with one voice in condemning the horrors committed against the Armenians. Only by working to preserve the truth about the Armenian Genocide can we hope to spare future generations from the horrors of the past.

In conclusion, Mr. Speaker, I join the Armenian Caucus Co-Chairs, Representatives Frank Pallone and Joe Knollenberg, in applauding the statements of Ambassador Evans and others, and in urging the President to reaffirm the U.S. record on the Armenian Genocide.

IN HONOR OF ROBERT MANCUSO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Mr. Robert J. Mancuso, C.E.C., Executive Chef for the world-renowned Sardine Factory Restaurant on Cannery Row, who has been named Chef of the Year by the Monterey Bay Chapter of the American Culinary Federation.

Mancuso won high honors at the Culinary Institute of America in Hyde Park, New York, graduating in 1990. He also earned an associate's degree in culinary arts, and in April of 2003, he received the prestigious Certified Executive Chef certification from The American Culinary Federation.

His career has taken him to prominent restaurants throughout the United States, giving him a strong background in the diversity of dining styles in this country. According to Mancuso, ''California is a culinary mecca and as the Executive Chef at The Sardine Factory, I will have the opportunity to strengthen American cuisine by working with individual agriculture growers. The resources are here—coastal seafood, fresh vegetables, and prime poultry.''

His outstanding talents have won him numerous national and international culinary awards, including 13 gold medals in national and international competitions. He is a member of Les Toques Blanches, an honor society of chefs in the United States. In 1996 he was on the Culinary Olympic Team USA, representing 25,000 chefs from the American Culinary Federation.

In addition, Mancuso is a regular participant in fundraising for charity events in the local community and has mentored many students in the culinary field. Mr. Speaker, I wish to honor Chef Robert Mancuso for his many accomplishments, for his dedication to his art, and to express my sincere gratitude for his service to the community.

RECOGNIZING THE ACHIEVEMENTS OF THE 341ST DISTRICT COURT JUDGE ELMA T. SALINAS ENDER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important achievements of Judge Elma T. Salinas Ender in Laredo, Texas of my Congressional District.

Appointed as Judge of the 341st District Court by Governor Mark White, Judge Elma T. Salinas Ender became the first Mexican-American woman appointed and elected to a district court bench in state and U.S. history. Her knowledge and commitment that she has brought to the bench has made her an inspiration too many.

Professional activities include: member of the Governor's Juvenile Standards Task Force; the Funding/Judiciary branch of Government in Texas; State Bar of Texas; and has served on the Texas Bar Association council for ''Women in Law.'' Judge Salinas Ender is involved in numerous civic and community activities, i.e. Laredo 1010 Youth Task Force; Communities in Schools; and Leadership Laredo.

She holds a Juris Doctor degree from St. Mary's University School of Law in San Antonio, Texas. Judge Salinas Ender is a fine example to women in our community, demonstrating what hard word and dedication can accomplish.

Mr. Speaker, I am proud to have this opportunity to recognize the contributions of Judge Elma T. Salinas Ender.

INTRODUCING THE REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. OBERSTAR. Mr. Speaker, today Congresswoman NORTON and I have introduced the ''Regional Economic and Infrastructure Development Act''. A detailed summary of the bill's provisions is attached.

The bill organizes four regional commissions under a common framework, thereby providing a more uniform method for distributing economic development funds throughout the regions most in need of such assistance. It reauthorizes the Delta Regional Authority and the Northern Great Plains Regional Authority and creates two new regional commissions: the Southeast Crescent Regional Commission and the Southwest Border Regional Commission. Both of these latter commissions have been proposed in legislation introduced in the previous Congress and are designed to address problems of systemic poverty and chronic underdevelopment in those regions. Every county or parish that is currently included in a commission through enacted or proposed legislation is similarly included in that same commission under this bill. While the bill follows the successful organizational model of the Appalachian Regional Commission (ARC), it does not include the ARC or the Denali Commission (a wholly intrastate commission) in its framework.

Regional commissions provide vital assistance to the development of the Nation's most chronically poor and distressed regions. They are true federal-state partnerships, bringing together federal, state, and local governments to expand the economic and development opportunities of a chronically distressed region. These regions typically experience rates of poverty and unemployment that are more than 150 percent of the national average. Further, some of these areas lack the transportation and basic public infrastructure necessary to support business development, and importantly, create jobs in the region.

The regional commissions are designed to assist areas in overcoming chronic economic distress by focusing on the distressed region as a whole. By recognizing that systemic economic distress follows geographic and natural resource realities, rather than arbitrary state or political subdivision borders, the commissions are able to concentrate their efforts over the entire region—regardless of state lines. One way that federally designated regional commissions work within the region to overcome the effects of chronic underdevelopment is through investment in infrastructure, including transportation, telecommunications, and other basic public infrastructure. The commissions also assist the region in obtaining job skills training, entrepreneurship, technology, and business development. Through these efforts, commissions work to improve the economic development of these systemically distressed regions.

Regional commissions also supplement the state share of other federal programs to ensure that areas that do not even have the economic means of meeting a required state or local funding share are not denied the opportunity to participate in these programs. Regional commissions assist in local development planning by helping provide local development districts with the resources and expertise necessary to formulate and follow a comprehensive, strategic regional development plan. Often it is the local development planning that is the key for the successful implementation of economic and infrastructure development programs.

The Regional and Economic Infrastructure Development Act is modeled after the statute authorizing the ARC. The ARC has demonstrated that regional commissions are successful in fighting chronic underdevelopment and poverty. Since the ARC's creation in 1965, employment in the thirteen-state region has grown by nearly 66 percent. In contrast, in the decade preceding its creation, employment in the region had declined by 1.5 percent. Further, the poverty rate of the region has been cut by more than one half—from 31.1 percent in 1960 to 13.6 percent in 2000.

As the Nation continues to suffer through a weakened economy, the need for these commissions becomes even more important. In February 2005, the national unemployment rate reached 5.4 percent. Further, since January 2001, the number of people unemployed increased from 6 million to 8 million—an increase of 2 million people, or 33 percent. Moreover, workers who have lost their jobs are having more trouble finding new jobs. The average length of unemployment is now almost 20 weeks, and more than one in five unemployed workers have been out of work for more than six months.

As the economy continues to struggle, it is these historically depressed regions—the regions that have already been struggling—that suffer a disproportionate share of the burden. Now, perhaps more than ever, there is a greater need for these regional commissions. This bill recognizes the importance of the regional commissions to these chronically distressed areas. The bill strengthens the commissions by establishing a uniform organizational structure, under which an affirmative vote of a commission requires a majority of state members plus the affirmative vote of the federal cochairperson. With this voting structure, the bill ensures that the federal and state roles in a commission are equal and interdependent, thereby promoting a true federal-state partnership.

In addition, the bill establishes a coordinating council for the regional commissions consisting of representatives from all the commissions, including the Appalachian Regional Commission and the Denali Commission. The coordinating council is directed to meet biannually to discuss issues facing regions that suffer chronic distress and successful strategies for promoting regional development. While the council will assist the commissions in promoting regional development, it has no decision-making authority over any of the commissions.

Finally, the bill authorizes sufficient funds for each commission so that a commission will have the means available to fulfill its mission of promoting economic and infrastructure development. The bill authorizes $30 million for each commission in fiscal year 2006 (the amount currently authorized for the Delta and Northern Great Plains Regional Authorities) and increases that authorization by $5 million for each successive year through fiscal year 2010.

Frankly, I am concerned about this Administration's lack of funding for existing regional commissions and lack of interest in promoting economic development programs that create jobs and improve communities. In its fiscal year 2006 budget proposal, the Administration proposes $6 million for the Delta Regional Authority and only $1 million for the Northern Great Plains Regional Authority. Further, the Administration's budget proposes to dismantle 18 different economic development programs and instead ''consolidate'' these programs into a formula-based program housed in the Department of Commerce. Presently these 18 programs include funding for grants and other economic development activities that total $5.5 billion. The new program will be funded at $3.7 billion—a reduction of nearly $2 billion in economic development program funds!

It is time that we affirm our commitment to regional economic development by authorizing these commissions and providing the funding necessary from them to break the cycle of chronic distress in these regions. I believe this bill will help us do that.

SUMMARY OF THE REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT

The Regional Economic and Infrastructure Development Act organizes four regional commissions under a common framework, thereby providing a more uniform method for distributing economic assistance throughout the regions most in need of such assistance. It reauthorizes the Delta Regional Authority and the Northern Great Plains Regional Authority and creates two new regional commissions: the Southeast Crescent and the Southwest Border Regional Commission. Both of these latter commissions have been proposed in legislation introduced in the previous Congress and are designed to address problems of systemic poverty and chronic underdevelopment in those regions. Every county or parish that is currently included in a commission through enacted or proposed legislation is similarly included in that same commission under this bill. While the bill follows the successful organizational model of the Appalachian Regional Commission (ARC), it does not include the ARC or the Denali Commission (a wholly intrastate commission) in its framework.

PURPOSE

To organize the regional commissions in the lower 48 states (with the exception of the Appalachian Regional Commission) under a common framework, providing a more uniform organization structure among the commissions and a more uniform method for distributing economic assistance throughout the country.

COMMISSIONS

The bill reauthorizes the Delta Regional Commission and the Northern Great Plains Regional Commission, and creates the Southeast Crescent Regional Commission and the Southwest Border Regional Commission. The Delta Regional Commission and the Northern Great Plains Regional Commission are composed of the same states, counties, and parishes included in the existing

Delta Regional Authority and Northern Great Plains Regional Authority. The Southeast Crescent Regional Commission and the Southwest Border Regional Commission are composed of the same states and counties proposed in legislation introduced in the 108th Congress to create a Southeast Crescent Regional Authority and a Southwest Border Regional Commission.

Each commission is authorized to receive appropriations of $30 million for fiscal year 2006; $35 million for fiscal year 2007; $40 million for fiscal year 2008; $45 million for fiscal year 2009; and $50 million for fiscal year 2010.

Currently, some counties qualify for membership in more than one regional commission. The bill does not change that. However, the bill provides that an individual county may only receive economic assistance from one regional commission. Therefore, if a county is eligible for membership in more than one commission, it must select one commission in which it would like to participate and be eligible to receive funds. A county or parish can change its selection 90 days before the start of the fiscal year.

The Denali Commission and the Appalachian Regional Commission are not included in this statute.

COMPOSITION

Each commission includes a Federal cochairperson and a state cochairperson, who is selected from among the state members. Like current law, the Northern Great Plains Commission also includes a tribal cochairperson.

An affirmative vote of a commission requires an affirmative vote of the federal cochairperson plus a majority of state members.

Like the current laws authorizing regional commissions, the bill sets forth provisions for the salaries of commission members, the appointment of alternatives, and the hiring of additional staff, including an Executive Director.

The bill establishes a coordinating council for the regional commissions consisting of representatives from all the commissions, including the Appalachian Regional Commission and the Denali Commission. The coordinating council is directed to meet biannually to discuss issues facing regions that suffer chronic distress and successful strategies for promoting regional development. The council has no decision-making authority.

Also like current law, each state must develop a comprehensive economic development plan and each commission must develop an economic and infrastructure development plan.

Commissions are required to designate distressed, transitional and attainment counties, and isolated areas of distress within attainment counties, within their region and must allocate at least 50 percent of the appropriations made available to the commission to projects in distressed counties and isolated areas of distress.

ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS

Commissions have the authority to make grants to State and local governments, and public and nonprofit organizations, for economic development projects, with an emphasis on infrastructure projects, including transportation, basic public, and telecommunications infrastructure projects.

The bill provides for a commission share of 50 percent of the costs of projects; that percentage increases to up to 80 percent for distressed counties. These shares are increased by 10 percent (to 60 percent and 90 percent, respectively) for those projects that have a significant regional impact, including projects that involve 3 or more counties or more than one State.

Commissions have the authority to make grants to local development districts to assist in the payment of the administration of the district. The commission of these grants is limited to 80 percent of the administrative expenses of the local development district receiving the grant.

Commissions have the authority to supplement part of the basic Federal contribution to projects authorized under other Federal grant programs and to increase the Federal contribution above the fixed maximum part of the cost. The federal share is the same for projects (50 percent and 80 percent for distressed counties, with a 10 percent bonus for regional projects), with the stipulation that the total federal contribution cannot exceed 80 percent.

IN MEMORY OF THE KURDISH VICTIMS OF MARCH 16, 1988

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in remembering the horrible events that took place in Halabja, Iraq, on March 16, 1988. Today is the 17th anniversary of Saddam Hussein's chemical weapons attack on his own people during a battle waged between a Kurdish force resisting Saddam's oppression and Saddam's Iraqi army. This attack was part of Saddam's systematic genocidal attack on the Kurds known as the Anfal campaign.

In seeking to subdue Kurdish resistance, Saddam Hussein used chemical weapons indiscriminately against Kurdish fighters and civilians alike. The attack on Halabja was one of some forty chemical assaults staged by Hussein against the Kurdish people. In fact, the Kurds of Halabja and neighboring towns constitute the largest civilian population ever exposed to chemical weapons, including sarin, VX, tabun, and mustard gas. As a result of the extensive and devastatingly cruel Anfal campaign, hundreds of Kurdish villages were totally destroyed and as many as 200,000 Kurds were killed.

The tragedy of Halabja should yield lessons for those concerned about responding to future chemical and biological emergencies. The world stood by as innocent men, women, and children suffered and died at the hands of a barbarous regime, and, for 14 long years, the Saddam Hussein dictatorship went unpunished for the murder of hundreds of thousands of innocent Iraqis, the use of banned chemical weapons against Iraqi Kurds, and innumerable other human rights violations. During those 14 years, the number of his victims, Kurdish and non-Kurdish, increased dramatically, as the discovery of mass graves testifies.

Mr. Speaker, now history has avenged Saddam's victims, however belatedly and inadequately, and soon Saddam Hussein will face the consequences of his war crimes. I ask that my colleagues join me in speaking out against oppression and against the use of chemical and biological weapons. That is now the best way to commemorate the suffering of the people of Halabja and all the victims of Saddam's inhuman Anfal campaign and of his subsequent depredations.

TRIBUTE TO SOUTH PARK HIGH SCHOOL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to call your attention to the great South Park High School in Buffalo, New York which this year is celebrating ninety years of excellence in educating Western New York's young people.

Ninety-one years ago this week, on St. Patrick's Day, the people of South Buffalo broke ground at 150 Southside Parkway for the construction of what would become City of Buffalo Public School Number 206.

That same year, on June 1st, the cornerstone was placed at PS 206, also known as South Park High School, marking the institution as the fifth public high school built in the City of Buffalo.

On September 7, 1915 the doors of South Park opened, welcoming 680 students and 32 faculty members.

Home of the Sparks, the South Park faithful proudly display their school spirit through the black and red tradition.

Over the last nine decades the teachers and administrators at South Park have motivated, nurtured and educated thousands of Buffalo's youth, preparing each for the road ahead and providing all with the tools necessary to pursue a limitless future.

I am proud to call myself an alumnus of South Park and grateful for the wealth of knowledge and values I have obtained through my experiences at the school.

Today, Mr. Speaker, I thank you for the opportunity to commemorate the 90th Anniversary of Buffalo's South Park High School and wish the institution continued success in instilling pride and excellence in Western New York young people for decades to come.

ON THE INTRODUCTION OF A RESOLUTION URGING TURKEY TO RESPECT THE RIGHTS AND RELIGIOUS FREEDOMS OF THE ECUMENICAL PATRIARCH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. MENENDEZ. Mr. Speaker, today I am proud to introduce a resolution urging Turkey to respect the human rights and religious freedoms of the Ecumenical Patriarch, which are being violated by the Turkish government.

The Ecumenical Patriarch is the spiritual leader of 300 million Orthodox Christians around the world, including millions of Americans. The Turkish government continuously

violates the Ecumenical Patriarch's religious rights and freedoms by refusing to recognize its international status. Training for the clergy has also been effectively banned because the Turkish government refuses to reopen the Greek Orthodox Halki seminary. Furthermore, the Turkish government requires all candidates for the Patriarchate be Turkish nationals, thus severely limiting the field. Additionally, the Turkish government has confiscated 75 percent of Ecumenical Patriarchal properties since 2002 and has levied a 42 percent retroactive tax on the Balukli Hospital, a philanthropic institution run by the Ecumenical Patriarchate. Meanwhile, Turkey is scheduled to begin accession negotiations with the European Union in October 2005.

Mr. Speaker, the legislation I am introducing today is very simple. This resolution calls on Turkey to meet the criteria on eliminating all forms of discrimination set forth by the European Union, particularly those based on race or religion. This bill urges the Turkish government to grant the Ecumenical Patriarch appropriate international recognition and ecclesiastic succession, the right to train clergy of all nationalities, and demands that Turkey respect the property rights and human rights of the Ecumenical Patriarchate. These are simple demands, Mr. Speaker. The path of democracy must be laid with the bricks of freedom and tolerance—without them, democracy becomes a hollow word devoid of promise and hope. We must take a stand for religious rights and freedoms. We must call on Turkey to fulfill its obligations to the European Union and stop violating the human and religious rights of the Ecumenical Patriarchate.

STATEMENT BY THE FRIENDS OF IRELAND ST. PATRICK'S DAY 2005

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. WALSH. Mr. Speaker, the Friends of Ireland in the Congress join 38 million Irish Americans in celebrating the unique ties between America and the island of Ireland. We welcome the Taoiseach Bertie Ahern to the United States, and we send our warmest greetings to all the people of Ireland and Northern Ireland.

Irish Americans care deeply about Northern Ireland, and we commend President Bush for his efforts to keep the American government involved in the pursuit of peace. We also praise Mitchell Reiss, the President's special envoy to Ireland, for his unwavering commitment and his bi-partisan American approach to the process.

We do regret that none of the political parties from Northern Ireland will be represented at the Shamrock Ceremony or the Speaker's Luncheon this year, but this should be taken as a clear signal reflecting the severity of the situation, and the immediate need for all parties to return to the negotiating table.

In 1998, the parties to the Good Friday Agreement committed to partnership, equality and mutual respect as the basis for moving forward. We continue to believe that inclusive power sharing—based on those three defining qualities—is essential to the viability and advancement of the democratic process in Northern Ireland. A political system based on inclusive power sharing requires trust and confidence. The parties to the Good Friday Agreement also affirmed their total and absolute commitment to exclusively democratic and peaceful means.

The recent events in Northern Ireland involving alleged and admitted criminality by IRA members have put tremendous pressure on all the governments and have seriously undermined the trust and confidence that are essential to advance the process. We deplore this tragic setback. Circumstances on both the Nationalist and Unionist sides have created great chasms of mistrust. Neither side is blameless in this tragic breakdown, and the British, Irish and United States Governments must devote themselves to instill the trust and continue the forward movement.

Clearly, there is essential work to be done in ending all paramilitary activity, permanently restoring the democratic institutions, progressing with demilitarization, and advancing an equality agenda. It is also imperative, in all democratic societies, for all parties to be willing to work with the criminal justice system or in this case the Police Service.

We regret that the dramatic effort to reach an agreement over the Christmas Holiday fell short. The world watched as the framework was set, and all parties were steps away from a victorious moment in history. We must remind all the parties that this framework is still in place and there was a reason why an agreement was almost settled only a few months ago. It is from this point that negotiations must resume.

We commend the Irish and British Governments for their ongoing efforts to work with the political leaders in Northern Ireland to restore the trust and confidence that are essential to advance the peace. On this St. Patrick's Day, we look forward to the day when the Good Friday Agreement will be finally and fully implemented, and to the day when stable democratic institutions, peace, and justice will be achieved in Northern Ireland.

PERSONAL EXPLANATION

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. BAIRD. Mr. Speaker, due to circumstances stemming from the recent birth of my two sons, William and Walter, I was not able to be present for legislative business on the morning of March 16, 2005, during which time the House considered and passed H.R. 1268. Had I been present, I would have voted as follows:

On House Amendment #60 I would have voted "aye."

On the motion to recommit H.R. 1268 to the Committee on Appropriations with instruction to provide an additional $100 million for veterans healthcare, and $50 million for veterans job training and transitional assistance, I would have voted "aye."

HONORING THE CONTRIBUTIONS OF SAN MARCOS CITY COUNCILMAN JOHN THOMAIDES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important contributions of San Marcos City Councilman John Thomaides, of my Congressional District.

In 2003 John Thomaides was elected to San Marcos City Council. Mr. Thomaides was chosen to represent the Council on the Convention and Visitors Bureau Board of Directors. He has been active in city affairs since he came to San Marcos ten years ago. John has served on the City's Drainage Advisory Board, the Citizen Review Commission, and as chair to the Transportation Advisory Board.

After arriving in San Marcos John opened Alpha Pure Water Company, and has quickly become a leader in business and community organizations. In January 2003 the Area Chamber of Commerce awarded him "Small Business Person of the Quarter" and in October 2003 he was honored again with "Small Business Person of the Year."

John Thomaides has consistently worked to improve the quality of life for his constituents, and is a 2003 graduate of the Leadership Academy of Public Service. He has served as president of the San Marcos Tennis Association, and as Ambassador for the Area Chamber of Commerce.

Mr. Speaker, John Thomaides serves as an example of what discipline, courage, and dedication can accomplish, and I am proud to have had this opportunity to thank him.

A TRIBUTE TO ADELE ANDRADE-STADLER, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today In honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, the Honorable Adele Andrade-Stadler. For many years, Adele has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Adele instantly recognize her enthusiasm and commitment to education and children.

A native of Southern California, Adele was raised in Monterey Park. She attended Alhambra public schools, graduated from East Los Angeles College and attended California State University, Los Angeles. While attending college she worked part time for the Los Angeles Unified School District as a bi-lingual instructional aide. She also studied early childhood

development at Pacific Oaks College in Pasadena.

Adele was the Director of the Foothill Developmental School, a non-profit pre-school that provided special services for disabled and non-disabled children in Monrovia, California. During the 1990s, she developed and implemented a curriculum for the Union Bank Child Care Center, one of the first centers in the San Gabriel Valley area to provide on-site childcare to its employees. In 1999, Adele became a Field Representative for then State Senator HILDA SOLIS, continuing on as a Field Representative and Caseworker, then District Director for Congresswoman SOLIS. In that capacity, Adele advocated for children, families, women, immigrants, senior citizens, veterans, and other constituents that needed federal assistance.

Ms. Andrade-Stadler's volunteer record in education is truly impressive. She has been in the Alhambra Parent Teacher Association (PTA) for nearly ten years, serving as PTA Council President. She has volunteered in the Alhambra Unified School District, at the Methodist Cooperative Preschool, and has been a long-time Sierra Club member and volunteer. Adele was a key organizer for the Alhambra School Bond Measures A and AA and led and coordinated the School Traffic Safety Plan at Fremont Elementary School. Currently, she is an advisor to the School Site Title I Council and Chair of the Traffic Commission for the City of Alhambra. In 2004, Adele was elected to the Alhambra Unified School Board.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Adele Andrade-Stadler. The entire community joins me in thanking Adele for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

REMEMBERING THE LIFE OF JACK HOLMES THOMAS, SR.

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, on March 11, Jack Holmes Thomas Sr. passed away after a short battle with acute leukemia at age 80. Jack was a man of God who served his family, community and country honorably and with distinction and I take this opportunity to remember his life.

Born on January 10, 1925 in Natchez, Mississippi, Jack was the husband of Helen Putt Thomas and the father of two sons: Jack H. Thomas Jr. and Robert Bryan Thomas. He had five grandchildren: Chris, Mallory, Chase, Tiffany and Heather.

Jack was part of "the greatest generation" and served in the US Marine Corps in World War II where he earned the Purple Heart. He graduated from Mississippi State University in 1951 with a bachelor of science in agricultural education and served the US Department of Agriculture for thirty-three years before retiring.

Jack was a past president of the Mississippi Federation of the National Association of Retired Federal Employees, an active life member of the Elk Lodge, a past president of the Starkville Shriners Club, and a strong Mississippi State University supporter and avid Bulldog fan.

Jack was a faithful member and deacon of First Baptist Church of Starkville and taught Sunday school and discipleship training while in Oklahoma.

Mr. Speaker, Jack Thomas has long been a blessing to his family and friends, but one that was felt beyond those people in the community at large. We mourn his passing, but we celebrate his life.

DEEPENING OUR RELATIONS WITH KAZAKHSTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. TOWNS. Mr. Speaker, the current situation in our world prompts the United States to seek and deepen relations with countries who share our principles and values, one such country is the Republic of Kazakhstan.

In the course of its development, Kazakhstan has achieved tremendous results despite some ups and downs. In fact, the people of Kazakhstan have gained long awaited freedom thirteen years ago and have chosen the right path consistently moving towards their ultimate goal of building a democratic and civil society with a strong market economy. The recent state of the nation address by President Nursultan Nazarbayev of Kazakhstan is strong proof of that.

I have read this document and must note that it is indeed a milestone for the country. It provides an outstanding description of the state and perspectives of the development of Kazakhstan's society. It is a comprehensive address which I kindly ask, Mr. Speaker, to submit to the CONGRESSIONAL RECORD for those of my colleagues who follow the development of this young and promising country. Let me mention a few highlights.

It is amazing how this country, which for many years existed under a totalitarian regime without any idea of market reforms has managed to achieve tremendous results in a very short period. Average income has grown almost fivefold during the last ten years, monthly salaries have increased by about 6 times, the minimum wage has gone up 25 times, average monthly pensions have increased by 4.6 times, and personal and average per capita bank deposits by 35 and 37 times. Compared to 2003, state expenditures on guaranteed free health care have risen 1.7 times. The most impressive part of the message is the massive social component of the Kazakh leader's program aimed at significant improvement of wellbeing of all levels of society, especially the poor, elderly, disabled and children.

The President's annual address also reflects the desire of a young nation to become a bulwark of democracy in a vitally important region. Since gaining independence from the Soviet Union in 1991, Kazakhstan has become a leader in promoting political and democratic transformations in the post Soviet states. Most importantly, Kazakhstan is not going to stop half way to this goal, but is eager to deepen this process based on Western standards of democracy. I support President Nazarbayev's initiative to create a National Program of Political Reforms in which the key player will be the people. I strongly believe that the evolution of Kazakh society inevitably will lead to a triumph of democracy. It is dictated by the will and aspirations of the people. I also agree with President Nazarbayev when he said that today "Kazakhstan is regarded in the world as a regional power possessing a strong economy and a solid position in the international community".

I congratulate the people and the Government of Kazakhstan for their achievements and am sincerely happy for them.

I am very glad that the United States has been instrumental in aiding the development of Kazakhstan. Our bilateral relations have gained the status of a strategic partnership. I am absolutely convinced successful cooperation between the U.S. and Kazakhstan is the cornerstone of stability in a crucial region and it is in the interest of both our countries and the world as a whole.

Today, it is vital for America to demonstrate its gratitude to the people of Kazakhstan who stood side by side with us after 9/11 and is today living up to its commitment in helping to build a free Iraq. I urge my colleagues and the administration to render them assistance and support their endeavors to be among the truly democratic countries of the world.

CONGRATULATING MRS. MARIETTA MURRAY URQUHART ON RECEIPT OF THE MOBILE CITY COUNCIL OF BETA SIGMA PI INTERNATIONAL SORORITY'S 2004 "FIRST LADY OF THE YEAR" AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mrs. Marietta Murray Urquhart on the occasion of her being honored by the Mobile City Council of Beta Sigma Pi International Sorority with the organization's 2004 "First Lady of the Year" Award.

Beta Sigma Pi International Sorority was founded in 1931 for the purpose of providing women with opportunities for community service and as an outlet for cultural and social activities. Seven local chapters of the organization are currently active in Mobile, and since 1945 one woman has been selected each year for the "First Lady of the Year" Award. This honor is bestowed to an individual based on her contributions to the business, cultural, and civic life of the community.

Mrs. Urquhart has been a distinguished and active member of the Mobile, Alabama, community for over two decades. In 1982, she and her husband, Bill, chose to make Mobile their home upon Bill's completion of medical school and his residency. Almost immediately, she

took a strong role in the life of her city, with special emphasis on issues involving children and education.

Over the next 22 years, she became extremely involved in several local organizations. She has served as president of the board of directors of Leadership Mobile and as a member of the board of Volunteer Mobile. Additionally, she was selected to serve as president for the St. Paul's Episcopal Church Women of the Church. Her strong interest in the development and growth of the Mobile community also led to her service on the board of directors for the Providence Hospital Foundation, the Providence Foundation Flower Show, and for the Maritime Museum and the Mobile Tricentennial Commission.

Mrs. Urquhart has also devoted a tremendous amount of time and effort to expanding opportunities for children in the Mobile community. She has served on the Mobile Advisory Board for the Department of Human Resources, and has been actively involved with the Salvation Army. As president for the Junior League of Mobile, she was committed to establishing wide-ranging community goals for children and worked extensively with the Mobile County School System, the United Way, and the Greater Mobile Area Chamber of Commerce. Finally, she served with distinction on the UMS-Wright Preparatory School Board of Trustees and was the first woman ever selected to chair that organization.

Finally, Mrs. Urquhart has served on the boards of the Medical Alliance of Mobile County, Mobile 2000, and the Alabama State Commission for Volunteer and National Service. Most recently, she was nominated to serve as a member of The University of Alabama Board of Trustees.

The nomination submitted by the Medical Society of Mobile County for this award included the following passage: "Our Nominee lives by the philosophy: 'Commitment is what transforms a promise into reality. Words speak boldly of intentions. Actions speak louder than words. It is making time when there is none. It is coming through time after time, year after year. Commitment is the stuff character is made of, the power to change the face of things. It is the daily triumph of integrity over skepticism.'" Over the years, I have seen Marietta put this philosophy into action time and again and make one significant and meaningful contribution after another for her community. Our city and our state are richer because of her work, and I am proud and honored to call her my friend.

Mr. Speaker, there are few individuals more dedicated or more committed to helping their communities than Marietta Murray Urquhart, and I would like to offer my congratulations on both the "First Lady of the Year" Award and for her many personal and professional achievements. I know her husband, Bill, and her many family and friends join with me in praising her accomplishments and extending thanks for her many efforts on behalf of Mobile and the state of Alabama.

TRIBUTE TO CAPTAIN RAY COTA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CALVERT. Mr. Speaker, my congressional district in Riverside, California is extremely fortunate to have a dynamic and dedicated group of community leaders who willingly and unselfishly give of their time and talents to ensure the well-being of our city and county. These individuals work tirelessly to develop voluntary community action to improve the community's economy, its education, its environment and its overall quality of life. One individual, who is a member of this group, is Captain Ray Cota.

On the 19th of March, Ray will be honored with the Ira D. "Cal" Calvert Distinguished Service Award by the Corona-Norco Family YMCA. The award is given in memory of my father, "Cal" Calvert, and his enumerable philanthropic gifts to the community and his efforts to encourage others to serve their community in a similar fashion. The award recognizes Ray for his exceptional devotion to developing community volunteerism.

Ray has been a police officer with the Corona Police Department for over 25 years. Throughout his career, he has been involved in the community and specifically with youth service organizations. He has served as President of the Circle City Kiwanis, helped organize an annual golf tournament that raises money for at-risk youth, and participated in the Corona High Parent Teacher Student Association. Additionally, Ray has served with the Corona Police Activities League, which provides sports and recreational activities to neighborhood youth and seeks to reach out to other deserving youth in the community.

Ray and his wife Rebecca have been married for 21 years. They have a 13 year old son, Raymond, who attends Corona Fundamental Intermediate School.

Ray's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. Ray has been the heart and soul of many community organizations and events and I am proud to call Ray a fellow community member, American and friend.

IN RECOGNITION OF COACH FRANK TOLBERT

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Coach Frank Tolbert of Auburn High School in Auburn, Alabama. Coach Tolbert is a man of great accomplishment—a highly respected mentor for our youth who was recently inducted into the Alabama High School Sports Hall of Fame after leading the boys' basketball team to victory at the Class 6–A State Championship.

Since 1969 Coach Tolbert has been coaching boys' basketball in the Auburn City Schools, and has achieved an outstanding record of 535 wins including area and state championships.

Because of his record of accomplishment, Coach Tolbert was honored recently on two separate occasions. On March 15 the Auburn City Council commemorated Coach Tolbert and his team at the local council meeting. In addition the citizens of Auburn recently observed March 16, 2005, as "Coach Frank Tolbert Day" in recognition of his unique accomplishments.

I am proud to acknowledge Coach Tolbert in the House today and congratulate him on this remarkable and memorable occasion.

BLACK AND YOUTH UNEMPLOYMENT IN NEW YORK CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. RANGEL. Mr. Speaker, today we come before this chamber to be heard on an issue of national consequence and one that is particularly relevant to Black Americans. While we are being told that the economy is showing signs of recovery, that point of view is not reflected in what I, and many of my colleagues in the House, see in our districts. In fact, conditions appear to be consistently bad as more people face extended periods of joblessness—and Blacks remain at a disadvantage to whites in the labor market.

Black Americans have continued to endure chronic unemployment relative to whites in the nation. The Department of Labor Bureau of Labor Statistics Employment Situation Summary for February reveals that while the Nation's unemployment rate is 5.4 percent, Black unemployment is 10.9 percent.

The BLS data confirms what has become a long-term trend of Black Americans exclusion from the labor market. The disparity is all the more glaring given that white unemployment was only 4.6 percent last month. Unemployment for Black women hovered at 9.1 percent and for teenagers, age 16 to 19, unemployment was 31.5 percent; a numbing statistic considering economic conditions in our community.

Though the economy gained 262,000 jobs last month it was of little benefit to Blacks seeking work, considering much of the gains were in the construction trades—an area from which Blacks have historically been excluded, retail—where mergers and acquisitions between major retail companies signal another round of downsizing, and in areas such as temporary employment services and food services—where wages may not be sufficient for self sustenance.

What these numbers tell us is that we have arrived at a place somewhere beyond crisis for Black Americans and their relation to the world of work. It is a chilling reminder of the systemic failure of the economy to fairly apportion opportunity and shed any vestiges of racially discriminatory practices. It is why we convene today to discuss this national imperative and urge our President to take immediate action to make jobs and income security a national priority.

A good wage job is the foundation for the economic security of all Americans, and particularly so for people of color who have historically been denied opportunity in our country. Rhetoric about ''family values'' is disingenuous if large segments of our Nation are not given the chance to earn a good wage and provide for their children, spouses, and increasingly parents, whose retirement income is not sufficient to sustain independent living.

This is quite evident in my city—New York City—the Nation's largest metropolis and home to the panorama of racial and ethnic groups that represent the emerging face of America. In this great city, and in many others across the country, the economic devastation has hit close to home. Last year one of our city's leading nonpartisan, not-for-profit social policy and advocacy organizations—the Community Service Society or ''CSS''—issued a landmark report on the crisis of Black male unemployment.

For those of you not familiar with the Community Service Society, it is an organization that has a 160-year history of working to alleviate conditions of poverty affecting low-income New Yorkers. CSS' roots in working to raise living conditions for city residents can be traced back to the settlement house movement in New York City and its role in founding the Columbia University School of Social Work. It is an organization that has played an invaluable role historically in the life of our city and continues to be a voice of conscience today.

The study revealed some 50 percent of Black men in New York City were removed from the labor market. Fifty percent! By any standards it should be unacceptable for half of any group to be without work. Now to be fair, the latest CSS report indicates some improvement in jobholding for Black men but they have steadily lost ground relative to other groups in the city. It is a tragedy that should evoke shame and outrage in the 21st century.

CSS also issued a report that revealed the degree to which young people in our city, age 16 to 24, are not in school and out of work—tagged ''disconnected'' for the manner in which they are excluded from civic life. In total, the report calculated that there are 170,000 disconnected young people in our communities—a population that surpasses our state capital of Albany and many mid-size American cities.

We know there are a number of factors fueling this crisis. Many of our public schools serving the population of young people the CSS report identified as disconnected are not equipped to prepare them for the realities of today's work world. And while we all advocate for higher standards, improved test scores absent any connection to a good wage job is a hollow victory. Many of us, including myself, understand the importance of retooling vocational and technical education so students who do not see college as an immediate option will have the opportunity to earn a living.

Likewise, we are aware of traditional barriers that have obstructed Black Americans from economic opportunity. In the spirit of bipartisanship I recently accepted an invitation by the mayor of our city, Mayor Michael Bloomberg, a Republican, to serve on a city commission that will identify ways to eliminate barriers to employment in the construction trades for minorities, veterans and women. Joining me on that commission is the CEO of the Community Service Society, David Jones.

It is an important first step in taking an industry-by-industry, sector-by-sector audit of impediments that are driving these dramatic disparities in employment. And the onus for change is not wholly on the private sector. The public sector must do a better job in ensuring equity in employment. For instance, the Fire Department of New York, a great and storied agency by most measures, has failed to be forward thinking in its hiring practices. In its most recent probationary class, minorities are only 14 percent of the new recruits. White males comprise 92 percent of the department. It is for that reason that the Justice Department has launched an investigation into the FDNY's hiring and promotion practices. So we know that government must also take corrective action.

Now, against this backdrop we have a White House that is moving in the opposite direction of widening opportunity. In fact, President Bush's budget proposal has several elements that will only widen the gap I have described. The President proposes to cut the Workforce Investment Act by $61.5 million, end the program to reintegrate young offenders in communities, and reduces federal student loans by $10.7 billion over 10 years. Our president has also proposed eliminating the Perkins Vocational and Technical Education Act, a cut that means an estimated loss of $65 million to New York State.

And New Yorkers most affected by these proposed cuts are clear on their priorities. In a survey of low-income New Yorkers commissioned by the Community Service Society, and tied to their labor market research, respondents expressed support for job training and education, and the upgrading of vocational and technical education.

It is a significant snapshot of the opinions of the city's working poor—the first of its kind in the nation that I know of that seeks to ferret out the views of the economically disadvantaged.

None of this is good news for New Yorkers or most residents of our nation's large urban centers. And most certainly for Black Americans in general, and Black men specifically. Combined with the risk that the President's misguided Social Security proposal poses for Black seniors, President Bush's budget has placed us on the cusp of an economic disaster of cataclysmic proportion in the Black community.

We are not alone in New York City facing this crisis. Many American cities, big and small, are experiencing the same problems to varying degrees. We cannot sit by idly and see families devastated and communities destroyed while economic opportunity passes us by. That is why I have asked several of my colleagues in the House to join me on this Special Order to educate the American public and sensitize the White House to the economic imperative facing our constituents.

HONORING MR. RANDY TEAGUE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to honor Mr. Randy Teague of Mabank, Texas for his longtime support of agriculture in and around Henderson County of Texas. From 2000 to 2004, Mr. Teague served on the Henderson County Beef Committee, serving as its chairman in 2004. He has been an organizer of the Henderson County Livestock Show since 2000, and is a member of the Henderson County Show Board.

A father to three children, John Carter, Clara Jane, and Cash, Mr. Teague married his wife, Amy Morris, in January of 1999. Along with his agricultural activities, Mr. Teague is the Chairman of the Nominating Committee at the First Baptist Church in Mabank. He is also a supporter of the Kaufman County Women's and Children shelter, the Gold Card Luncheon Program for Mabank High School, the Special Olympics, and the Make a Wish Foundation.

As a father, a husband, a devout churchgoer, and a community leader, Mr. Randy Teague has embodied the values of family, faith, and hard work that lie at the core of American society. As his representative in Congress, it is my distinct pleasure to honor him today on the floor of the United States House of Representatives.

SALUTE TO LIEUTENANT COLONEL ANDREW LOTWIN ON HIS RETIREMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to salute Lieutenant Colonel Andrew Lotwin on his retirement after 20 years of distinguished service in the United States Army. I had the good fortune to have Lt. Col. Lotwin serve as a Military Fellow in my office for a year, and the further good fortune of developing a lasting friendship with him and his wonderful family. I can say without reservation that Lt. Col. Lotwin truly exemplifies what it means to wear the uniform of our great nation. His patriotism, intelligence and integrity and service are an example to all.

Lt. Col. Lotwin began what would become a distinguished military career more than twenty years ago when he entered the United States Military Academy at West Point. During his military career he also received master's degrees from the University of California at Los Angeles and Webster University, and studied national security at Georgetown University. He also served as a faculty member at the United States Military Academy and at other prestigious military schools and conferences.

Throughout his career, Lt. Col. Lotwin specialized in intelligence issues, military procurement and relations with Congress. He served as a program manager in the Joint Program

office for the Predator UAV. He formed a joint government-industry team to support a fielding plan for the JSTARS program. And as the U.S. Army representative to the NATO Alliance Ground Surveillance Steering Committee, Lt. Col. Lotwin saved the U.S. Government millions of dollars by establishing the JSTARS Common Ground Station as the baseline architecture for this NATO initiative.

Early in his career, Lt. Col. Lotwin served as a special agent in the Pentagon's Counterintelligence Detachment. He returned to the field of intelligence in recent years in his capacity as Special Assistant to the Assistant Secretary of Defense for Legislative Affairs. Lt. Col. Lotwin represented the Department of Defense in the areas of Intelligence, Space, Special Access Programs, and Information Technology critical to the Global War on Terrorism. Lt. Col. Lotwin displayed his trademark skills of leadership, management, professionalism and discretion. They served him well on Capitol Hill, where he became a vital link between Congress and the Pentagon and helped facilitate a better understanding of complicated matters vital to our national security.

Mr. Speaker, I got to know Lt. Col. Lotwin best during the year he served as my Military Fellow. He was an invaluable and truly wonderful presence in my office. He's the kind of guy who instantly earns your friendship with his humor and your respect with his intelligence. He brought not just a career-long knowledge of the Army and our Armed Forces, but his interest and aptitude in a wide array of other issues made him a valuable member of my team. His insight and advice helped me represent and serve the people of the Tenth Congressional District in California.

Andrew and his wife Holly are blessed with three wonderful children—Amanda, Dana, and Noah. I really believe that military families are one of our country's most precious military resources, and this is certainly the case with the Lotwins. Holly's devotion to Andrew, their family and our country are evident. Like Andrew, she is a great American hero.

As Andrew Lotwin begins what is sure to be a remarkable second career, I wish him and his family all the best. America has been blessed to have him in our Armed Forces, and I applaud him for his continued service to our country.

HONORING JERRY KALOV

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ISSA. Mr. Speaker, on February 28 we lost a great American when Jerry Kalov passed away after a long battle against leukemia.

Jerry Kalov was a great American because he lived the rags to riches story. He grew up poor in Chicago and worked in several stores and rose to lead major companies including International Jensen and Harman International.

But Jerry's "riches" were not his degrees or his money. Jerry had no college degree and he died without a fortune. Jerry was one of America's richest men because of the huge number of lives he affected, including mine.

Jerry's passion was helping people become leaders. He took so many under his wing and he mentored us without judging us but always making us better.

For me, he took a successful businessman and taught me about humility, diplomacy and patience. He continued to mentor me even after I entered Congress and helped keep me grounded in what is a rare and heady atmosphere.

For Consumer Electronics Association president Gary Shapiro he took a brash lawyer and instilled business savvy and people skills. Jerry taught him that if you care about your employees, results will follow. He mentored Gary and several volunteer CEA chairmen and helped transform a sleepy small association into a top 20 economic and political powerhouse.

Among the CEA leaders he mentored was Kathy Gornik. Kathy owns a small Kentucky loudspeaker company. Jerry convinced her that she could lead a major national association and with Jerry's help, Kathy tripled the association's membership and created a special focus on smaller entrepreneurial companies.

Jerry mentored several others including JEDEC president John Kelly, NARDA president Elly Valas and Casio president John McDonald.

We have lost a friend, an influencer of people and a model for sharing through mentoring. Jerry reminds me that a man's worth is measured by the people he affected. Jerry helped shape many of us and we will miss him.

INTRODUCING THE NATIONAL DROUGHT PREPAREDNESS ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today with Representatives REHBERG, HERSETH, and OSBORNE to introduce the National Drought Preparedness Act. The companion to our bill is will also be introduced in the other body by Senators PETE DOMENICI and MAX BAUCUS in the near future.

In 1998, Congress passed legislation creating the National Drought Policy Commission. The Commission was tasked with the responsibility to examine current U.S. policy on drought. To summarize the Commission's fifty-page report in a few short words, "The U.S. does not have a policy on drought."

I wish I had just made a joke. The fact that we don't have a drought policy, however, is a joke—and not a good one at that.

Drought is not just an agriculture issue, nor is it only a water management issue. When droughts occur, forest fires erupt, small businesses close, crop yields decrease, and in many instances, people die.

In my home state of Florida, we are always taking steps to mitigate the affects of hurricanes and floods—regardless of what season it is. In the Midwest, similar efforts are made to plan for tornadoes, and in the West, the same could be said for wildfire prevention and earthquakes.

It is time for America to move away from the costly, ad-hoc, and response-oriented approach to drought, and toward a more pro-active approach that focuses on preparation and planning. Coordination between federal, state, and local governments, in addition to watershed groups, farmers and ranchers, and resource dependent businesses, is the only way we will successfully curb the effects of drought before we find ourselves in one. The bill we are introducing today provides a new focus on an otherwise often ignored natural disaster.

Our bill accomplishes four major goals.

First, the bill begins to move the country away from the costly, ad-hoc, and response-oriented approach to drought, and toward a more pro-active approach focused on preparation and planning. The new national policy will provide the tools and focus for Federal, State, tribal and local governments to address the diverse impacts and costs caused by drought.

Second, the bill will improve the delivery of Federal drought programs. To ensure improved program delivery, integration and leadership, the National Drought Preparedness Act establishes the National Drought Council under the direction of the Secretary of Agriculture. The Council will provide the coordinating and integrating function for the more than 80 federal drought programs currently in existence.

Third, the bill establishes new tools for drought preparedness planning. Building on current water policy, the Drought Council will assist states, local governments, tribes, and other entities in the development and implementation of drought preparedness plans. The bill does not mandate state and local planning, but is intended to facilitate the development and implementation of drought plans through the establishment of a Drought Assistance Fund. Importantly, the bill also preserves state authority over water allocation.

Fourth, the bill improves our forecasting and monitoring abilities. Under our legislation, the Drought Council will facilitate the development of the National Integrated Drought Information System in order to improve the characterization of current drought conditions and the forecasting of future droughts, as well as provide a better basis to trigger federal drought assistance.

Mr. Speaker, the creation of a coordinated and comprehensive National Drought Council will provide efficient and time sensitive coordination between federal agencies in preparing for and responding to droughts, as well as assisting Congress in identifying our immediate and long term needs in providing drought relief.

I am looking forward to working with my colleagues and moving this bill forward. Americans are hurting throughout this country today because of water shortages and prolonged droughts. Congress must act immediately, and time is of the essence.

I ask my colleagues to support this bill, and I urge the House leadership to bring this bill to the floor for its swift consideration.

RECOGNIZING THE WORK OF DR. FRANK SPLITT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to call attention to the work of Dr. Frank Splitt, a McCormick Faculty Fellow at Northwestern University. As a member of The Drake Group, Dr. Splitt has worked to bring attention to the need for reform in college athletics. I would like to submit this article, ''Why Congress Should Review Policies that Facilitate the Growth and Corruption of Big-Time College Sports'' for the review of my colleagues. I hope that during this session of Congress we can begin to work to improve the system for the sake of our athletes, teachers, fans, and entire educational system.

''Why Congress Should Review Policies that Facilitate the Growth and Corruption of Big-Time College Sports'' by Dr. Frank Splitt

Despite many wakeup calls and warnings over the years, the situation with big-time college sports is much worse than many could ever have imagined. Two questions loom large: What's going on? And, where are the people who are willing to speak the truth about the academic corruption spawned by the college-sports entertainment colossus and to do something about it? To find the answer to the first question, one need only look at the usual suspect—money. Big money, together with greed, avid sports fans, an apathetic public, and governmental policies make college sports a lucrative and growing tax-free business enterprise. Key enablers for the continuing growth of this business are higher education professionals in a state of denial over the unflattering reality of academic corruption, a relatively ineffectual NCAA, and facilitating government policies involving privacy law and the subsidy of athletic departments and favorable tax treatment of related projects.

The Drake Group (TDG), a grass-roots faculty organization, provides a partial answer to the second question. It works on the premise that college sports aren't themselves evil, but rather, it's the related academic corruption that should be exposed and eliminated. TDG has sponsored the publication of two papers on college-sports reform, ''Reclaiming Academic Primacy in Higher Education,'' and a sequel, ''The Faculty-Driven Movement to Reform Big-Time College Sports,'' see www.ece.northwestern.edu/EXTERNAL/Splitt/. The first paper served as another wakeup call to university presidents, trustees, administrators and faculties. The sequel focused on a TDG initiative to help restore academic integrity by working to change the Family Educational Rights and Privacy of 1974 (FERPA)—also known as the Buckley Amendment.

As an unintended consequence of the Buckley Amendment, evidence of academic corruption and shenanigans in big-time college sports are hidden from real public scrutiny and the NCAA and schools (via waivers) can exploit and control their athletes while only releasing news favorable to themselves.

In their Wisconsin Law Review article, ''Cleaning Up Buckley: How The Family Educational Rights and Privacy Act Shields Academic Corruption In College Athletics,'' Matthew Salzwedel and Jon Ericson make a compelling case for simple changes that would permit an appropriate level of disclosure. It is my view that those changes would lead to exposure of institutional misbehavior via publication of information about the academic courses that athletes take, as well as their choice of professors and academic majors. Over time, that disclosure would work to ensure that college athletes are getting a legitimate college education.

Changes to the Buckley Amendment require governmental intervention. TDG made a formal request for a review of the amendment to LeRoy S. Rooker, Director of the U.S. Department of Education Family Policy Compliance Office. In his response, Director Rooker stated that TDG's concerns were largely those that can only be addressed by Congress. Follow up with the chairs of the appropriate Congressional Committees has been initiated by TDG.

It should be clear that, no matter how bad college sports related scandals may become, how appropriate any one of a number of reform measures may be, or, how intense the urging of the Knight Commission, there is little likelihood that these kinds of measures would be adopted on a voluntary basis. The reason is simple: Universal adoption would likely prove to be successful in curbing the rampant excesses of the college sports and level the playing field, but put at risk the big, tax-free money flow into the NCAA cartel. Substantive reform measures all seem to make sense to the reform minded, but not to those that are to be reformed—setting the stage for endless debate. Nothing of consequence happens.

The NCAA's proposed reforms in the wake of the University of Colorado-Boulder recruiting scandal came under critical review at a House Energy and Commerce subcommittee on May 18, 2004. That hearing, titled ''Supporting Our Intercollegiate Student-Athletes: Proposed NCAA Reforms'' was called to examine the NCAA response to the recruiting practices and polices of intercollegiate athletics. The Subcommittee expressed concern that some of the NCAA's new proposals don't go far enough and mentioned a possible motivational tool for Congress to get what it wants: the tax-exempt status of NCAA programs. Those remarks spawn hope that the NCAA and its members will be forced to pay serious attention to reform and enforcement as well as tell the truth about their financial operations.

With a public now fatigued with terrorist related threats and numbed by grievous wrongdoing, scandals, and cover ups in their financial and political worlds, the challenge for Congress is to take on the tasks of working for disclosure via ''cleaning up Buckley''—penetrating the closed society of higher education and its ''See no evil, Speak no evil, Hear no evil,'' modus operandi—and calling for an IRS audit of the NCAA cartel. When buttressed by compelling arguments for reform and intensive scrutiny by the media, these efforts can surmount the formidable barriers that have thus far shielded intercollegiate athletics from serious reform.

IN MEMORY OF HON. GLENN BOX

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SESSIONS. Mr. Speaker, Mr. HENSARLING and I rise to honor the memory of the late Honorable Glenn Box. Glenn served his fellow citizens with distinction on the Dallas City Council from 1989 to 1995. We are greatly saddened by his passing, as Dallas lost one of its strongest advocates to cancer.

Glenn passed away from a rare form of cancer, mesothelioma, on February 17, 2005 at Baylor University Medical Center. We mourn the loss of such a great civic leader for the people of Dallas. At the age of thirty, Glenn had already been elected to the Dallas City Council, and would serve as the chairman of the Public Safety Committee from 1991 to 1995. Upon his retirement from public service, Glenn joined the Coca-Cola Company and most recently served as a regional vice-president for Coke sales throughout eleven Midwestern states.

Glenn was born and raised in Dallas, graduating from W.T. White High School and then attended Southern Methodist University for his undergraduate degree. After earning his law degree from the University of Texas at Austin, he returned to Dallas to join the law firm of Jackson & Walker.

In addition to his loving wife and mother, Glenn is survived by his two sons and his brother and sister. We join the Box family in honoring the memory of Glenn's life and his tireless service to improving the lives of the citizens of Dallas.

CODIFICATION OF TITLE 46 OF THE UNITED STATES CODE ''SHIPPING''

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing a bill to complete the codification of title 46, United States Code, ''Shipping'', as positive law. This bill is an updated version of H.R. 4319 which was introduced in the 108th Congress.

This bill has been prepared by the Office of the Law Revision Counsel of the House of Representatives in accordance with 2 U.S.C. 285b(1). That Office received comments on the predecessor bill and made appropriate changes which are reflected in this bill.

Questions about this bill should be addressed to Richard B. Simpson, Senior Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, D.C. 20515. The telephone number is 202–226–9059. Additional information can be found on the Law Revision Counsel website at http://uscode.house.gov/cod/t46.

RECOGNIZING THE CONTRIBUTIONS OF SAN MARCOS CITY COUNCILMAN JOHN A. DIAZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the contributions of San Marcos City Councilman John A. Diaz, of my Congressional District.

John Diaz is lifelong resident of San Marcos and has been an active participant in the community throughout his lifetime. He is a proud graduate of San Marcos High School, and also attended the Austin School of Fine Arts. He is an inspiring businessman, and is the self-employed owner of Sign-Arts.

Mr. Diaz works constantly to ensure the people of San Marcos, Texas get the services they need from the local government. John is a board member of the San Marcos Area Chamber of Commerce and San Marcos Hispanic Chamber Board of Directors.

John has served on the City Planning and Zoning Commission, the Central Texas Higher Education Authority, and the San Marcos School Board. He has been a constant fixture of the League of United Latin American Citizens (LULAC). Throughout his years with the organization he has served as President, State Secretary, and District Director.

Mr. Speaker, Councilman John A. Diaz understands the concerns of the citizens, small businesses and everything else that is the great city of San Marcos. It is because of this connection with the populace and his long standing record of public service that I am proud to let the people know of the commitment of John Diaz to the community.

A TRIBUTE TO ALICE LAN-HUA HWANG 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today, in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Alice Lan-Hua Hwang. For many years, Alice has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Alice instantly recognize her dedication and commitment to education.

Raised in a diplomatic family, Alice lived in Asia and Latin America before coming to the United States in 1967 when her father was assigned to the Los Angeles Chinese Consulate. Her parents, who were educators, instilled in Alice the spirit of altruism and the importance of education. Alice received her education under 5 different educational systems on 3 continents.

Alice moved to South Pasadena, California in 1983. In 1989, Alice was elected to the South Pasadena Board of Education and was the first Asian American woman to be elected to that body. She served on the board for 8 years, serving as President for one term, until her retirement in 1997.

Together with her late husband, Dr. Karl J. Hwang, and former South Pasadena City Councilman Paul Zee, Alice co-founded the South Pasadena Chinese American Club. The club has been successful in fostering understanding between the Chinese American community and other ethnic groups, raises funds to provide grants to South Pasadena teachers, and awards college scholarships.

After her husband's untimely death, Alice returned to school and earned a multiple subjects and bi-lingual teaching credential in 1993. Currently an ESL teacher in the Adult Division of the Alhambra School District, she is also a member of the California Teachers of English to Speakers of Other Languages and a presenter at their annual state conference in 2003.

Alice has served as a board member of the Young Men's Christian Association, the South Pasadena Educational Foundation and the South Pasadena Chinese American Club, and on the committee to protect the South Pasadena Public Library system. She is also a volunteer for the Pacific Asia Museum and serves as an interpreter for parents in the local schools. In 1993 she received the Outstanding Woman of the Year Award from the Kiwanis Club and an award from the Los Angeles County Commission on the Status of Women in 1996.

In addition to her service to the community, Alice sings in her church choir, is a classical pianist and guitarist and a former member of the Arroyo Singers. She is the proud mother of Victor and Michael.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Alice Lan-Hua Hwang. The entire community joins me in thanking Alice for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

REMEMBERING THE LIFE OF MERTIS LOUISE FLOYD SCOTT

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, Mertis Louise Floyd Scott, Deputy Chief Nurse of the G.V. "Sonny" Montgomery Veterans Administration Medical Center in Jackson Mississippi, passed away unexpectedly after a very short illness on October 15, 2004 at the young age of 48. She dedicated her life to the care of others and I take this opportunity to remember that life that so blessed us.

Mertis exemplified the meaning of nursing and received numerous professional awards during her twenty-six years of service at the VA Medical Center. In May of 1989, Mertis was named recipient of the Secretary's Award for Excellence in Nursing, presented to her by Secretary of the Department of Veterans Affairs Edward J. Deriwinski in Washington, DC. She also received a citation from President George H.W. Bush.

Mertis held high the values of leadership and exhibited a continual quest for knowledge. She had a commitment to service through any challenge with a positive attitude.

Mr. Speaker, Mertis always remembered her faith and commitment to serve God and man. She defined her humanity by her service to patients and health providers alike. Her colleagues defined her life with these words: loving, caring, nurturing, generosity, patience, angelic personality. She was an inspiration to the lives she touched both personally and professionally. We mourn her passing, but we remember and celebrate her life.

A TRIBUTE TO PAMELA M. JUNIOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Pamela Mary Johnson-Junior who has committed herself to strengthening her community through her work on the Community Planning Board.

Pamela was born in the Bedford-Stuyvesant section of Brooklyn and still resides there today. Pamela and her twin brother are the last of 10 children born to Booker T. Johnson and Ina L. Johnson.

At age 16, Pamela graduated a year early from high school and attended Long Island University. Later, she transferred to John Jay College of Criminal Justice and majored in Criminal Justice Administration and Planning.

Pamela learned at a very early age the importance of community involvement and as a teenager, she became actively involved in her Block Association. Soon thereafter, she was elected President of the Teenage Association of the 500 Decatur Street Block Association. However, her interests in politics extended beyond the local level. When Jesse Jackson ran for the Presidency of the United States, she took a two month leave of absence from her position as a Legal Assistant at one of Wall Street's top law firms, where she had been employed for over 16 years, to volunteer her services at Jesse Jackson's Bedford Stuyvesant based campaign headquarters. Nearly twenty years later, Pam continues to maintain a 50+ hour work week at the firm.

In the 1990's, Pamela became actively involved in Bedford-Stuyvesant community affairs and began attending monthly community meetings at Community Board No. 3 and at the 81st Precinct. This opportunity provided her with first-hand experience and knowledge of the needs of the community. In 1996, she was appointed to Community Planning Board No. 3 by then Borough President Howard Golden. In 2000, she was elected to the position of 2nd Vice President of the Board and in 2001 she was elected to the position of 1st

Vice President of the Board, which she has held for several years.

During her tenure as Economic Development Chairperson of the Board, Pamela has spearheaded the 197a Plan for Bedford-Stuyvesant, collaborating with health professionals, churches, tenant associations, community activists, block associations, and Pratt Institute. She also solicited and helped raise over $250,000 to fund the 197a Plan. Pamela has forged relationships between the Community Planning Board and various New York City agencies in an effort to build the commercial corridors in Bedford-Stuyvesant and has worked closely with the Brooklyn Chamber of Commerce and elected officials in the development of the Fulton F.I.R.S.T. Initiative. Finally, she has held weekly meetings during the summer months to ensure that community residents were informed of new and upcoming developments.

Mr. Speaker, Pamela Mary Johnson-Junior has been a leader in her community through her efforts to improve our educational system and serve those in need. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

RECOGNIZING THE WORK OF QUIN HILLYER OF THE MOBILE REGISTER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BONNER. Mr. Speaker, I rise today to recognize a recent contribution of Mr. Quin Hillyer, editorial writer for the Mobile Register.

As many in this chamber are aware, former Alabama Attorney General and current 11th Circuit Court of Appeals Judge William Pryor has faced numerous difficulties with his nomination to a full-time position on that court by the President. As I speak today, it is my understanding that Judge Pryor's nomination to a lifetime appointment will again come up for consideration within the next few months.

During introductory remarks I delivered at the original confirmation hearing for then-Attorney General Pryor, I stated that he has earned the political respect of many, including his political foes. He has consistently sided with constitutional precedent in making his decisions, and throughout his career he has received very high ratings for his legal ability and very high ethical standards. Judge Pryor has received the backing and strong support for a lifetime appointment to the 11th Circuit from men and women from all across Alabama's political spectrum.

Mr. Speaker, I am hopeful Judge Pryor will receive a favorable and impartial decision on the matter of a permanent appointment to the 11th Circuit Court of Appeals, and I would encourage those involved in that process to take a fair and unbiased look at his record. To that end, Mr. Hillyer has written what I feel is a very impassioned and well-reasoned argument for why Judge Pryor should receive this appointment. This article appeared in the Wall Street Journal on March 3, 2005, and I ask my colleagues to carefully consider the comments he makes here.

CROSS COUNTRY: PRYOR IMPRESSIONS

(By Quin Hillyer, Mobile Register)

If judicial nominations represent the spear-point of all of the partisan battles in Washington, former Alabama Attorney General Bill Pryor is the poison on the spear. Judge Pryor, whose renomination to the 11th Circuit Court of Appeals could get a Senate hearing as early as March 9, has become a folk hero to conservatives nationwide while drawing fierce denunciations from liberal editorial pages. Come to Alabama, though, and the cognoscenti from all shades of the political spectrum find the controversy badly misguided.

Here, the Republican Pryor—at age 42, now serving a mere temporary appointment to the 11th Circuit—is the darling not just of right-leaning editorial boards. He enjoys near-universal support even from newspapers that endorsed Al Gore and John Kerry, from elected officials both Democrat and Republican, black and white—and even from the Democrat who Mr. Pryor defeated for attorney general.

The liberal Anniston Star, for instance, in the same editorial that urges filibusters against most of President Bush's nominees, writes that ''Pryor, who possesses a brilliant legal mind, cannot be so easily dismissed. . . . Pryor has been proven capable of setting aside his ideology when it matters most. . . . [He] helped shut down [Alabama Chief Justice Roy Moore's Ten Commandments] sideshow and, in the process, displayed personal courage. That alone ought to convince Democrats currently blocking a vote on Pryor to give him a chance.''

Why do Alabamians so strongly back Judge Pryor? Because they've seen him in action defending Democratic lawmakers against Republican lawsuits, defying the Republican governor (Fob James) who appointed him, and spending countless hours establishing a youth mentorship program through the attorney general's office. They know him, up close, as a man of integrity and compassion.

National critics have gone to prodigious lengths to muddy that home-state record. Unfairly so. Consider that critics have accused Judge Pryor of being insensitive to women because he successfully argued against one small portion of the Violence Against Women Act. But Judge Pryor's constitutional point was virtually incontrovertible, namely that rape doesn't qualify as ''interstate commerce.'' His goal was to keep authority for prosecuting rapes in state courts, where (in Alabama at least) the juries are likely to be harder on rapists than elsewhere. Meanwhile, he has been praised throughout Alabama by groups that aid victims of domestic violence. Mobile's Penelope House women's shelter even named him to its Law Enforcement Hall of Fame.

The story is similar on every issue on which he has been criticized. Somebody served Sen. Dianne Feinstein poorly, for example, when providing her a quote from Judge Pryor that made it sound like he advocated the Christianization of government. But the quote came from a speech to his alma mater—McGill-Toolen Catholic High School, in Mobile—the point of which was not that the government should be Christian but that Catholics have a duty to be good citizens. (As it turned out, he was citing St. Thomas Aquinas, hardly a great threat to the American order.)

Critics have also accused him of race-based opposition to one portion of the Voting Rights Act. Why, then, is Judge Pryor supported by Alabama's lone black, Democratic congressman, and by its two most prominent black, Democratic legislators, and by its black Democratic National Committeeman? And on the case in question, Judge Pryor was backed by Georgia's black, Democratic AG, Thurbert Baker, who also endorsed Bill Pryor's judicial nomination.

Obviously, there is a disconnect between the interest-group and liberal-media assumption that Southern conservatives, especially Alabama ones, likely have racist tendencies, and the obvious reality of Judge Pryor's genuinely warm relationships with so many of Alabama's black leaders. Part of the explanation lies in the fact that Alabama has indeed come a long way since Bull Connor. Also important is that Judge Pryor's native Mobile, especially its old-line Catholic sector in which he grew up, handled civil rights with far more aplomb than Bull Connor's Birmingham—and with virtually no violence. Early on, then-Mayor Joseph Langan peacefully integrated the city's bus lines. And Bill Pryor's own high school, where his father was band director, integrated comfortably in the '60s, well before he matriculated.

Judge Pryor would say, correctly, that his jurisprudence aims at helping neither victims nor powerful interests, but merely at following precedent and the Constitution. In his closing arguments against the judicial vigilantism of Alabama's then-Chief Justice Roy Moore, he said: ''In our system, a judge must follow the final decision of other judges, even when he is convinced they're wrong. . . . The answer this court must provide to every judge in Alabama is that no judge is above the law.''

That's why, against his own personal predilections, he refused, as attorney general, to enforce part of a new state law against partial birth abortions: because that section contradicted clear U.S. Supreme Court precedent. That's why, against his own predilections, he enforced the very portion of the Voting Rights Act that he and his Georgia Democratic counterpart opposed. And that's why the leader of Alabama's top black, Democratic organization endorsed him as a judge who ''will uphold the law without fear or favor,'' while former Democratic AG Bill Baxley said Judge Pryor always acts ''without race, gender, age, political power, wealth, community standing, or any other competing interest affecting his judgment.''

Yes, we in Alabama proudly support Bill Pryor. His career—as public intellectual, successful prosecutor, cultural-bridge-builder and man of conscience even at his own political peril—represents many of the traits the national media has always said Alabama lacks. Until he came along, our most famous exemplar of such character was the fictional Atticus Finch. Now that we can offer a real-life Atticus, we're more than a little angry that the Washington elites want to reject him.

TRIBUTE TO TOM KENNEY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CALVERT. Mr. Speaker, my congressional district in Riverside, California is extremely fortunate to have a dynamic and dedicated group of community leaders who willingly and unselfishly give of their time and talents to ensure the well-being of our city and

county. These individuals work tirelessly to develop voluntary community action to improve the community's economy, its education, its environment and its overall quality of life. One individual, who is a member of this group, is Tom Kenney.

On the 19th of March, Tom will be honored with the Ira D. ''Cal'' Calvert Distinguished Service Award by the Corona-Norco Family YMCA. The award is given in memory of my father, ''Cal'' Calvert, and his enumerable philanthropic gifts to the community and his efforts to encourage others to serve their community in a similar fashion. The award recognizes Tom for his exceptional devotion to developing community volunteerism.

Tom was born in Pennsylvania, but moved to California during his service with the Navy. He met and married Barbara Keith, a school teacher in the Corona-Norco Unified School District, attended Riverside Community College and graduated from the University California, Riverside. After 12 years with Prudential Insurance Company, and earning an M.B.A. from University of Southern California, Tom moved to take what became a series of executive jobs. In 1995, Tom and Barb, with their sons Christopher and Patrick, took the opportunity to purchase the Key-Freeman Agency and move back to their California home. Tom has been involved in many community organizations, serving on the boards of Corona-Norco United Way, the Corona Rotary Club, the Corona Library Foundation, and the Corona Chamber of Commerce.

Tom's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. Tom has been the heart and soul of many community organizations and events and I am proud to call Tom a fellow community member, American and friend.

IN RECOGNITION OF MR. ROSS DUNN

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to the late Ross Dunn, a longtime Chambers County Commissioner who recently passed away. In January, Mr. Dunn was honored for his service to the community and to the state. He was always eager to serve mankind.

After graduating from Lanier High School, he pursued his dream of serving in the military by enlisting in the Army. Following his service to the nation, Mr. Dunn earned his degree at Alabama State University.

Throughout his life, Mr. Dunn exemplified his ability to promote change by becoming the first African American to serve in many organizations. Among his many achievements, he was the first to serve on the Chambers County Pension and Security Board, the first to serve as principal of two schools in Harris County, and the first to be elected to the Chambers County Commission. He has been listed in ''Men of Achievement,'' ''Personalities of the South,'' ''Personalities of America,'' and all the editions of ''Who's Who Among Black Americans.''

Words cannot express the sense of sadness we have for his family, and for the gratitude our community feels for his service. Our community will remember him for years to come, and I am honored to be able to recognize his achievements on this day.

JUSTICE FOR THE VICTIMS OF THE TULSA RACE RIOTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. RANGEL. Mr. Speaker, I rise today to discuss a matter of justice. The Tulsa Race Riots remain today a matter unresolved in our national conscience. More than 80 years after the occurrence of this horrible event, the time has come to bring closure. A March 13th article in the New York Daily News sheds light on the Tulsa Race Riots and the current effort underway to obtain justice for the victims.

Tulsa, Oklahoma in 1921 was something of an African American success story. The city's Black community, known as Greenwood, had developed into a prosperous area of shops, hotels, gaming halls and restaurants that was known throughout the Southwest. So significant was its reputation, that the famous Black leader Booker T. Washington would dub Greenwood ''the Black Wall Street.''

However, the Black community's prosperity was a source of resentment among many of city's white residents. Racial tension in the city was palpable. This and other factors would eventually manifest themselves, with deadly consequences.

The Tulsa Race Riots began May 31, 1921, when police arrested a black youth for allegedly assaulting a white woman, a charge later dismissed. A crowd of whites gathered outside the courthouse where the youth was being held, calling for his lynching.

According to a 2001 report commissioned by the State of Oklahoma, Black citizens from the Greenwood neighborhood armed themselves and went to the courthouse to defend the young man. After an initial period of confusion, a shot was fired and a gunfight ensued.

A white mob then marched to the Greenwood area of the city and began to destroy the 40-block neighborhood. Left unobstructed by police and Oklahoma National Guard troops, the white mob burned nearly all of Greenwood to the ground, leaving nearly 9,000 people homeless. A total of 1,256 homes were destroyed, along with ''virtually every other structure, including churches, business, schools, even a hospital and a library.

The mob also killed many Black citizens in the process. Officially, the death count for the Riots had been put at 38 people, but the 2001 Oklahoma State report put the figure closer to 300 individuals.

In the immediate aftermath of the destruction, more than 100 Greenwood residents unsuccessfully filed lawsuits attempting to recover damages. A grand jury convened to determine the cause of the riot and actually faulted the city's African-American residents. Subsequently, the issue would seemingly disappear for nearly eighty years.

However, after the publication of the 2001 Oklahoma state report, a group of 150 Riot survivors and their descendants, represented by Harvard law professor Charles Ogletree, sued the state of Oklahoma, the city of Tulsa, the city's police department and its police chief.

Lower courts dismissed the case on the grounds that a two-year statute of limitations on the 1921 incident had long since passed. Prof. Ogletree has argued that the statute of limitations should not have started until 2001, when the state commission appointed to investigate the riots completed its report, and revealed the culpability of state and local government.

In March 2004, U.S. District Court Judge James O. Ellison ruled that the statute-of limitations should extend to a time when the defendants could receive a fair hearing in court, but he also argued that such an opportunity was present as early as the 1960s.

The 10th Circuit Court of Appeals upheld that ruling in September 2004, but argued that the case should have been brought during 1980s, when a book about the Riots was published—thus giving the plaintiffs the evidence they needed in bringing the case.

Prof. Ogletree has argued that not all the victims knew about the book, and that the government still had not acknowledged its culpability until the state commission report in 2001. Furthermore, until the state commission's report, the official stance of the State of Oklahoma was that the Black citizens of Tulsa were responsible for the Riots.

As a result of the recent decision against the plaintiffs by the 10th Circuit Court of Appeals, Prof. Ogletree and his legal team are now seeking to have the case brought before the United States Supreme Court. The Court received a petition brief from Prof. Ogletree and his team on March 9th, and a decision is pending.

Millions of children around our nation recite a daily pledge, an oath of allegiance to a nation which promises ''justice for all.'' Unfortunately, our country has not always exhibited the national virtues descried in that pledge. The victims of the Tulsa Race Riots have undoubtedly been denied justice, and now a legal technicality threatens to ensure that they will never obtain it. Let us not allow this to happen—for the sake of the Tulsa Race Riot victims, and for the sake of our nation.

TIME TO FIX RIOT'S WRONGS

By E.R. Shipp

[From the Daily News, Mar. 13, 2005]

To white folks back in the day, it was Niggertown. To black folks during that same time, it was The Black Wall Street. It was the Greenwood section of Tulsa, Okla. And the gap in perception is the frame of the issue that might be decided ultimately by the U.S. Supreme Court: reparations.

Reparations make sense when one can demonstrate that one has suffered a loss. That is not the case for most black folk who, when they hear politicians and college professors say ''reparations,'' are hoping that the government will become their Lotto ticket to wealth.

If the high court agrees to take on the Tulsa case, laid out in a petition led last

week by lawyers—led by Harvard's Charles Ogletree—the justices might see that Tulsa is a whole different matter.

The 1921 Tulsa race riot began when police arrested a black youth for allegedly assaulting a white woman, a charge later dismissed. A crowd of whites gathered outside the courthouse where the youth was jailed, and there was a rumor that he would be lynched.

According to the state's 2001 report, men from Greenwood armed themselves and went to the courthouse to defend the youth. A gunfight erupted, and the outnumbered blacks retreated to Greenwood. A white mob followed them and burned the neighborhood.

A ''white mob ransacked Greenwood, shooting indiscrimately at African-Americans and burning almost every building in the community. Not only did the state and city fail to stop the destruction, but state and local officials participated in the violence and deputized and armed members of the white mob,'' states the petition, filed on behalf of the riot's survivors and their descendants.

From the get-go, Oklahomans set roadblocks to any kind of recompense for the hundreds of homeowners and businesses devastated during the riot. And then, after a state commission finally concluded in 2001—four years ago!—that more than attention must be paid to what transpired, the courts said to these black folks: Sorry. Too late. You should have filed your claims years ago. Too bad. So sad.

So, justices of the highest court in the land, rise to the dignity of your titles and do justice in this case. Do justice by 102-year-old Otis Clarke, a Greenwood victim. Do more than pay lip service to the immorality of what transpired. Reparations in the form of money, not just penance, must be paid for this act of domestic terrorism.

The lower courts said it's too late. But the Supreme Court has the chance to do what's right, and the time for that is now.

HONORING THE 65TH ANNIVERSARY OF THE MINEOLA ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to commemorate two significant anniversaries of Rotary International. On February 23, 2005, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary International has grown into a worldwide organization of business and professional leaders whose mission is to provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat polio, promote cultural exchanges, and encourage community service.

I also want to provide special recognition to an important member of this outstanding organization, the Rotary Club of Mineola, Texas, for their sixty-five years of service to Wood County. Throughout its sixty-five year history, the Mineola Rotary Club has achieved great successes in carrying out the mission of Rotary International.

In past years, the Mineola Rotary Club has raised money to provide scholarships to local students, sponsored a reading program at the local library for students trying to learn English, and planted trees throughout the county. In addition, the club is an active fundraiser for the local library, has sponsored programs to teach students Spanish, and has been active with the Meals on Wheels program that brings food to the elderly population in the area.

Through these actions, the Rotary Club of Mineola, Texas, has exemplified the values of service and charity that lie at the heart of American society. As the congressional representative of the members of this outstanding organization, it is my distinct pleasure to be able to honor them today on the floor of the United States House of Representatives.

HONORING BEVERLY HANSON

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ISSA. Mr. Speaker, I rise today to honor the work of one of my constituents, Ms. Beverly Hanson of Oceanside.

Several months ago, Southeast Asia was devastated by a tsunami. This terrible tragedy claimed the lives of countless thousands of people and caused horrific damage to the lives of those who survived it. Ms. Hanson was deeply touched and saddened by the lives of the children affected. Seeking to make a difference in the lives of these traumatized children, she started a toy drive she called ''Teddy Bears for Tsunami Children.''

Ms. Hansen set up boxes with signs at local retail establishments, banks, and nonprofit organizations requesting donations of new and previously loved clean teddy bears and small, plush toys. The first shipment of 240 stuffed animals left San Diego for India, tightly packed into the suitcases and duffle bags of 62 doctors and nurses with Project Compassion. Approximately 300 more animals were sent in a package to Sri Lanka by Debbie and Mano Appapillai of Carmel Valley, California. Ms. Hanson is currently collecting 500 or more toys which will find their new homes this month. Ms. Hanson has worked very hard to publicize her project into North San Diego County. She utilized newspapers, drop off points, and television to get her message out. Her determination and effort are rare and worthy of the highest praise. Mr. Speaker, I am honored to have Beverly Hanson as a constituent.

CONGRATULATING GEORGE K. LAI ON BEING NAMED 2005 GUAM SMALL BUSINESSPERSON OF THE YEAR BY THE SMALL BUSINESS ADMINISTRATION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate and commend Mr. George K. Lai on being named 2005 Guam Small Businessperson of the Year by the United States Small Business Administration. George Lai's hard work and perserverance embody the spirit of the American Dream, and the SBA could not have selected a more worthy recipient.

Like many of this Nation's great entrepreneurs, George came to the United States as an immigrant. Having grown up in Hong Kong with very little formal education in the English language, he worked hard to take advantage of opportunities for formal secondary education in Guam. After graduating from Guam's John F. Kennedy High School with honors, George gained admission to Texas Agriculture and Mining University, where he earned a B.S. in Petroleum Engineering in 1982. After several years of working for Dower Schlumberger, a Houston-based oil service company, he and his wife, Deborah Larsen Lai, moved back to Guam and established Quality Distributors in 1986. Quality Distributors has since become the largest food wholesaler on the island.

George has provided sound leadership for Quality Distributors, which led to its awarding as ''New Contractor of the Year'' by the Defense Logistics Agency in 2002. Quality Distributors was subsequently awarded ''Prime Vendor of the Year'' by the Defense Supplies Center of Philadelphia in 2003 in recognition of its outstanding performance in the Pacific Region. Under George's leadership, Quality Distributors has continued to provide efficient wholesale services to local retailers and value to Federal procurement officers. Because of this sound business leadership, Quality Distributors helps foster local economic growth and new jobs.

In addition to providing business leadership, George is an active participant in local trade organizations that work to enhance the overall competitiveness of firms located in Guam. He has served on the Board of Directors for the Guam Hotel and Restaurant Association and for the Guam Environmental Protection Agency; as Vice President of the Chinese Merchant Association; and has maintained an active role in the Guam Chamber of Commerce and Guam Visitors Bureau. He has also supported the Guam community by serving as Treasurer and Director of Finance for the Guam Football and Soccer Association and as Chairman of the Women's National Soccer Team. George has also been generous in providing corporate sponsorships for important programs supporting public education, youth sports, and disaster relief in the Pacific Region.

George is a business leader, an inspiration for us all, and an individual deeply committed to utilizing his talents for the benefit of the entire Guam community. I congratulate George for being selected as the 2005 Guam Small Businessperson of the Year. Our island celebrates his national recognition with his wife Deborah and daughters Samantha and Breanna. George, we are all proud of you and we wish you continued success.

PERSONAL EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CONYERS. Mr. Speaker, yesterday, I inadvertently voted ''yes'' on H.R. 1268, the Emergency Supplemental Wartime Appropriations Act. My intention was to vote ''no'' for the following reasons:

The President is asking for another blank check, despite the fact that its policies in Iraq have made our country and the world less safe.

The President has neither accounted for the funds spent pursuing these unsuccessful policies nor have they offered the American people a plan to stabilize the situation in Iraq and bring our troops home.

March 19, 2005, is the second anniversary of the war in Iraq and the world is a more dangerous place. To date 1,500 American troops have died in Iraq and 11,000 have been wounded.

I want to make clear that I support the courageous men and women in combat and I think it is imperative that we bring our troops home as quickly and safely as possible.

HONORING THE CONTRIBUTIONS OF SAN MARCOS CITY COUNCIL MEMBER GAYLORD BOSE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the contributions of San Marcos City Councilman Gaylord Bose, of my Congressional District.

Gaylord Bose was born near Avoca, Nebraska near Cass County, and graduated in 1957 from Avoca High School. In 1958 he enrolled at the University of Nebraska, and in 1960 he began his own business.

Mr. Bose was involved in many community activities in their hometown, he served on the school board, as a member of the Weeping Water co-op Association, Secretary of the Volunteer Fire Department, president of the local sports program for young people, a 4–H club leader, church council, Sunday school teacher, and member of the Cass County 4–H Board.

In 1982 Gaylord and his family moved to Waller, Texas to work for Star of Hope Rescue Mission, a substance abuse rehabilitation program. Wanting to expand his ability to help others, he enrolled at the University of Houston and studied chemical abuse counseling program. He later earned a license as a chemical dependency counselor. In 1989 he was offered a job with the Wackenhut Corporation and became the Center Director of the Kyle facility.

After Gaylord Bose moved to San Marcos he became an active member Greater Castle Forest Neighborhood Association, and he was appointed by the San Marcos City Council to the Transportation Committee.

Mr. Speaker, I am proud to have this opportunity to recognize Gaylord Bose for his dedication and contributions in the community.

A TRIBUTE TO DEBRA A. JOHNSON, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Ms. Debra A. Johnson. For many years, Debra has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Debra instantly recognize her joy, enthusiasm and passion for helping others, especially young people.

Born in New York, Debra moved to California in 1974, while working as a Marketing Representative for Pacific Bell, now SBC. She began her nearly 30 year volunteer career in the Pasadena Unified School District (PUSD) in 1978. She has been a parent/student advocate, a youth mentor, Etiquette Institute volunteer and has served on PUSD's Youth Motivational Task Force—in fact, she has volunteered at nearly all of PUSD's elementary, middle and high schools. Additionally, Debra has volunteered for South Pasadena High School, serving as a swim/track team motivator and the historian for the Parent Teacher Student Association.

In 1992, Debra founded SMILE Productions Inc., a 501(c)3 organization dedicated to supporting, motivating, investing, loving and educating youth. Her main goal is to help youth fulfill their dreams and to express themselves in creative ways through poetry, music, drama and dance, and to teach them basic etiquette, oral communication, job grooming, interviewing skills and self-esteem. Ms. Johnson also produces her own SMILE cable television talk show.

Debra is active in numerous organizations, including the Altadena Branch of the NAACP, Black Child Development Institute Inc. Pasadena, the Pasadena Tournament of Roses Association, Rosemary Children's Services, HearZero Deaf Advocates, Los Angeles County Probation Department's Operation Read, NewCo Youth Pasadena, and St. Mark's Episcopal Church, where she teaches Sunday School.

In addition to her service to the community, Debra attends Pasadena City College, working to obtain her degree in forensic social work and public relations. She and her husband Landy reside in Altadena and together they have five children and four grandchildren.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Debra A. Johnson. The entire community joins me in thanking Debra for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

HONORING THE 50-YEAR MINISTRY OF KERMIT McGREGOR

HON. CHARLES W. ''CHIP'' PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, on March 12, the First Baptist Church of Starkville celebrated Dr. Kermit McGregor's 50 years in the ministry. Fifty years in service to any calling is noteworthy, but it is my particular pleasure to honor him for his decades of dedication to God.

Dr. McGregor is currently serving as the transitional pastor in Starkville, but he has been a blessing to many congregations across Mississippi. Since beginning the ministry at age 16—the same year he and his wife Phyllis were married—he has preached the Gospel in Pontotoc, Dumas, Smithdale, New Albany, Bruce, Winona, Hattiesburg, Clinton, Mendenhall and now in Starkville. Additionally, he has served as director of public relations at the Baptist Children's Village in Clinton, and as a trustee and chairman of the Board of Midwestern Baptist Theological Seminary in Kansas City, Missouri.

A graduate of Blue Mountain College, New Orleans Baptist Theological Seminary and William Carey College, Dr. McGregor says he works today just as hard as he did before his ''retirement'' 6 years ago. But he maintains that in his calling, one never actually retires.

Mr. Speaker, Dr. McGregor has over the years encountered several major heart attacks and has even been clinically dead for a short amount of time. But he persevered and lives now following a heart transplant over 10 years ago. I believe his current health, his longevity, his sharpness of mind and his continued service to God and man comes not from his physical heart, but from his heart for God which never ceased beating in the past 50 years.

A TRIBUTE TO JOAN EASTMOND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Joan Eastmond who has dedicated her life to strengthening our educational system and improving her community.

Joan was born the youngest of 6 children into the Eastmond family and long time member of Bedford-Stuyvesant's royalty. The Eastmond family's record of community service had a profound influence on her development and ultimately, her achievements. The birth of her son, Brian, was noted by Essence Magazine.

She has always been committed to public service. As a teen she got involved with NAACP Youth Committee. She also participated in the School Integration Movement, led by her former minister, the late Dr. Milton Galamison (Siloam Presbyterian Church). She also had a unique role as a teacher. She struggled against the wishes of the prejudiced school system and the biases of the UFT. Her

classroom at JHS 271 in the late 1960s was a model of ''africentricism'' and educational liberation.

A Training Coordinator of AFRAM Associates, she nurtured her decision-making role of parents on 9 different sites, public and private, located in 5 different States and the District of Columbia. She co-developed with Preston Wilcox and the late Kenneth W. Haskins, a tested and copyrighted educational model: Parent Implementation (Decision-Making) in Education. She also is the author of a major AFRAM Publication: The HAMPTON Experiences.

Currently employed at the Fort Greene Senior Citizens Center where she combines a variety of services for senior citizens, youth and graduate students (Lincoln University of Human Services Program), into a simulated social mission.

Joan is best known for the services she provides to the community as Joan has never forgotten where she came from. While serving ''at-risk'' youth at Bed-Stuy Restoration, her commitment to others became quite evident. She did not approach these youth as potential problems. Instead, she worked to convince them that they were in fact, ''diamonds in the rough.''

Mr. Speaker, Joan Eastmond has been a leader in her community through her efforts to improve our educational system and serve those in need. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING THE MEMORY OF MR. JOEL O. SWANSON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BONNER. Mr. Speaker, Mobile County, and indeed the entire State of Alabama, recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. Joel O. Swanson was a devoted family man and dedicated community leader throughout his life. A native of Mobile, Alabama, Mr. Swanson moved at an early age to Port Arthur, Texas, with his father and mother, Captain and Mrs. Joel Arvid Swanson. In 1951, he and his family moved back to Mobile and established the advertising department for a local supermarket chain, Delchamps. Over the next four decades, he worked tirelessly to continue Delchamps' growth in the Mobile area, serving as advertising manager, corporate secretary, and executive vice president. He continued to work in the family business until his retirement in 1991.

In the midst of his intense professional schedule, Mr. Swanson always found time to serve with many community organizations and on several boards of directors. He served as president of the boards for the Mobile Mental Health Association, the Lions Club of Mobile, the Mobile Opera, and Symphony Concerts of Mobile. Additionally, he was a member of the Lions Club of Mobile and took an active role in the Museum of Mobile Board and the Friends of the Library.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout South Alabama. Mr. Swanson will be deeply missed by his family—his wife of 61 years, Marilyn Morris Swanson; his children, Jan Swanson, Joel Craig Swanson, and Kirk Swanson; and one granddaughter—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

HONORING MR. LARRY TEAGUE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to honor Mr. Larry Teague, Mayor of Mabank, Texas for his longtime support of agriculture in and around Mabank, Texas. Mr. Teague is a recipient of the Woodrow Walker Award from the Henderson County Livestock Show Association, for which he has served as a buyer for 25 years, In addition, Mr. Teague has also been a buyer for the Kaufman County Junior Livestock Show and a member and officer of the Mabank Ag Booster Club.

A father to three children, Randy, Rachelle, and Robby, Mr. Teague married his wife, Linda Carter, in June of 1972. Along with his agricultural activities, Mr. Teague is a member, deacon, and trustee at the First Baptist Church in Mabank. He is the president of Mabank Economic Development, and a supporter of a number of charitable programs including Kids Across America, the Special Olympics, and the Make a Wish Foundation.

As a father, a husband, a devout churchgoer, and a community leader, Mr. Larry Teague has embodied the values of family, faith, and hard work that lie at the core of American society. As his representative in Congress, it is my distinct pleasure to honor him today on the floor of the United States House of Representatives.

RECOGNIZING THE DEDICATION OF ''A GIRL'S PLACE'' IN FAIRFIELD, CA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise to recognize the March 24, 2005 dedication of ''A Girl's Place,'' the Fairfield Facility of the Girl Scout Council of Napa-Solano.

This facility symbolizes a commitment from the community to ensuring that girls have a place to feel safe and to call their own. In June 1931, the residents of the City of Fairfield and Solano County came together to dedicate a building for the Girl Scouts of their community. Today, 75 years later, they have joined together again to reaffirm their pledge to the Girl Scouts and to dedicate a new facility. This new building replaces the old, which made way for modernization and offers the community hope and vision for the future.

''A Girl's'' Place'' will stand as an icon in the community, offering a safe haven for girls ages 5–17 and a place for adults who give freely of their time and love to come together to gain knowledge of our ever-changing young women.

The Girl Scouts of Napa-Solano serve 4,500 girls and 1,300 adult volunteers; nearly 1 in every 10 girls is a Girl Scout. Today Girl Scouts are reaching out into the community to provide a solid foundation for every girl, everywhere. Girls are participating in Girl Scouting in homes, schools, boys and girls clubs, juvenile halls, low-income housing complexes, emergency women's shelters, foster care programs, and churches. Girl Scouting helps girls mold their values and teaches self-confidence, leadership, teamwork and pride in her community. This collaboration inspires us all.

As the Girl Scouts' Honorary Congressional Co-Troop Leader, I am honored to recognize ''A Girls' Place'' as a proud addition to our community and I look forward to the generations of strong women who will spring from its steps.

INTRODUCING A RESOLUTION SUPPORTING THE GOAL OF INCREASED HOMEOWNERSHIP IN THE UNITED STATES AND RECOGNIZING THE IMPORTANCE OF HOMEOWNERSHIP PROGRAMS, FAIR LENDING LAWS, AND FAIR HOUSING LAWS IN ACHIEVING THIS GOAL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution that supports the goal of increased homeownership in the United States and recognizes the importance of homeownership programs, fair lending laws, and fair housing laws in achieving those goals.

This resolution specifically urges the President to designate April 2005 as National Fair Housing Month. It also urges the House of Representatives to recommit itself to making fair housing and homeownership a legislative priority in the 109th Congress.

We owe it to our constituents and the American people to support first-time homeownership programs, which help families who have never owned a home experience the benefits of home ownership.

Mr. Speaker, this resolution contains the importance of first-time homeownership, combating disparities in minority home ownership, and fighting the scourge of predatory lending. As the land of opportunity, we must ensure that all U.S. citizens are given a fair opportunity to achieve the American Dream, a significant component of which is homeownership.

Mr. Speaker, I urge my colleagues to support this resolution. As Members of Congress, it is our moral responsibility to ensure that all citizens have the opportunity to purchase a home, no matter their ethnicity, race, or religion. I look forward to working with my colleagues and moving this promising resolution forward.

IN RECOGNITION OF RABBI ARTHUR SCHNEIER ON HIS 75TH BIRTHDAY AND 50TH YEAR AS RABBI

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Rabbi Arthur Schneier, a tireless public servant, friend to all New Yorkers and one of our Nation's foremost spiritual leaders. On Sunday, March 20, 2005, Rabbi Schneier will celebrate his 75th birthday and 50th year as Rabbi at a dinner benefitting the Rabbi Arthur Schneier Center for International Affairs at Yeshiva University, which was established in 2004 to promote international peace and the exchange of ideas across cultural divides.

As a young man, Rabbi Schneier was a resident of Nazi-occupied Bucharest, where he experienced firsthand the depths of mankind's capacity for evil. Throughout his distinguished career, Rabbi Schneier has turned his experience as a Holocaust survivor into an incredible drive to stamp out hatred and intolerance throughout the world. In 1965, Rabbi Schneier founded the Appeal of Conscience Foundation, which works to foster religious freedom and human rights and to end ethnic conflicts.

During the long and bloody war in the former Yugoslavia, Rabbi Schneier convened the Religious Summit on the Former Yugoslavia in Switzerland and the Conflict Resolution Conference in Vienna, Austria, mobilizing religious leaders to help end the ethnic violence plaguing leaders to help end the ethnic violence plaguing the region. Additionally, in Sarajevo, Rabbi Schneier met with top government and religious leaders to promote healing and conciliation amond the Serbian Orthodox, Muslim, Catholic and Jewish communities.

Rabbi Schneier has also served our Nation in an official capacity as an Alternate U.S. Representative to the U.N. General Assembly.

Additionally, as Chairman of the U.S. Commission for the Preservation of America's Heritage Abroad, Rabbi Schneier was one of three American religious leaders appointed by President Bill Clinton to initiate a dialogue on religious freedom with Chinese President Jiang Zemin. Recently, Rabbi Schneier was a member of the U.S. delegation to the Stockholm International Forum for the Prevention of Genocide.

Rabbi Schneier's accomplishments here at home have been equally impressive. He is the Senior Rabbi of the Park East Synagogue, established in 1890 to serve the Jewish community of the Upper East Side of Manhattan. Centered in the heart of the largest Jewish population outside of Israel, the Synagogue has expanded significantly under Rabbi Schneier's leadership and is an invaluable part of New York City's spiritual and cultural life. Additionally, Rabbi Schneier, recognizing the growing desire among the American Jewish community to provide their children with a strong Jewish education, initiated and led a successful effort to establish a Jewish day school in New York. In 1977, both the Minks Cultural Center and the Park East Day School opened, furthering the Synagogue's ability to meet the Upper East Side's educational and social needs.

Mr. Speaker, I request that my colleagues join me in paying tribute to Rabbi Arthur Schneier and wishing him a wonderful 75th birthday celebration. Rabbi Schneier's dedication to tolerance and international peace serves as an inspiration to us all.

HONORING THE CONTRIBUTIONS OF ATASCOSA COUNTY COMMISSIONER WELDON P. CUDE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the distinguished public service of Commissioner Weldon P. Cude.

A seventh generation Atascosa resident, Mr. Cude started his career as a Texas water well driller in 1984. In 1988 he became Pleasanton's ''Young Citizen of the Year,'' and later became the youngest person elected as an Atascosa County Commissioner.

Commissioner Weldon P. Cude is no stranger to the needs of his community. In 1996, he was elected Pleasanton's ''Business Person of the Year,'' and has served as Director of ''The County Bank,'' the ''Atascosa County Economic Development Corporation,'' and the ''Atascosa County Appraisal Board.''

Since 1983 Mr. Cude has served as a pillar of the business community. As an independent business person, he has contributed as President of both Premium Well Drilling Incorporated and the Fat Cowboys Steakhouse. He has also served his community as Vice President for Goldwell Investments Incorporated. Employing over 150 employees, he understands the values of hard work and dedication.

Commissioner Weldon P. Cude lives in Atascosa with his wife Gayla Cude, and his five daughters: Aubry, Stephanie, Jennie, Lindsey, and Jessica.

It is a pleasure to recognize the accomplishments of Commissioner Cude, his dedication to the community has helped to make Atascosa a better place to live and work.

Mr. Speaker, County Commissioner Weldon P. Cude is an exemplary public servant. I am proud to have the chance to thank him here today for all he has done for his fellow Texans.

HONORING THE LIFE AND SACRIFICE OF SERGEANT MICHAEL ESPISITO

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to honor the life and sacrifice of Sergeant Michael Espisito, U.S. Army. On March 18, 2004, SGT Espisito made the ultimate sacrifice for his Nation—he gave his life while fighting on the frontiers of freedom in the small town of Miam Do, Afghanistan.

Referring to heroes of World War II, Sir Winston Churchill once stated, ''Never in the field of human conflict was so much owed by so many to so few.'' I believe that Churchill's sentiments reign truer then ever when applied to today's historically small contingent of service men and women. The challenge facing us is similarly great: the defeat of terrorism. But the number bearing that burden has never been so small.

Michael Espisito not only recognized that challenge, he embraced it. He volunteered to serve, to bear that burden, and he loved it. In a letter to Michael's parents, Captain Jorge Cordeiro, Michael's Company Commander, reflected back on the first battle he fought in with Michael. Captain Cordeiro wrote, ''I can recall him telling me it was the best day of his life and how proud he felt to have fought for his country.''

Assigned as a Team Leader in A Company, 2nd Battalion, 22nd Infantry Regiment of the 10th Mountain Division, Sergeant Espisito took each word in his title to heart.

Team: Sergeant Espisito never cared as much about himself as he did about the men surrounding him, his brothers in arms. He put their interests first; he put their safety first; he put their success ahead of his own. But Michael Espisito's team extended beyond those he fought with. His team was the Army, his family, his Nation and, in many ways, the people of Afghanistan. Just before Sergeant Espisito was mortally wounded in Afghanistan he successfully evacuated two women from the same building in which he was fighting. Those women were on SGT Espisito's team and they were saved because of it.

Leader: In the U.S. Army infantry there is a short slogan that is often repeated: ''Follow me!'' Michael Espisito didn't just say ''follow me,'' he lived it. He led his men from the front in every combat maneuver they took part in. In so doing, he earned the trust, the respect and the confidence of all around him. As his Battalion Commander wrote of him, ''He was a shining example of a soldier and non-commissioned officer to the end.'' SGT Espisito was leading from the front when he breached a door in an enemy compound and was mortally wounded in an exchange of fire.

Michael Espisito was a special human being. He was different. He was a hero. You get the feeling he was put on this earth to serve. He knew his mission, he understood his roll and he embraced it. And he lived his life, did his work and executed his missions with dignity, vigor and excellence. Our world is better because of his sacrifice but it is poorer because of his loss.

Churchill reminds us how much we owe to those few men and women like Michael Espisito. We owe Michael our commitment to a better world. We owe Michael our commitment to living better, more principled, more service oriented lives. And we owe Michael the memorializing of his life and his sacrifice, best completed by living the lives he would have wished for each us. Michael is gone but he will never be forgotten.

TRIBUTE TO JAY B. CUTLER

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to the life of Jay B. Cutler—a dedicated public servant, a champion for mental health parity, a gifted attorney, and a dear friend. Mr. Cutler passed away on March 4 at the age of 74.

A native New Yorker, Mr. Cutler's accomplished career includes service as administrative assistant to former U.S. Senator Jacob Javits and minority counsel and staff director to the Senate Health and Human Resources Committee. From 1977 to 2003, he directed government relations efforts for the 35,000–member American Psychiatric Association. He will be remembered as a passionate and trusted advocate who fought to improve the quality of, and access to, America's mental health system.

All who were fortunate enough to be lobbied by Jay Cutler recognized that he was so much more than a lobbyist. Over the years, his name became synonymous with the cause of mental health parity. Because of his untiring efforts, millions of Americans received better, more compassionate care. His unwavering commitment to protecting patient confidentiality, broadening coverage for psychiatric and substance abuse treatment, and improving patients' rights will continue to serve as an inspiration to those of us who fight for these causes today.

I ask my colleagues to join me in expressing condolences to Mr. Cutler's wife, Randy, his two daughters, Hollie S. Cutler and Perri E. Cutler, and his granddaughter, Makayla Lipsetts. We are deeply saddened by his death, and we are warmed by the memory of his remarkable life.

A TRIBUTE TO DONNA ANDERSON 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Ms. Donna Anderson. For many years, Donna has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Donna instantly recognize her joy, enthusiasm and passion for helping others.

Donna was born in Glendale and grew up in the Glendale/Burbank area along with her 11 sisters and brothers.

As a young mother of Angela and Mark, Donna volunteered as a teacher's aids at Mountain View Grade School, as an office worker at Our Lady of Lourdes Grade School, and visited patients twice weekly at Queen of Angeles Hospital in Los Angeles. She was a co-leader of her daughter's Girl Scout troop and a co-leader of her son's Cub and Boy Scout troops for many years.

Donna began working for the City of Burbank in 1986, and in 2001 was elected as Burbank's City Treasurer, a position she holds today. She returned to college during this time and received her Bachelor of Arts in Business Finance. A long-time board member of the Burbank National Management Association, she is active in the Burbank Sunrise Kiwanis Club, where she is currently Vice President-Elect, and in the Zonta Club of Burbank, where she will become President in May of 2005. In 2001 Donna received the Hixon Fellowship Award from the Burbank Sunrise Kiwanis Club for her service to the community.

Ms. Anderson actively participates in the annual Burbank Police Officers' Relay for Breast Cancer Walk and walks for the ALS Foundation of Los Angeles. Other organizations that Donna supports are the Guide Dogs of America, the Burbank Family Service Agency, Friends of the Griffith Park Observatory, and the John Burroughs High School Vocal Music Association.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Donna Anderson. The entire community joins me in thanking Donna for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

RECOGNIZING CHARLES E. ''CHARLIE'' WEATHERLY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, on February 11, Mississippi State University named Charles E. ''Charlie'' Weatherly the 2005 National Alumnus of the Year. This is the highest honor that the MSU Alumni Association can bestow on a member and recognizes Charlie out of the nearly 100,000 alumni in the association.

I know of no one in the Mississippi State family more deserving for this award than Charlie Weatherly. He has devoted 43 years of his life to the university and it is my distinct pleasure to honor him for that service today.

Charlie graduated from Mississippi State College (now Mississippi State University) with a degree in industrial management in 1959. He was a star football player for the Bulldogs and active in campus activities. In 1962, he became the first full time field representative for the alumni association and served in this capacity until 1967, when he was appointed the association's executive secretary. In 1976, he was named Director of Alumni Affairs and served admirably in this position until 1986, when he became coordinator of special projects for both the Alumni Association and the MSU Foundation. Charlie was the prime fundraiser and coordinator for constructing the Eugene Butler Guest House, as well as serving as director of the first constituency based fund drive. Prior to retirement, he served as director of development for Agriculture, Forestry, and Veterinary Medicine and remains a member of the board of directors of the MSU Alumni Foundation, a scholarship assistance program for deserving MSU students.

Mr. Speaker, our university experiences educate and shape our lives for many years to come. They are not just sources of academic expansion but also economic engines for communities like Starkville and states like Mississippi. It is notable to give back in some capacity to an institution that provides an improved quality of life for so many. For Charlie Weatherly, this was not a one time gift or occasional favor, but a lifetime of service and commitment that continues today. I am proud that the Mississippi State University Alumni Association has so properly bestowed this honor on him.

TWO SIKHS ACQUITTED IN AIR INDIA CASE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. TOWNS. Mr. Speaker, I was pleased to learn that this past Wednesday, two Sikhs named Ajaib Singh Bagri and Ripudaman Singh Malik, who were accused of carrying out the 1985 Air India bombing, were acquitted. These Sikhs were found innocent because the witnesses against them were not believable.

The Indian government has maintained for 20 years that the Sikhs were responsible for the Air India disaster and has used it as an excuse to kill Sikhs and tighten the repression against them. Now it is clear that they were not responsible.

Why did India grant a loan of $2 million to the main financial backer of the organization that carried out the bombing? Why did Indian operatives approach Lal Singh, offering him ''2 million dollars and settlement in a nice country'' if he would offer false testimony against the two accused Sikhs? Why did the Consul General of India in Toronto call in a detailed description of the disaster just hours later when it took the Canadian investigators weeks to find that information? How did he know so much? Why was the Consul General later expelled?

His successor as Consul General was quoted as saying that Sikhs who support Khalistan, the independent Sikh homeland, are terrorists, but the movement for Sikh independence is led by the Council of Khalistan, which is committed to achieving an independent Khalistan by peaceful, democratic, nonviolent means.

The book Soft Target, which is the definitive account of the Air India case, quotes a Canadian Security Investigative Service investigator as saying, ''If you really want to clear the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it

and they know it that they are involved.'' And the acquittal of the Sikhs accused just provides further substantiation of India's guilt.

Mr. Speaker, this country must not support terrorism. We cannot support the people who bombed the Air India airliner and killed 329 innocent people, especially at a time when we are fighting terrorism around the world. It is time to cut off all our aid and trade with India and support freedom and self-determination for all the nations struggling for their independence in South Asia. That is the best way to establish peace, freedom, security, and dignity for all in that troubled region of the world.

I would like to insert the press release on the acquittal of these two Sikhs from the Council of Khalistan into the RECORD, Mr. Speaker. I believe it will clearly show who is responsible for this terrible act of terrorism.

MALIK, BAGRI ACQUITTED OF ALL CHARGES IN AIR INDIA CASE

JUSTICE HAS BEEN DONE DESPITE PRESSURE FROM INDIAN REGIME

WASHINGTON, DC, March 16, 2005. Ripudaman Singh Malik and Ajaib Singh Bagri have been acquitted of all charges in the Air India bombing case, in a major rebuke to the Indian regime. Malik and Bagri were found not guilty today in the deaths of 329 people who perished when Air India Flight 182 was brought down by a bomb on June 23, 1985 in Canada's worst case of mass murder. Justice Ian Josephson delivered the verdicts this afternoon, saying he didn't believe many of the witnesses.

''Justice has been done for these Sikhs,'' said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the Sikh struggle for independence. ''Despite the effort of the Indian government to blame these Sikhs for its own acts, they have been found innocent. This is a major setback for the Hindustani regime,'' he said. Canadian Member of Parliament wrote in 1989 that the Canadian government had spent $60 million on the case. ''On behalf of over 600,000 Sikhs in Canada and the 25 million Sikhs worldwide, we would like to express our gratitude to Judge Josephson for doing the right thing and not caving in to the pressure of the Indian government,'' Dr. Aulakh said.

Air India flight 182 was blown up off Ireland in 1985. It was on its way from Toronto to Bombay. It was supposed to be blown up at the London airport when no passengers would be aboard, but due to delays it blew up over Ireland. The book Soft Target by Canadian journalists Zuhair Kashmeri of the Toronto Globe and Mail and Brian McAndrew of the Toronto Star exposed India's responsibility for this bombing. In the book, Kashmeri and McAndrew quoted a Canadian Security Investigative Service (CSIS) investigator as saying, ''If you really want to clear the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved.''

The book shows that within hours after the flight was blown up, the Indian Consul General in Toronto, Surinder Malik (no relation to Ripudaman Singh Malik), called in a detailed description of the bombing and the names of those he said were involved, information that the Canadian government didn't discover until weeks later. Mr. Malik said to look on the passenger manifest for the name ''L. Singh.'' This would turn out to be Lal Singh, who told the press that he was offered ''two million dollars and settlement in a nice country'' by the Indian regime to give false testimony in the case.

In his book Betrayal: The Spy Canada Abandoned, Member of Parliament David Kilgour wrote that Canadian-Polish double agent Ryszard Paszkowski was approached to join a plot to carry out a second bombing. The people who approached Paszkowski were connected to the Indian government.

The main backer of the group that was supposedly behind the Air India bombing had received a $2 million loan from the State Bank of India just before the plane was attacked, according to Soft Target. The year after the bombing, three Indian consuls general were asked to leave the country. At the time of the bombing, the Congress Party needed the Sikhs as scapegoats to win votes on a law-and-order platform. The attack also served as justification for the government to shed more Sikh blood.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 90,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese,

Manipuris, Dalits, Bodos, and others. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.'' According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs and tens of thousands of other minorities are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! We demand the immediate release of all these political prisoners.

The Sikh Nation declared its independence from India on October 7, 1987 and formed the Council of Khalistan at that time to lead the struggle for independence. When India became independent, Sikhs were equal partners in the transfer of power and were to receive their own state, but the weak and ignorant Sikh leaders of the time were tricked into staying with India on the promise that they would have ''the glow of freedom'' and no law affecting the Sikhs would pass without their consent. Sikhs ruled an independent and sovereign Punjab from 1710 to 1716 and again from 1765 to 1849 and were recognized by most of the countries of the world at that time. Sikhs do not accept the Indian constitution. No Sikh representative has ever signed it.

V.P. Singh, who was the Indian Consul General in Toronto when Soft Target came out, was quoted in the June 22, 1989 issue of the Washington Times, as saying that Sikhs who support Khalistan are terrorists. The Council of Khalistan, which leads the Sikh struggle to liberate Khalistan, openly repudiated militancy and has an 18-year record of working to free Khalistan by peaceful, democratic, nonviolent means.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. Khalra was murdered in police custody. His body was not given to his family. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. He has never been tried for the Jathedar Kaunke murder. In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 cash bounties for killing Sikhs.

Missionary Graham Staines was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted ''Victory to Hannuman,'' a Hindu god. None of the people involved has been tried. The persons who have murdered priests, raped nuns, and burned Christian churches have not been charged or tried. The murderers of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial. An Indian newspaper reported that the police were ordered not to get involved in that massacre, a frightening parallel to the Delhi massacre of Sikhs in 1984.

India is not one country; it is a polyglot thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Last year, the Punjab Legislative Assembly passed a bill cancelling the government's daylight robbery of Punjab river water. The Assembly explicitly stated the sovereignty of Punjab.

''The Indian regime stands exposed for the bloody tyranny that it is,'' said Dr. Aulakh. ''This verdict is a major setback to their repressive drive for hegemony over all of South Asia,'' he said. ''This is a victory not only for the Sikh Nation, but for freedom-loving people everywhere.''

''I urge the international community to help us free Khalistan from Indian occupation,'' Dr. Aulakh said. ''Freedom is the birthright of all people and nations,'' he said. ''As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not for Khalistan, he is not a Sikh','' Dr. Aulakh noted. ''We must continue to press for freedom,'' he said. ''Without political power, religions cannot flourish and nations perish. A sovereign Khalistan is essential for the survival of the Sikh religion and the Sikh Nation.''

HONORING THE CONTRIBUTIONS OF ATASCOSA COUNTY COMMISSIONER FREDDIE OGDEN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Atascosa County Commissioner Freddie Ogden for his dedicated service to the people of Texas.

Mr. Ogden was born in Poteet, TX, in 1950. He attended Poteet High School, and began his career in public service soon after, working for Atascosa County Precinct 2 as a motor grader operator. Beginning in 1975, he worked for the Atascosa County Sheriff's Office, and in 1976, he graduated from the Alamo Area Law Enforcement Academy and became Police Chief for the city of Poteet.

While continuing his career as a law enforcement officer, Freddie Ogden also married Danna Roby, moved to Charlotte, TX, and raised two sons, one of whom has continued the family tradition of law enforcement as a corrections officer. Mr. Ogden began working for the Atascosa County Sheriff's Office in 1978, and was promoted to Assistant Chief Deputy and Chief Deputy Sheriff in 1982 and 1984. He was recognized for his extraordinary service, winning Law Enforcement Officer of the Year in 1985.

Mr. Ogden was rewarded for his service with an appointment as County Commissioner of Atascosa Precinct 3, a post which he still holds. He further contributes to the public good through his work as a volunteer deputy for the Atascosa County Sheriff.

Mr. Speaker, Freddie Ogden remains a tireless public servant, and I applaud his energy, competence, and dedication.

HONORING THE 75TH ANNIVERSARY OF THE ATHENS ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to commemorate two significant anniversaries of Rotary International. On February 23, 2005, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary International has grown into a worldwide organization of business and professional leaders whose mission is to provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat polio, promote cultural exchanges, and encourage community service.

I also want to provide special recognition to an important member of this outstanding organization, the Rotary Club of Athens, Texas, on the occasion of their 75th anniversary on December 1, 2004. Throughout its seventy-five year history, the Athens Rotary Club has achieved great successes in carrying out the mission of Rotary International.

In past years, the Athens Rotary Club has raised money to combat Polio, provided scholarships to two seniors from each high school in Henderson County, and sponsored exchange students from around the world. In addition, the club is active with the Boy Scouts of America, the Henderson County 4H club, the YMCA, the local Food Pantry, and numerous other charitable and civic organizations in and around Athens, Texas.

Through these actions, the Rotary Club of Athens, Texas, has exemplified the values of service and charity that lie at the heart of American society. As the congressional representative of the members of this outstanding organization, it is my distinct pleasure to be able to honor them today on the floor of the United States House of Representatives.

IN RECOGNITION OF ELAINE GROTHMANN FOR HER 30 YEARS OF SERVICE TO THE CONTRA COSTA COUNTY DEPARTMENT OF EMPLOYMENT AND HUMAN SERVICES

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor the career accomplishments of Elaine Grothmann for her 30 years of service to the Contra Costa County Department of Employment and Human Services.

Ms. Grothmann represents the highest standards of professionalism in her life work with the Department. She is respected and trusted by her colleagues for her sincerity, constancy, and the outstanding quality of her work. Her managers know that when Elaine takes on an assignment, the end product is going to be assured, timely, and a credit to the Department.

Over her career, Elaine's work has benefited a wide range of the Department's customers, including dependent children, refugees, foster children, and parents entering and reentering the job market after having received welfare. She has been an innovator and mainstay of programs for CalWORKs participants, creating and implementing services in child care, substance abuse, mental health, and learning disabilities that buoy employability. The training program she spearheaded for CalWORKs participants to become licensed child care providers and preschool teachers is an inspired, lasting design that continues to meet multiple, compatible needs of the participants.

Elaine's respect for those who are served by the Department shows in her work on their behalf and confers respect on the Department. Her creativity, expertise, dedication, and amiability—not to mention her affinity for good times and monthly trips to Disneyland—are going to be missed by everyone who has worked with Elaine and benefited from her good work.

I thank Elaine Grothmann for her career contributions to the Contra Costa County Department of Employment and Human Services, and I wish her a well-deserved retirement in the community she has done so much to improve.

SUPPORTING THE HOUSE DEMOCRACY ASSISTANCE COMMISSION RESOLUTION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H. Res. 135, the House Democracy Assistance Commission Resolution. This Resolution forms a commission within the House of Representatives to assist emerging democracies around the world. As the standard-bearer for a modern democratic nation, it is only fitting that Congress lend its expertise to all countries attempting to follow our example.

In the previous decade, Congress formed a task force to provide equipment and technical assistance to emerging democracies in Eastern and Central Europe. The results of that task force, known as the "Frost-Solomon Task Force," can be seen in the strengthening of the democratic institutions in these countries. The recent elections in Ukraine are a perfect example of how democracy is beginning to take hold in these nations. One of the hallmarks of a truly democratic nation is the smooth transition of power from one political party to another. While democracy eventually prevailed in Ukraine, the political turmoil during its elections serves as a reminder of how new and fragile these democracies are. It is crucial that we, as a nation, continue to support all countries in their progress towards maintaining a stable democracy.

The establishment of a commission to lend assistance to these emerging democracies is an important and common-sense action Congress can take to support and foster the global spread of democracy. This commission will lend experience and expertise to nations around the world. It will further allow members and staff of parliaments of selected countries to visit the House of Representatives and its support agencies in order to gain first hand knowledge. This commission is a valuable and cost-effective diplomatic tool our nation can employ to assist in spreading the freedom of democracy around the world.

Mr. Speaker, I am pleased to support the formation of a commission to assist emerging democracies. I urge my colleagues' support for this important legislation.

RECOGNITION OF BATON ROUGE MAGNET HIGH SCHOOL AS A WINNER OF THE KENNEDY CENTER CREATIVE TICKET NATIONAL SCHOOL OF DISTINCTION AWARD

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. JEFFERSON. Mr. Speaker, I rise today to recognize a valued educational institution—Baton Rouge Magnet High School—a 2003–04 school year Winner of the Kennedy Center Alliance for Arts Education Network Creative Ticket National School of Distinction Award. This school is an institution that combines academic excellence with tradition, achieving excellence in the arts.

The John F. Kennedy Center for the Performing Arts has recognized five schools as recipients for the 2003–04 award. The Creative Ticket National School of Distinction Award recognizes schools that have done an outstanding job of making the arts an essential part of the education of their students.

In addition to their recognition of excellence in the Performing Arts by the Kennedy Center, Baton Rouge Magnet High School held its Blue Ribbon award ceremony on Thursday, October 23, 2003. The Blue Ribbon Schools Programs honors public and private K–12 schools which are academically superior in their states or that demonstrate dramatic gains in student achievement. BRMHS is one of only two public high schools, and five total schools in Louisiana, and one of 248 nationally recognized as Blue Ribbon schools. It is the second time Baton Rouge Magnet High has been recognized with the honor. It is an award colleges look favorably in when reviewing students' resumes.

Thank you, Baton Rouge Magnet High School for your many years of dedication to quality education, arts programs and your outstanding representation of Louisiana.

RECOGNIZING THE ACHIEVEMENTS OF THE FARM LABOR ORGANIZING COMMITTEE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. KAPTUR. Mr. Speaker, I rise tonight to honor the Farm Labor Organizing Committee (FLOC) and their historic achievements.

For more than 35 years, FLOC has represented the guest workers who labor in our fields and farms bringing food to our tables. They are striving to achieve the American dream, a good-paying job in a safe workplace and the ability to provide for their families. Something that everyone in America can understand.

Under the leadership of FLOC's president, Baldemar Velasquez, the organization has achieved historic gains—including the first labor agreement in U.S. history to cover guest workers. Other significant achievements include increasing workers wages, improving worker housing, and protection against harmful pesticides. FLOC's actions will provide a safer working environment for its members and a better product for the consumer.

Today, FLOC will open an office in Monterrey, Mexico, it's first outside the U.S. The office will help oversee the recruitment and transportation of guest workers. All of us have heard the nightmarish stories of coyotes smuggling workers across the border only to have the workers trapped in de-facto indentured servitude or perish in the unsafe crossing. FLOC has worked to bring workers to the U.S. legally, informing them of their rights as guest workers.

Without FLOC's assistance, so many workers would fall through the cracks. Today I celebrate FLOC's accomplishments and success. Their legacy is greater than the agreements signed. Their legacy is a workforce that is paid a living wage and laboring in a safe environment. Their legacy is hope.

HONORING THE CONTRIBUTIONS OF ATASCOSA COUNTY COMMISSIONER DAVID CABALLERO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Atascosa County Commissioner David Caballero for undertaking a lifetime of distinguished public service.

Commissioner Caballero has followed in the footsteps of his father, who was once a long-serving Atascosa Constable, in seeking an elected position of leadership. After serving his first term, his tireless devotion to ensuring that Atascosa County continues to develop economically, creating more jobs for the constituents he serves, led him to pursue and win term of service as County Commissioner.

Most importantly, Commissioner Caballero has continued to hold the values of community, faith and family in the highest regard. Nothing exemplifies this more than his committed participation with the Pleasanton Little League, St. Andrews Catholic Church of Pleasanton, Our Lady of Guadalupe Church of Leming, and the Verdi Community Center.

He has spearheaded and now hosts an Annual Easter Egg Hunt that serves as an excellent opportunity to draw the entire community of families together in his precinct. Commissioner Caballero most deserves recognition for choosing to be an agent for real change, focusing on making government smarter and serving his constituency while saving his County money.

Mr. Speaker, I am proud to stand in recognition of the dedication of Atascosa County Commissioner David Caballero.

A TRIBUTE TO FLORA DUNAIANS, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our Nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Ms. Flora Dunaians. For many years, Flora has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Flora instantly recognize her enthusiasm and passion for helping others, especially on behalf of the Armenian American community and the arts.

Born and raised in Pasadena, Flora Jane Calusdian married George Dunaians in 1958 and they had 2 daughters, Gigi and Suzie. In 1968 the Dunaians formed their own business, Western Medical Supply, Inc., where Flora is currently the Vice President and Secretary.

Flora is devoted to her church and community. For over 40 years, Flora has been active at St. Gregory the Illuminator Armenian Apostolic Church, serving as Trustee and member of the St. Gregory Auxiliary. On the occasion of the visit of His Holiness Vasken I, Catholicos of All Armenians to the United States in 1987, Flora and George donated to the new cathedral fund for the Diocese. In 1988 following the devastating earthquake in Armenia, the Dunaians arranged for donated emergency goods to be flown to Yerevan on Armand Hammer's private plane. She has been involved in many church-related projects throughout the Diocese, such as the Operation Karabakh Fund, Operation Winter Rescue and Operation Fuel, and continues to support various projects throughout the Diocese and the Holy See of Etchmiadzin.

Constantly finding ways to improve the social condition for children in Armenia, Flora cofounded Developmental Services for Armenia, a non-profit organization that helps schools, orphanages and short term projects. She also established and continues to support a dental clinic at the Nork Military Academy in Yerevan.

Flora and George are both founding members of the Consulate of the Republic of Armenia in Los Angeles. Flora is also a board member of the Armenian Assembly of America, the National Board of Team Armenia, and the Armenian Professional Society, where she and her husband have opened their home to raise funds for student scholarships for the last 25 years.

In addition to her extensive community service, Flora is a supporter of the Arpa Foundation for Film, Music and Art, the Pasadena Playhouse, and the New York Foundation for the Arts.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Flora Dunaians. The entire community joins me in thanking Flora for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

RECOGNIZING THE 1000TH VICTORY OF COACH RON POLK

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, on February 25, Coach Ron Polk achieved another impressive milestone at Mississippi State University. With the Bulldogs defeat of the Eastern Illinois Panthers in a 3–1 game, Coach Polk marked his 1000th win in 26 seasons at Mississippi State University.

Before a crowd of about 2,400 fans in the Polk-DeMent Stadium—which honors Coach Polk—the Bulldogs won their season opener and then celebrated this Mississippi State icon at a post game ceremony. Coach Polk, in his usual humble and humorous manner told reporters on scene, "It's just a number. All 1,000 wins means is that you haven't died yet and you've coached a long time. We have some really great players here but I haven't had time to reflect back on that success yet." Bulldog pitcher Alan Johnson said, "We didn't feel any added pressure. Coach Polk didn't mention it to us one time. However, we knew we were at 999, going for the big win. It feels good to win the first game but it also feels really good to be a part of Coach Polk's 1000th win."

Coach Polk is the all-time most winning coach in Southeastern Conference history and began the 2004 season as Number 12 among Division I's all-time coaching ranks. His record now stands at 1234–602–2 in 32 seasons as a collegiate head coach and 1000–490–2 in 26 seasons at Mississippi State. He has twice been honored as the National Coach of the Year (1973 and 1985) and was also honored by his peers as the recipient of the ABCA's Lefty Gomez Award. Coach Polk has earned his place in the American Baseball Coaches Hall of Fame (1995), the State of Mississippi and the Mississippi State University Sports Hall of Fame (1998), and the Georgia Southern University Hall of Fame (1990). He also rates as one of only three head coaches in the history of college baseball to guide three different schools to the NCAA College World Series.

Ron Polk authored "The Baseball Playbook", the Nation's leading college textbook for baseball, and is featured in a recently published book, "6 Psychological Factors for Success: America's Most Successful Coaches Reveal the Path to Competitive Excellence."

Coach Polk has also been actively involved with coaching in international baseball. He has completed seven tours as a member of the coaching staff for the U.S.A National Baseball Team, twice serving as the head coach (1991 and 1998) and five times as assistant coach. Two of his teams represented the United States in the Olympic Games. He was an assistant coach on the gold medal-winning U.S. team in the 1988 Olympics and on the bronze medal-winning U.S. team in the 1996 Olympics. Coach Polk has also skippered Mississippi State teams in international competition including a goodwill summer tour of West Germany in 1976 and in 1982 and competition at the World Amateur Tournament in the Netherlands.

And Mr. Speaker, these numbers and records and achievements do not include his 1997 victory as Honorary Coach of the Republicans in the Annual Congressional Baseball Game, which I will remind my colleagues, we won. I take this opportunity to salute and honor Coach Polk's achievements at this 1000 MSU win milestone. As this and other seasons continue, I know we will see the steady hand and experienced leadership of Coach Ron Polk. He is the lead spokesman for baseball at Mississippi State University, and beyond, the king of college baseball.

A TRIBUTE TO ANITA BURSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Anita Burson who has dedicated her life to empowering disenfranchised citizens, improving her community and strengthening her church.

The first child of a distinguished Baptist minister and church leader, Anita was born at the segregated Jubilee Hospital in Henderson, North Carolina, on the Fourth of July at the conclusion of Sunday services, to Rev. Dr. O.B.J. Burson and Katie Leak Burson, an educator and engineer. Her late parents were college sweethearts at Shaw University. Anita is a direct Native American descendant.

A child of the parsonage during the turbulent last days of de facto segregation, Anita was privileged to witness daily the planning and activities involved in the fight for desegregation. She was also privileged to meet and hear some of the great pulpiteers and civil rights leaders of the time, who were often guests in the family home. Anita was immersed in religious activity, as well as education and civic awareness. One of her strongest memories of the struggle for civil rights was the evening white supremacist terrorists fired bullets into the church her father pastored in Coley Springs, North Carolina, while an integrated prayer rally and training sessions for voter registration and civil demonstrations were in progress. Those bullets remain lodged in the doors of that church sanctuary today.

Anita attended public schools in North Carolina and Virginia, where she was one of the first students to integrate a Summer Enrichment Program for gifted students. Later the family moved to Brooklyn, New York where she completed high school. While still a high school student, she organized the first on-site voter registration campaign for 18-year-olds, at her high school. During her college career, she became the first Black woman to serve as an elected student officer at Finch College, and the first to earn a position on the Academic Council. Anita graduated from Finch/Marymount Manhattan College with a Bachelors Degree in Cultural Anthropology & Sociology.

In 1977, Anita was elected to Community School Board #17, and became a member of the first Black majority in New York City's Crown Heights-Flatbush district in Brooklyn. She served as an officer on that body's executive board. Later, as a political campaign professional, she worked for President Jimmy Carter. She has served as a consultant to candidates for Federal, statewide and municipal legislative offices and other positions.

The Rev. O.B.J. Burson's role as a religious and civic leader ushered Anita into a life of community awareness and commitment. Her life has always been deeply rooted in the Baptist and AME Zion denominations. She is the great-great-granddaughter of Rev. Washington Leak and great-granddaughter of Rev. Thomas J. Leak, two prominent AME Zion leaders and educators. She is a fourth generation member of the National Baptist Convention, U.S.A., Inc. (NBC,USA); her paternal great-grandfather and his brother were present at its original meetings. Continuing that legacy in 1992 and 1993, Anita became the first outside consultant (in 112 years) for The NBC, U.S.A., to coordinate convention activity for its annual board meeting and annual session held in New York City.

Professionally, Anita is best known for her unparalleled skill as an advisor to pastors, clergy, denominational organizations, and to individuals, groups and corporations seeking to relate better to them. With nearly 25 years of experience in all aspects of professional campaign management and not-for-profit organizational development, Anita's professional acumen has been enhanced by her life's experiences. She is noted for her creative concepts and approaches to building sustainable relationships and enhancing networks between the public and private sector and religious organizations. Anita is a frequent speaker at churches, and for special events within local communities around the nation. She is to begin her own seminary training later this year.

Mr. Speaker, Anita Burson has been a leader in her community through her commitment to her church, civic organizations and coalition building. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

VETERANS SELF-EMPLOYMENT ACT OF 2005

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BAKER. Mr. Speaker, I rise today to introduce the "Veterans Self-Employment Act," legislation to establish a five-year pilot program that allows our Nation's servicemembers, veterans, national guardsman, reservists, and qualified others to use part of their VA educational assistance programs to defray legitimate training costs associated with obtaining a business franchise.

Mr. Speaker, franchising is an enormous component of the United States economy. According to a study conducted by International Franchise Association Educational Foundation, nearly 760,000 franchised businesses generate jobs for more than 18 million Americans annually, comprising nearly 14 percent of the Nation's private-sector employment and accounting for $1.53 trillion in economic output. Over 75 industries utilize the franchise model for distribution of products and services, ranging from familiar restaurants and hotels to home movers, tax preparers, personnel providers and so on. Clearly, franchising is a critical engine of America's economic growth.

When an individual acquires a franchise, the individual must first undergo various types of training, depending on the specific franchise he or she wishes to acquire. Training can include education on specialized knowledge of goods, services, policies and practices of the individual franchise system. Training may also include customer service, daily operational management, business computer systems, inventory control, costing and pricing as well as regulatory obligations.

At the same time, Mr. Speaker, American military members, whether as active duty servicemembers or veterans, possess a wealth of experience and abilities. Their training in the armed forces has provided them with high-end skill sets that employers are looking for in the future workforce. Yet outside of what has been provided during their tenure with the military, statistics show that many of our young military men and women have had no formal education or training beyond their high school years.

Mr. Speaker, the "Veterans Self-Employment Act" will allow more veterans to take advantage of the opportunities in franchising by allowing servicemembers, veterans, national guardsman, reservists, and eligible dependent spouses or children to apply a portion of his or her educational benefit to defray the portion of a franchise purchase cost attributable to training. Specifically, in a one-time lump sum payment, beneficiaries will be able to use the lesser of ⅓ of the remaining Montgomery GI Benefit entitlement or ½ the franchise fee.

In addition, the bill provides the Secretary of Veterans Affairs proper authority to oversee and avoid any possible abuse of this program; submit to the Secretary a detailed description of the training program; two year operating rule for franchise businesses; and provide individual progress reports regarding successful completion of individual training, among other things.

Mr. Speaker, I urge my colleagues to support our Nation's veterans and thus urge floor consideration for the ''Veterans Self-Employment Act.''

HONORING THE MEMORY OF DR. JAMES W. LANE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mrs. CAPITO. Mr. Speaker, I rise today to honor the memory of Dr. James W. Lane.

Last month, he lost his battle to a long-term illness. Dr. Lane was a Charleston urologist, former U.S. Army captain, and civic leader.

As Chief of Staff of the Charleston Memorial Hospital, he eased a hospital merger that resulted in the creation of Charleston Area Medical Center, which is the premier medical facility in the Kanawha Valley.

Dr. Lane was also a teacher of his trade. As the chairman of the Department of Urology at CAMC and a clinical professor of urology at the Charleston Division of the West Virginia University School of Medicine he trained hundreds of young doctors.

Dr. Lane was a member of several local service and community organizations including the Kanawha Medical Society, the Mid-Atlantic section of the American Urology Association, and the West Virginia Health Right, where he was named volunteer of the year in 2002.

Dr. Lane was instrumental in improving the availability of health care in West Virginia. His legacy of humility and compassion for others was attributed to how he lived every day of his life.

Dr. Lane was a pillar of the community and his memory will resonate in the minds of those fortunate enough to have known him and his countless accomplishments.

RECOGNIZING THE DEDICATION OF HARLANDALE INDEPENDENT SCHOOL DISTRICT BOARD MEMBER GRACIE A. ACUNA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the dedication of Harlandale Independent School District Board Member Gracie Acuna of my Congressional District.

Gracie Acuna was first elected as Board Member of District four in 1987, and currently serves as Vice President. During her time on the Board she has served in a variety of capacities including President, Vice President, and Secretary.

Gracie holds the honor of being the first Hispanic woman to serve as President of the Board, which she held for four terms. She has assisted the Board further by serving as Chairman of the Finance Committee and Curriculum Committee.

Ms. Acuna is actively involved in organizations that affect our community. She has served as President of the Bexar County Federation of School Boards, San Antonio Federation of School Boards, San Antonio Transit Board Member, President of the Harlandale Lions Club, TASB Legislative Advisory Council, and a Life Member of State PTA.

Gracie Acuna is grateful for being elected and feels honored by the confidence the voters have demonstrated in her. She has two sons with her husband Willie, and attends San Jose Mission Church.

Mr. Speaker, I am proud to have had this opportunity to recognize the dedication of Gracie A. Acuna to Harlandale Independent School District.

A TRIBUTE TO GLORIA GUERRERO 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our Nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Ms. Gloria Guerrero. For many years, Gloria has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Gloria instantly recognize her joy, enthusiasm and passion for community service.

Raised in a politically active and community-minded family, Gloria began volunteering in her youth in Monterey Park. Although she was employed full time working for Medicare/Occidental-Transamerica for 25 years, then later at the Chino Valley Independent Fire District for 13 years, she always found time for her community.

Gloria is a 51-year resident of Monterey Park and her involvement with the city of Monterey Park is extensive and impressive. She served on the city's Community Relations Commission for 7 years, serving as chair and vice chair, and on the Arts and Culture Commission for 6 years. She has served on several city committees, including the City with a Heart Committee, Cinco De Mayo Committee, Budget Task Force Committee, Harmony Month Committee and the Fourth of July Committee. In addition, she served as a Panel Judge for the city's Crystal Youth Awards event and an Essay Contest Judge for the Cherry Blossom Festival. She is a long-time member of the Los Angeles Monterey Park Optimist Club, having served as president and vice president. In addition, Gloria volunteered for the House of Ruth and Para Los Niños.

Ms. Guerrero's dedication to the Monterey Park Public Library is evident. She is currently a Library Board of Trustees Member of the Bruggemeyer Memorial Library and a board member of the Friends of the Monterey Park Library.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Gloria Guerrero. The entire community joins me in thanking Gloria for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

COMMENDING MIKE EAVES FOR HIS WORK AND DEDICATION TO AGRICULTURE AND RURAL DEVELOPMENT FOR THE 8TH DISTRICT OF NORTH CAROLINA

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HAYES. Mr. Speaker, today I rise to congratulate and praise an individual who has dedicated himself to improving North Carolina. Mike Eaves is a remarkable person in many ways, and I want to acknowledge him for his accomplishments and efforts towards promoting agriculture and rural development.

Mike grew up in Epson, North Carolina located in Vance County. He is a proud graduate of both Louisburg College and Appalachian State University.

Mike began his work in government when he accepted a job with the Farmers Home Administration. Mike soon moved on to the Farm Service Agency in 1984 where he served as Executive Director of the Richmond County Farm Service Agency. In 2002, due to his strong knowledge of the farm programs and the people, he became the District Director, overseeing 13 county offices as well as being a liaison between the State Office and the County Office. Most recently, Mike has been selected to be the Administrative Officer of North Carolina State FSA Office, effective April 3rd, 2005.

Anyone knows that long-term success depends on future leadership. It will not surprise you to know that Mike has a strong record of leadership and achievements. He has received the Distinguished Service Award for Community Service from the North Carolina Association of County Office Employees. Mike has also received the Distinguished Service Award for Community Service for the Southeast Area and the National Distinguished Service Award for Community Service from the National Association of County Office Employees. Mike's determination to help build and create a better community and a better North Carolina is inspiring.

I am very happy for Mike and his new position in the State Office, but I will tell you that Richmond County and the 8th District of North Carolina will miss his leadership. Although I know you will be watching over us from Raleigh and keeping a close eye on Richmond County, I can't tell you how much I have appreciated your steadfast dedication towards promoting and advancing agriculture and rural communities in North Carolina. Personally, I can't thank you enough for your friendship and the kindness you have shown me since I have been in office. Your assistance has been invaluable to me and my staff.

Mr. Speaker, I cannot tell you how much I appreciate Mike Eaves' tireless dedication and

his desire to increase the quality of life for Richmond County, the 8th District, and North Carolina as a whole. He has gone above and beyond the call of duty to help create and sustain a strong agriculture community, and as a citizen of North Carolina, I join many in sincerely thanking him.

I would also like to acknowledge Mike's family that has been there backing him in his efforts and successes. Mike has a very loving family. Mike's wife, Susan, makes a mean lemon meringue pie. I am sure she is as proud as I am of his many accomplishments and his dedication to his profession.

TRIBUTE TO JONATHAN STUBBS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BERRY. Mr. Speaker, I am honored to rise today on behalf of Congress to commend Captain Jon Stubbs of Searcy, AR, commanding officer of Charlie Company of the 39th Infantry Brigade's 3rd Battalion for his leadership in Iraq over the past year.

Managing a delicate balance between ambassador and soldier, Captain Stubbs has served his nation by bringing hope to a country encompassed by war. He led his company with the strength necessary to win the trust of those in his command and with the compassion needed to bring aid to the Iraqis he bravely protected.

From Searcy and Little Rock, Arkansas to Camp Taji and Adhamiyah, Iraq; amidst machine gun fire, roadside bombs, rocket propelled grenades, the loss of fellow soldiers and friends, Captain Stubbs served as a faultless example of what it means to be a soldier, a leader and an American.

Focused under pressure and diplomatic with the Iraqi people and the media, we could ask for no better ambassador in these most trying times than Jon Stubbs. His efforts led the 39th to reconstruct Iraqi schools, hospitals, irrigation and sewage systems, and new recreational projects for children; none of this would have been possible without Captain Stubbs' leadership.

As Jon Stubbs' wife Jane and daughter Susannah welcome him back, his community has also regained a strong leader. The son of a Methodist preacher, Jon Stubbs epitomizes his faith through his involvement in church youth programs, Sunday school and his continued participation in the education of his daughter and her fellow students. While the men and women in his company willingly follow him into battle, his community can look to him again as a friendly and optimistic voice in their lives.

On behalf of the Congress, I thank Captain Stubbs, Charlie Company and the entire 39th Infantry Brigade for their bravery, diplomacy and strength on behalf of the Iraqi people. The courage demonstrated by Charlie Company reflects considerably on their commanding officer; America's debt to Captain Stubbs' is immeasurable and will never be fully repaid.

70TH ANNIVERSARY OF CORONADO STATE MONUMENT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to recognize the 70th anniversary of the creation of Coronado State Monument in my home state of New Mexico. At Coronado State Monument, visitors can learn about the Conquistador Francisco Vasquez de Coronado and his interaction with the indigenous people of the Rio Grande Valley. This monument was created to commemorate Coronado's entry into New Mexico but stands today as a celebration of both Spanish Colonial and Native American history and culture.

On March 7th, 1935, Commissioner of Public Lands, Frank Vesaly, signed the proclamation authorizing the creation of Coronado State Monument under the 1931 New Mexico Session Laws. Located at the ruins of ancient Kuaua Pueblo, this monument is situated on the banks of the Rio Grande adjacent the majestic Sandia Mountains, where Coronado and his troops are thought to have spent the winter of 1540. Inhabited at the time of Coronado's visit, Kuaua Pueblo was the intersection of two major pre-European trade routes. The immense archaeological value of the pueblo ruins is illustrated by the indigenous murals which are considered the best pre-contact art in North America.

Few places today simultaneously pay homage to the Spanish Colonial and Native American heritage of New Mexico like Coronado State Monument. Visitors learn the history of two diverse groups that intertwined to form the unique blend of culture that exists in New Mexico today. The monument features programs that preserve the cultural and historical treasures of both the Spanish and indigenous way-of-life in New Mexico.

Coronado's legacy in New Mexico prompted the creation of this monument. His travels documented the geography and ethnography of the Southwest and the ''March of Coronado'' is widely considered one of the most important North American expeditions in the sixteenth century. Coronado and the other Spanish conquistadors brought mining and forging technology to the indigenous population of New Mexico along with cattle, sheep and horses. Descendents of these legendary Spanish horses still run wild in the foothills nearby.

Mr. Speaker, Coronado Monument is open to the public throughout the year. A small museum houses both Spanish and indigenous artifacts where visitors can try on conquistador armor, grind corn on a slab, and beat on a drum. The past comes alive on the 15 excavated mural panels that represent pueblo life around the time of Coronado. A self-guided interpretive trail winds through the pueblo ruins to the replica of a ceremonial Native American kiva. An integral part of the heritage tourism industry, Coronado State Monument promotes historic preservation and cultural education through diverse lectures and events where adults and children alike learn about New Mexico, past and present.

THE U.N. EMERGENCY PEACE SERVICE BILL INTRODUCTION

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. WYNN. Mr. Speaker, most Americans have the comfort of knowing that in the event of an emergency, police, fire, and emergency services are just a phone call away. Unfortunately, in too much of the world today, there is no emergency telephone number to call in the event of a humanitarian crisis

Today, Congressman LEACH and I are introducing a resolution to encourage the creation of an international emergency service for the world community—The United Nations Emergency Peace Service (UNEPS). The service would consist of 15,000 expertly trained and equipped professionals, ready to respond immediately in the early stages of a crisis, be it caused by violent conflict or natural disaster. The Emergency Peace Service ranks would be made up of military peacekeepers, civilian police, military, humanitarian and judicial professionals, and other emergency response and relief personnel.

The U.N. Emergency Peace Service would be a first in, first out, capability designed to supplement and fill the gaps of the current system whereby the United Nations and its member states respond to deadly emergencies.

Too often, the U.N. does not have the capacity, personnel, or resources to act quickly in an emergency. If, for example, the U.N. Security Council made the decision today to send peacekeepers to a hot-spot, it would take three to six months for troops to arrive and begin their work. That delay is a proverbial three-to-six month busy signal for people in need of immediate assistance.

In a humanitarian emergency such as genocide, delay can be a death sentence for hundreds of thousands of innocent civilians. During the 1994 genocide in Rwanda, for example, over 800,000 people were massacred in six weeks. The United Nations did not have the capability to respond quickly enough and stop the killings.

At a time when Congress is paying serious attention to United Nations reform, we must not only look at the accountability and transparency of the U.N. but also to the international body's capacity to complete its mission.

The U.N. Emergency Peace Service would have a rapid-response corps of professionals on constant alert. They could respond to crises within days or weeks, rather than months, thereby saving lives around the globe.

Emergency Peace Service personnel would have standardized training and doctrine, designed specifically for rapid response. They would be schooled in how best to coordinate civilian and military responses to complex emergencies. This unit will help bring calm to an area of mayhem, confusion and tragedy.

The service would have civilian police that could help reestablish the rule of law in post-conflict war zones. Such a system was unavailable in Kosovo. In fact, by the time enough international civilian police were recruited by the U.N. for the Kosovo mission,

shadowy organized crime elements had already filled the void, causing further terror and lawlessness in an already ravaged community.

Mr. Speaker, despite this administration's current focus on Iraq and terrorism, the U.S. cannot solve our security problems alone. Increasingly, being safe at home means making others feel secure in *their* homes.

Failing states quickly become failed states. They provide breeding grounds for terrorism and international crime. It is, therefore, in the United States' security interests to prevent destabilizing events from causing the collapse of states.

The creation of an Emergency Peace Service is also in our financial interest. The fact is: It is much cheaper to prevent an emergency by intervening early in its development than it is to respond after an emergency has reached its tipping point.

According to the Carnegie Commission on Preventing Deadly Conflict, the international community could have saved nearly $130 billion of the $200 billion it spent on managing conflicts in the 1990's by focusing on prevention rather than reconstruction.

The United Nations Emergency Peace Service would be cost-effective 'burden-sharing'. It would reduce the amount the U.N., and by extension the U.S., spends on post-conflict reconstruction.

This would *not* solve all our global problems, and it will not put a stop to genocide and other atrocities worldwide. Rather, the Emergency Peace Service would supplement the U.N.'s capacity to provide stability, peace, and relief in deadly emergencies.

Rwanda, Haiti, Sierra Leone, Bosnia and Kossovo, Liberia, the Democratic Republic of Congo, and now Darfur; these are just a few of the places where the U.N. and its member states should have responded more rapidly and robustly. As a result, more people died, and more people suffer. The world can do better.

The United Nations Emergency Peace Service has the potential to save millions of lives and billions of dollars. This principle has been endorsed by organizations such as Citizens for Global Solutions and Human Rights Watch. I strongly urge my colleagues on both sides of the aisle to join with Congressman LEACH and me to support this important resolution.

FAMILIES FOR ED ADVERTISING DECENCY ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today, along with Congressman JOHN J. DUNCAN, Jr. of Tennessee, to introduce the "Families for ED Advertising Decency Act," which would require the Federal Communications Commission to revise its indecency standard and treat, as indecent, any erectile dysfunction prescription advertisement broadcast between the hours of 6 a.m. and 10 p.m. on radio or television. This standard is similar to what has been applied to tobacco products and what is currently followed by hard alcohol advertisements.

Our offices have received numerous phone calls and electronic mail messages from angry parents that work hard at monitoring the television programs that their children watch. With the proliferation of ED commercials, many parents are forced to mute the television during commercials to avoid having to explain to their children the possible side effects of a life-enhancement drug. A parent should never have to be forced to confront these issues with their children during family viewing hours.

These advertisements run frequently during all hours of the day and last year nearly $400 million dollars was spent on advertising for the three most popular erectile dysfunction drugs: Viagra, Cialis and Levitra. While the pharmaceutical companies will tell you that they run these advertisements during television programs that appeal to the population that they are trying to target, these are the same television programs that parents like to view with their children, including the Super Bowl and college basketball games.

As you may know, the new Medicare Part D Prescription Drug benefit will begin covering ED prescription drugs when it starts in 2006. This means that the cost of advertising these ED drugs is going to be passed on directly to American taxpayers.

Mr. Speaker, I would like to remind all Members of Congress that it is time for us to do our job and address the concerns of millions of American families who do not want to see these ads during family viewing hours. Corporate profits should never trump family values.

We urge all Members of Congress, from both sides of the aisle, to support the "Families for ED Advertising Decency Act" and restore decency standards to the American airwaves.

CONGRATULATIONS TO THE FIRST BAPTIST CHURCH IN HAMMOND, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and enthusiasm that I congratulate the First Baptist Church in Hammond, Indiana as they celebrate the grand opening of their new auditorium. They will be celebrating this very momentous and special occasion on Sunday, March 20, 2005.

Allen Hill founded the First Baptist Church of Hammond, Indiana in 1887. The church has since met for services in five different auditoriums. The first auditorium was built in 1888 under Pastor Hewitt, and doubled in size under Pastor Carter in 1900. The third auditorium was constructed in 1913 under Pastor Adams. In 1959, Pastor Hyles became pastor, and under his leadership, in 1964, a new auditorium was constructed seating approximately 2000. The auditorium doubled in 1975.

Throughout the years Pastor Hyles dreamed of building a new auditorium. Sadly, he passed away in 2001. However, the determination of the church proved that although Pastor Hyles was now in heaven, the Lord of the Harvest was still alive and well. Pastor Schaap took the helm in March 2001, and he immediately led First Baptist Church to the next level. With the increased attendance, once again the congregation began to outgrow the auditorium. Ground was broken for the new auditorium on November 3, 2004.

From its modest beginning, First Baptist Church has emerged as a cornerstone of the community. Under Pastor Schaap's guidance, First Baptist continues to thrive, both in terms of spiritual growth as well as practical improvements. The proud members of the church are thankful for the spiritual and emotional leadership he and the previous pastors have provided during the years.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating the First Baptist Church of Hammond, Indiana on the grand opening of its new auditorium. They have provided support and guidance for all those in the community, and will continue to serve their community through their selfless dedication and commitment.

HONORING MT. JULIET HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. COOPER. Mr. Speaker, I rise today to congratulate an extraordinary group of young women from Mt. Juliet High School in Mt. Juliet, Tennessee, who are the 2004–2005 Class AAA Girls Basketball State Champions. The Lady Bears capped off their season by winning the state championship on March 12, 2005, finishing the season with a 37–1 overall record. I am proud of these outstanding young athletes for this great accomplishment.

Winning a state championship in any sport not only takes great athletic ability, but also hard work, dedication and hours of practice. I admire these girls for their commitment to their team, their school and their community.

These student-athletes should be honored not only for the feat of winning the Tennessee State Girls Basketball Championship but for being recognized nationally for their remarkable talent and skill. The Lady Bears finished the 2004–2005 season ranked 10th on the USA Today's Super 25 list, making them one of the top girls basketball teams in the entire country. It goes without saying that this is an incredible and well-deserved honor and I am proud that they have represented their hometown and Tennessee so well.

On behalf of the Fifth Congressional District of Tennessee, I extend my heartiest congratulations to the following members of the Mt. Juliet High School girls basketball team: Alysha Clark, Holly Hudson, Christian Gibson, Sarah Muniz, Casey Pigue, Paige McFarlin, Miaca Bowman, Mandy McGee, Kelley Christian Van Atta, Brittany Mehring, Paige Cutright, Kristen Garton, Nicole Defevers, Hailey Holland and Coaches Chris Fryer and John Simms.

I applaud the tremendous achievements of these exceptional young players and wish them well.

HONORING THE CONTRIBUTIONS OF HARLANDALE INDEPENDENT SCHOOL DISTRICT BOARD MEMBER TOMAS URESTI

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the dedication of Harlandale Independent School District Board Member Tomas Uresti, of my Congressional District for a lifetime of distinguished public service.

Tomas Uresti is a long time Harlandale resident, and a former school employee. He has proudly served the Board of Trustees since 2002, and currently serves as Secretary of the Board. Mr. Uresti is a committed servant to the community of Harlandale, and has served as Board President, Building Committee Member, and Policy Committee Member.

Over the last 25 years he has committed his time to coaching the students of the community in softball, basketball, and baseball. He has served as a mentor at Gillette Elementary School, Kingsborough Middle School, and Harlandale High School.

Along with his many accomplishments to the people of Harlandale Independent School District, Tomas Uresti has six children and one granddaughter with his wife Rosemary, three of which are graduates of Harlandale High School.

Mr. Speaker, I am proud to have had this opportunity to honor Tomas Uresti for his hard work and contributions to the community.

A TRIBUTE TO JUDY S. WONG, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, the Honorable Judy S. Wong. For many years, Judy has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Judy instantly recognize her dedication and passion for helping others, especially women and children.

Born in Taiwan, Judy moved to the United States in 1977 and to Temple City in 1986. She was an active member of the Temple City Chinese American Association for several years, serving as President for 2 terms. For several years, Ms. Wong has been a member of the Gang Advisory Committee and the Asian Community Advisory Committee for the Los Angeles County Sheriffs Department, Temple City station. Also a volunteer at the Asian Pacific Family Center, she works with parenting classes.

In 2003, Judy was elected to the City Council of the City of Temple City and is the first Chinese American member to be elected to that body.

Judy is an advocate of valuing diversity and embracing the richness of all cultures represented in our country. She organized a "Support our Kids" forum to help address common problems faced by people from different ethnic backgrounds. Utilizing her skills in the Chinese language, she volunteers her services as an interpreter to the Los Angeles County Sheriffs Department, Temple City station, assisting victims of domestic violence. Judy also provides interpretation for many different schools in the San Gabriel Valley area.

In addition to her many civic duties and responsibilities, Judy is the proud mother of Anthony, who attends Arcadia High School, where she is also a volunteer.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Judy S. Wong. The entire community joins me in thanking Judy for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

AFFIRMING THE TRUTH ABOUT THE ARMENIAN GENOCIDE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BILIRAKIS. Mr. Speaker, the U.S. Ambassador to Armenia, John Evans, in public forums with the Armenian community, recently characterized what President George W. Bush has described as an "appalling tragedy of the 20th century, the massacre of as many as 1.5 million Armenians through forced exile and murder at the end of the Ottoman Empire," as Genocide.

I rise today to join with Ambassador Evans and other public officials who have affirmed the truth and recognize that reconciling with the past is an important first step in creating a better future. Recognition of the Armenian Genocide is widely acknowledged. One hundred and twenty-six Holocaust scholars publicly affirmed the incontestable fact of the Armenian Genocide during the 30th Anniversary of the Scholars' Conference on the Holocaust and the Churches. And in 1981, former President Ronald Reagan stated: "Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten."

In addition, a recent study released by the International Center for Transitional Justice (ICTJ) on the use of the term Armenian Genocide and the applicability of the 1948 Genocide Convention to events which occurred during the early twentieth century in Ottoman Turkey, found that "the Events, viewed collectively, can thus be said to include all of the elements of the crime of genocide as defined in the Convention, and legal scholars as well as historians, politicians, journalists and other people would be justified in continuing to so describe them."

As we approach the 90th commemoration of the Armenian Genocide, we must ensure that we do not forget the lessons of the past. Archbishop Desmond Tutu, in the Preface to the Encyclopedia of Genocide, published in 1999 by the Institute on the Holocaust and Genocide in Jerusalem, writes: "It is sadly true what a cynic has said, that we learn from the history that we do not learn from history. And yet it is possible that if the world had been conscious of the genocide that was committed by the Ottoman Turks against the Armenians, the first genocide of the twentieth century, then perhaps humanity might have been more alert to the warning signs that were being given before Hitler's madness was unleashed on an unbelieving world."

Mr. Speaker, let us never forget and let us affirm the truth.

A TRIBUTE TO JACK NICKLAUS' ILLUSTRIOUS CAREER IN GOLF AND LIFE

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. NORWOOD. Mr. Speaker, I rise today to pay tribute to Jack Nicklaus for his service to our Nation, the game of golf and the Masters Tournament. Few events in the world of sports compare to the beauty and grace of the Masters Tournament in Augusta, GA. There is no one that has won more Masters' titles than Jack Nicklaus. He is the owner of six coveted Green Jackets.

Early in his career, Jack Nicklaus became the role model for an untold number of individuals aspiring to play the game of golf. He has also become a role model for millions of people for his personal values, particularly his dedication to family.

Named the Golfer of the Century and Golfer of the Millennium by every major media outlet, Jack Nicklaus' record stands unparalleled at the top of the golf world. He has collected more than 100 professional victories worldwide. This includes 73 PGA Tour victories and 10 more on the Champions Tour. He has won a record 20 major championships: 6 Masters, 5 PGA Championships, 4 U.S. Open Championships, 3 British Opens, and 2 U.S. Amateur titles. In his career he has been the top money-winner 8 times, number one in scoring 8 times, and has recorded 20 holes in one. Jack Nicklaus has been a member of six Ryder Cup teams, captained two others, and this fall, he will serve for the third time as captain of the U.S. Presidents Cup team.

Many things have been said about Jack Nicklaus. At the 1962 World Series of Golf, Arnold Palmer rose to make the following statement, "Jack Nicklaus is just a youngster and a newcomer to the professional ranks. But you gentlemen saw one of the greatest out there today. He'll be a headliner for a long time and could put together the greatest career the game has ever known. He has everything."

In addition to Jack Nicklaus and his sons/family growing the game of golf by designing

close to 300 courses worldwide, the Nicklaus family gathered on June 12, 2003, with sand wedges instead of shovels, to break ground on the Nicklaus Children's Hospital at St. Mary's Medical Center in West Palm Beach, Florida. The hospital officially opened last November. They have also formed the non-profit Nicklaus Children's Health Care Foundation. This foundation, chaired by Mrs. Barbara Nicklaus, provides charitable support for activities that advance and enhance the diagnosis, treatment and prevention of childhood diseases and disorders. The Nicklaus Children's Health Care Foundation also supports not-for-profit programs and projects aimed at pediatric health care and health-related services, with the Nicklaus Children's Hospital located at St. Mary's Medical Center as the major focal point.

So. Mr. Speaker, the name of Jack Nicklaus will always be synonymous with the game of golf and his accomplishments, on and off the course, will live forever.

IN HONOR OF DAVID PIERCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and celebration of David Pierce, Managing Director of the Ulster Bank of Ireland and the President of the Dublin Chamber of Commerce, as we welcome him to Cleveland, Ohio, on St. Patrick's Day, March 17, 2005.

For the past twenty-six years, Tim Collins and Thomas Scanlon have organized the St. Patrick's Day Party and Parade, a joyous event that brings people together in the heart of Cleveland. Every year, Euclid Avenue springs to life as a sea of green and the spirited sound of drums and bagpipes are swept along our city streets. This enchanted day promises old friendships renewed, the discovery of new ones, and serves as a living bridge that extends across the blue Atlantic—from the north coast of Cleveland to the shores of the Emerald Isle.

Mr. Pierce is a leader in securing, protecting and enhancing the economic foundation of Ireland, and has established significant ties with leaders in America and around the world. In 2004, he was honored with the Leinster Society Chartered Certified Accountant of the Year Award for the Republic of Ireland. His wife, Jackie, and daughters, Rachel and Elaine are central to his life. Additionally, Mr. Pierce volunteers his time to the people and causes of Ireland. Similarly, Mr. Collins and Mr. Scanlon, distinguished attorneys, continue to preserve and promote the history and culture of their beloved Irish homeland.

Mr. Speaker and Colleagues, please join me in honor and recognition of the Honorable David Pierce of Delgany, County Wicklow, the Republic of Ireland, for joining us in Cleveland as we celebrate St. Patrick's Day. Please also join me in recognition of Tim Collins and Thomas Scanlon for organizing this wondrous St. Patrick's Day Party this year, as they have for the past twenty-six years. ''Ni dheanfaidh smaoineamh an treabhadh duit—You'll never plough a field by turning it over in your mind''—Old Irish Proverb.

HAPPY BELATED BIRTHDAY TO KAREN PETROSYAN

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to wish a very happy belated birthday to Karen Petrosyan, son of my good friend Vladimir Petrosyan. Karen celebrated his 19th birthday on March 14.

Karen is known for his loyalty to friends and his commitment to his family, a warm smile and good sense of humor. Karen is an excellent student currently studying in Seattle, Washington. Vladimir tells me that very early in life, Karen displayed a rigorous intellect and good judgment. When not absorbed in academics, Karen enjoys sports, particularly basketball.

For these reasons and more, I would like to extend the warmest best wishes to Karen Petrosyan for whom the future holds great promise.

A TRIBUTE TO U.S. ARMY CAPTAIN DAVID ROZELLE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. WOLF. Mr. Speaker, it is an honor to recognize U.S. Army Captain David Rozelle for his brave service to our country. Captain Rozelle, of the 3rd Armored Cavalry, was injured in June 2003 while serving in Hit, Iraq. His Humvee hit an anti-tank mine, which severely injured his right foot and leg and later had to be amputated. Captain Rozelle earned the Bronze Star with Valor and the Purple Heart for his bravery and courage through this trying ordeal.

Captain Rozelle returns to active duty in Iraq this month as the first amputee in recent history to reenter the battlefield. Captain Rozelle suffered through many months of rehabilitation and has recently released a book describing his trials called Back in Action: An American Soldier's Story of Courage, Faith and Fortitude.

Captain Rozelle, now 32 years old, grew up in Texas with his parents John and Judy Rozelle. Always an active athlete, he graduated from Davidson College in Davidson, North Carolina, where he left the football team to participate in the Army ROTC program. His wife, Kim, and 18-month old son Forrest are currently residing in Colorado.

Captain Rozelle is a man worthy of great honor. He has overcome many challenges through his recovery from his injury and his strength and courage is shown in his willingness to return to the same battlefield where he was first injured. I hope all our colleagues will join in honoring and thanking Captain Rozelle for his valiant service to our country.

IN RECOGNITION OF JAMES McMANUS AND THE McMANUS DEMOCRATIC ASSOCIATION ON ST. PATRICK'S DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of James McManus, a tireless public servant, legendary New Yorker and very good friend of mine. Additionally, I am pleased to offer my warmest wishes to the McManus Democratic Association for another year of outstanding service to New York City residents.

St. Patrick's Day is a time when Americans of all ethnicities gather with friends and relatives to have fun and to celebrate the Irish-American community's many contributions to our nation and culture. On this happy occasion, it is fitting to honor Jim McManus, who has never forgotten his Irish roots and who continues to be the driving force behind one of New York City's most effective public service organizations.

The McManus family has been a fixture of New York City politics for more than one hundred years. For the past three decades, Mr. McManus has been an advocate, ombudsman and friend to residents of midtown Manhattan. It is a testament to Jim McManus's leadership that the McManus Democratic Association is just as vibrant and strong an organization as when his great-uncle Thomas founded it.

Throughout his career, Mr. McManus has strived to strengthen the McManus Association's tradition as a center of service to the community. The Association's dedication to public service is perhaps best demonstrated by its efforts to welcome immigrants to New York and help them integrate into the life of the City. Mr. McManus has organized citizenship drives and helped immigrants prepare to take the test to become American citizens—so that they can take full advantage of the benefits and responsibilities of living in the United States.

The McManus Association, an active social-service organization, has also conducted registration drives that have helped thousands of New Yorkers register to vote; works with seniors who are having difficulty finding housing; helps its members locate jobs, educational opportunities and better medical care; and strives to promote the interests of working-class New Yorkers through collective action. Furthermore, the Association has made a longstanding commitment to young New Yorkers, introducing students to the political process and to government service.

I commend James McManus for his lifelong dedication to improving the well-being of New York City residents. Time and again, the McManus Association exemplifies the notion that we work best when we work together.

Mr. Speaker, I request that my colleagues join me in paying tribute to James McManus and the McManus Democratic Assocation. To Mr. McManus and the dedicated professionals, volunteers and friends of the McManus Association, I offer my continuing admiration, respect and support.

HONORING EUGENE PARKS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to the memory of a remarkable citizen, Mr. Eugene Parks of Madison, Wisconsin.

Eugene Parks was a complicated man who confronted complicated issues head on, no holds barred. He was the outspoken conscience of our community and he wasn't afraid to remind us of our shortcomings. He is remembered as a man who worked passionately against the racism and injustice he saw and felt in our community and in the world. ''As a black man,'' he told his nephew, ''you aren't going to be heard unless you say it like you mean it.'' Gene Parks was never afraid to say it and he always, always, meant it.

Most important, no matter how contentious his relationship with his community and its government, Gene never abandoned either. As Madison's first African-American alderman, Gene was a role model and catalyst for change by the age of 21. Decades later, as the city's first African-American candidate for mayor, he showed the same commitment to civic responsibility.

Most in our city knew Gene as a firebrand, but he was also a devoted father, a music lover, and even an actor. I still have the Playbill from a UW-Madison Theatre Department production of the musical ''Finnian's Rainbow'' in which I was a five year old member of the chorus and Gene Parks played a lead role.

I think Gene would have been humbled by the many heartfelt tributes and the overflow crowd at his memorial service in Madison's Memorial High School auditorium. Our city was shaken by the depth of the void left by his passing.

Of all the descriptors by which we remember Gene Parks, there is none more accurate nor more honorable than that of ''citizen.''

Thank you, Gene.

LEGISLATION TO IMPROVE DEBT COLLECTION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PLATTS. Mr. Speaker, I rise today to introduce important legislation that will improve the way the Federal government collects delinquent non-tax debts.

This legislation would amend the Debt Collection Act to eliminate the 10-year limitation on the collection of delinquent federal debts through the Treasury Offset Program, which is maintained by the Financial Management Service at the U.S. Department of the Treasury. A request for this legislation was transmitted as part of President Bush's Fiscal Year 2006 Budget request. It is estimated that this provision would return $6 million to the Treasury in the first year of implementation, and at least $11 million each year thereafter.

Non-tax debt would include defaulted loans or overpayments to vendors. Under current law, the only type of non-tax debt not subject to the 10-year limitation is defaulted student loans owed to the U.S. Department of Education. This legislation would bring all other types of debt in line with the requirements for repaying student loans.

The U.S. government should have the ability to collect each and every debt. This money belongs to the taxpayers. No one should be able to avoid responsibility simply by waiting for an arbitrary time limit to expire. In times of tightening budgets, we cannot afford to allow delinquent debtors to shift their burdens onto taxpayers.

HONORING THE CONTRIBUTIONS OF RETIRED SGT. MAJOR BENITO V. GUERRERO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize retired Sergeant Major Benito V. Guerrero and his many years of service in our United States Army.

Mr. Guerrero was born north of New Braunfels, Texas on April 3, 1935. He began his military career very early as the Advisory President of his Junior ROTC Program at Jefferson High School in San Antonio, Texas.

Upon graduating high school, Guerrero joined the army in 1956. By 1959 Mr. Guerrero's airborne unit was deployed to Germany and became part of the 8th Infantry Division. Because Mr. Guerrero graduated in the top ten percent of his class at the 7th U.S. Army Noncommissioned Officer Academy, he was selected to attend the Federal Republic of Germany Airborne School in 1962.

Throughout his many years of service Mr. Guerrero has served all over the world and has received such awards as the Purple Heart with 1st Oak Leaf Clusters, the Meritorious Service Award, the National Defense Medal, and the Outstanding Noncommissioned Officer Award, just to name a few.

Retired Sergeant Major Benito V. Guerrero retired from the United States Army after over 30 years of honorable service to our Country. He is the epitome of dedication and professionalism.

Mr. Speaker, I am honored to have had this opportunity to recognize the many achievements and service of Retired Sergeant Major Benito V. Guerrero.

A TRIBUTE TO LOUISE WILSON LEWIS, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Louise Wilson Lewis. For many years, Louise has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Louise instantly recognize her dedication toward helping others.

Born and raised in the Glendale area, Louise worked at Walt Disney Studios for 14 years until she cofounded Iwerks Entertainment. She was able to retire at an early age, which gave her more time to devote to her real career—helping other people.

Louise's description of herself as a ''professional volunteer'' is an apt one. She began her volunteer career while in elementary school as a math and reading tutor, and an assistant in the Vice Principal's office. At age 12, she started teaching Sunday School and continues to do so today. At age 16, Louise began volunteering as a candy striper at Glendale Memorial Hospital and Health Center. This year she is celebrating 42 years of continuous service, having served several terms as President of the hospital's Guild, on the hospital's Community Board of Directors, and is the first woman to chair the hospital's Foundation Board. In addition, she served 2 terms as President of the San Gabriel Area Council of Hospital Volunteers and 2 years on the Volunteer Board of the California Association of Hospitals and Health Systems. Louise also volunteers for Las Candelas, an organization which assists emotionally disturbed children.

Devoted to her church, St. Francis Episcopal Church, Louise has volunteered in every volunteer capacity—the Altar Guild, the Thrift Shop, Girl's Youth Group, Vacation Bible School, Rose Garden, Junior Warden and Senior Warden and is currently Bishop's Warden. She is also a Lay Eucharist Minister, a Stephen Minister, and in her spare time visits shut-ins and the elderly in retirement homes and convalescent hospitals.

Louise has received several awards over the years including the First Volunteer at Glendale Memorial Hospital to serve 500 hours at age 17, Uni-Health Hospital System Volunteer of the Year in 1997, recognition from the Episcopal Diocese of Los Angeles, and the Glendale Young Women's Christian Association Woman of Heart and Excellence in 2004.

During the last few years, Louise has managed to maintain her active volunteer work while battling cancer. Her courage and determination is an inspiration to us all. Louise and her husband Tim have been married for 32 years and reside in Glendale.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Louise Wilson Lewis. The entire community joins me in thanking Louise for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

CONGRATULATING CANISIUS COLLEGE WOMEN'S BASKETBALL TEAM

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. SLAUGHTER. Mr. Speaker, I rise today to congratulate Canisius College Golden Griffens Women's Basketball Team on winning the 2005 Metro Atlantic Athletic Conference (MAAC) Tournament on March 7, 2005. Their win over Marist College gives the ''Griffs'' its first-ever MAAC Championship and their first bid to the Division I NCAA Tournament.

The ''Griffs'' have had a truly remarkable season. After narrowly missing out on the MAAC Championship last season, Canisius capped their first 20-win season with a nail-biter in the MAAC Championship game. Their victory, like their entire season, was exemplified by a total-team effort. In the biggest game of her career, Becky Zak scored 12 points, three assists and two steals, and was named the tournament's Most Valuable Player. Megan Lyte tallied 10 points and 11 rebounds, her seventh double-double of the season, and Jessie Lamparski registered 11 points, six boards, five assists and three steals. Jessica Steeves posted eight points, five rebounds and a blocked shot en route to joining Zak on the all-tournament accolades.

The accomplishment of the Canisius College Golden Griffins Women's Basketball team demonstrates the profound impact that Title IX has had on increasing opportunities in sports for women and girls. Title IX, part of the Education Amendments of 1972, required that public schools and colleges provide equal educational and athletic opportunities for girls and women. It has unquestionably been a tremendous factor in the lives of the talented members of this team.

It is important for girls and women to have every opportunity to succeed, especially when it comes to athletics. That is why I have introduced H.R. 595, the High School Athletics Accountability Act. This bill will require schools to report to the Department of Education basic data on the number of female and male students in their athletic programs and the expenditures made for their sports teams. Currently, high schools are not required to disclose any data on equity in sports, making it difficult for schools and parents to ensure fairness in athletics programs. Better information can help high schools and parents of schoolchildren foster fairness in athletic opportunities for girls and boys.

Mr. Speaker, I cannot be prouder of the Canisius Women's Basketball team. I especially want to applaud coach Terry Zeh. As a first year coach, he demands accountability from his players both on and off the court, and is a strong role model for the entire college community. I wish to also commend college president Rev. Vincent M. Cooke, S.J., the coaching staff and players, and the student body for this Championship season. These women continue to be role models for young girls, and their wonderful accomplishment will inspire more girls to increase participation in athletics. I will be eagerly watching the team's first round game in the NCAA tournament as they proudly represent Canisius College on the national stage.

TRIBUTE TO PASTOR ADRIAN ROGERS

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. FORD. Mr. Speaker, I rise today to pay well deserved tribute to one of the great religious leaders of our time, Pastor Adrian Rogers of Tennessee.

In the words of Billy Graham, ''We need for ministers of the Gospel to defend the Bible as the infallible Word of God . . . I believe in my heart that Adrian Rogers is such a man. I know him personally. I have walked with him and prayed with him . . . I know God's hand is upon Adrian Rogers as he proclaims the Bread of Life from his church and through radio and television . . . I praise God for his ministry.''

These comments echo the sentiment of millions who've been touched and inspired by the life-changing ministry of Pastor Rogers. The high regard in which he is held translated to his three elections as President of the Southern Baptist Convention—the world's largest Protestant denomination with 16 million members. With a passion and gift for applying the gospel message to everyday life, he has also shared the ''good news'' as a noted author with scores of books and instructional material to his credit; as a featured speaker at a number of historic conferences and international crusades; and as the founder and broadcaster with Love Worth Finding ministries which is played on over 14,000 broadcast and cable television outlets, on nearly 2000 radio stations and in more than 150 countries worldwide.

With all that he has given to people across the nation and the world, Adrian Rogers has etched a special place in Tennessee and Mid-South history as the pastor of the renowned Bellevue Baptist Church. Founded in 1903 in a small chapel on the ''outskirts of Memphis, Tennessee,'' Bellevue Baptist Church was in 1972 already a significant pillar in the religious community with a membership of approximately 9,000 persons. In this year, however, the entrance of Pastor Rogers and his wife, Joyce, served as a milestone in Bellevue's history. From this new beginning, the congregation grew from 9,000 to 29,000 members and expanded to a campus and multifaceted ministries that now stand as a model for houses of worship worldwide.

Through the growth and success, Pastor Rogers gives all credit to God saying that ''Bellevue is what she is because of the love of Jesus. . . . Jesus is the glue that holds Bellevue together.'' These words are particularly significant as Adrian Rogers makes his transition from active Pastor to Pastor Emeritus of this great ministry.

For his humility and his worthy example of all that faith should represent, I would ask that my colleagues in the U.S. House of Representatives would join with me in honoring a servant of God and a friend to humanity—Pastor Adrian Rogers.

IN RECOGNITION OF AMERICA'S BLOOD CENTERS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BLUNT. Mr. Speaker, I rise today in recognition of America's Blood Centers. At this moment, someone in America is in vital need of a life-saving blood transfusion. Donated blood is needed every two seconds across the nation. Today, American's will use thirty thousand units of donated blood. One out of seven hospital patients will require blood transfusions. One out of three people in this chamber will need donated blood at least once in their lifetime. Technological and scientific advancements in the medical field continue to rapidly develop, but there remains no substitution for the blood transfusion. Blood cannot be manufactured nor reproduced. This life sustaining substance can only be transfused from one person to another. Life-saving blood remains a gift from one person to the rest of society. Through blood donations we help each other to survive and overcome medical hardships. Blood donations connect and unify us as a people who care.

Today I stand to recognize America's Blood Centers, our nation's largest not-for-profit, community-based network of blood centers that keep on giving the gift of life. America's Blood Centers, founded in 1962, has grown to include seventy-two independent, community owned blood centers, which collect nearly half of the nation's blood supply. This June marks 10 years that Southwest Missouri's own Community Blood Center of the Ozarks has been providing blood to all Seventh District hospitals under the national guidance of America's Blood Centers. America's Blood Centers operate more than 600 collection sites that give the gift of blood to more than 150 million people and more than 3,300 U.S. hospitals. Not only do America's Blood Centers give blood, but they also ensure that their gift is safe and adequate by developing new tests and technologies as well as actively engaging in biomedical research in the area of transfusion medicine. Members of America's Blood Centers ardently work together to share resources and best practices, rising to meet increased national blood supply needs in times of peace, in times of war and in times of disaster. America's Blood Centers were the first to respond to the Oklahoma City bombing, Columbine shootings, and 9/11, and have since worked with the Departments of Homeland Security and Health and Human Services to ensure adequate blood supply and rapid response in times of national disaster or acts of terrorism.

Additionally, America's Blood Centers continue to support U.S. military operations around the globe. Together the centers promote donor recruitment and societal awareness of blood donations as a top priority, working to guarantee that America will have the blood it needs to continue to live and thrive. I recognize and commend America's

Blood Centers on transfusing life into our nation whenever and wherever needed.

THE INTRODUCTION OF THE NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION ACT

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. POMBO. Mr. Speaker, I am pleased to introduce today, along with my colleagues WAYNE GILCHREST and NORM DICKS, legislation to reauthorize the National Fish and Wildlife Foundation.

The National Fish and Wildlife Foundation was established in 1984 when President Ronald Reagan signed into law legislation introduced by then Congressman John Breaux. Since that time, the foundation has financed more than 7,200 conservation projects both here in the United States and throughout the world. By leveraging a small amount of Federal assistance each year, they have been able to successfully raise millions of private dollars which have been spent to encourage Coral Reef conservation, enact an early warning system for invasive species, support oyster restoration in the Chesapeake Bay, help save endangered wild tigers and assist in the conservation of habitat critical for endangered marine sea turtles.

The foundation is governed by a board of directors consisting of 25 Americans who are dedicated to conservation. These distinguished men and women serve without compensation. In addition, the foundation is prohibited from using any Federal money to pay administrative expenses and both the foundation and its grantees may not use any Federal dollars to engage in litigation or lobbying activities.

In my own State of California, the foundation has approved hundreds of conservation projects. These projects have included: California Rangeland Trust, California Saltwater Wetlands Habitat restoration, California Sustainable Winegrowing Alliance, Point San Luis Lighthouse improvements, San Francisco Bay National Wildlife Refuge and Upper Sacramento River Riparian restoration.

The National Fish and Wildlife Foundation Reauthorization Act is a simple, bipartisan and non-controversial bill. It will extend the existing authorization levels for an additional 5 years, clarify the requirement that Congress must be given a 30-day congressional notice requirement prior to the issuance of any conservation grant or expenditure of funds and modify the matching requirement to ensure that the foundation is not required to satisfy this provision in those cases where it does not receive any contributions.

Mr. Speaker, I urge my colleagues to support this legislation so that the National Fish and Wildlife Foundation can continue its worthwhile conservation efforts in the future.

Additional co-sponsors of National Fish and Wildlife Foundation Reauthorization Act of 2005: Congressman NORMAN D. DICKS.

HALABJA REMEMBERED

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ROHRABACHER. Mr. Speaker, on March 16, 1988 Saddam Hussein brutally attacked Halabja, Kurdistan in Iraq. When the bombing attacks were completed, over 5,000 were dead and over 8,000 injured.

The injured people were civilians. Families died together that day, orphans were made that day, a day that the Kurdish people will never forget.

As the poison gas largely cleared by noon that day, the deadly smoke lay close to the ground, sinking into the basements of the homes where people had gone to seek shelter.

They watched as their skin burned. Some were immediately blinded. Some took shelter among the corpses of their family members. The ones who were able to run, ran, stopping only when they were overcome with pain or exhaustion.

Today, I honor those men, women, and children who lost their lives at the hands of a ruthless killer, Saddam Hussein. The Halabja massacre represents 5,000 of the 200,000 Kurdish people who died or are missing during the genocide campaigns of the Saddam Hussein regime. Hundreds of thousands of other Iraqis were also killed or are missing.

Mr. Speaker, as our Armed Forces battle to build a democratic future for the people of Iraq, we should recall the horror of Halabja, and acknowledge that the hellish tyranny that shackled all but a few Baathist thugs is part of Iraq history and not part of its future. Let's recall the suffering of all Iraqis, especially the Kurds in Halabja, and honor our Armed Forces for the better future they are building in Iraq.

VERNA KING—AN INSPIRATION TO SAN DIEGO

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. FILNER. Mr. Speaker, Verna Lee St. Clair King, born and reared in Berwick, Louisiana, is the daughter of John Westley St. Clair and Florence Ellen Calvin St. Clair. Educated in Louisiana and Texas, she earned her A.B. degree from Wiley College in Marshall, Texas and later an M.A. from San Diego State University.

Verna grew up determined to make life better for others. She eventually became a teacher, making politics and helping others through community service her lifelong hobbies. Her intelligence and insight led her to the political arena and the fight for equal education.

A professional educator in San Diego for thirty years, Verna has a long history of involvement with the San Diego Teachers' Association (SDTA). Through the SDTA, she represented the National Education Association and served as a member of the National Women's Caucus and Black Caucus.

Verna's unselfish nature led her to become increasingly involved in a wide array of civic activities: she was vice-chair of the 79th Assembly District Committee, served on the 44th Congressional Advisory Committee, and was a charter member of the San Diego Council of Democratic Women. In addition, she is a charter member and past president of Women Inc. She is also involved with Alpha Kappa Alpha, CTA, the YWCA, her church, and the Democratic Party. In addition, she has recently served on the Community Service Association Board as well as the San Diego Historical Site Board.

Verna's involvement in the community and politics has allowed her to interact and work with individuals such as Coretta Scott King, Andrew Young, Jimmy and Rosalyn Carter, Alan Cranston and Tom Bradley.

Verna is listed in prominent annuals and has received many awards in recognition of her professional and community service. In the past, she has been the recipient of the Democratic Committee's Golden Key Award and received a Key to the City of San Diego for her outstanding work in the field of human relations. For bridging the gap between parents and teachers, Verna was honored with an Honorary Service award by the Ninth District P.T.A. Her current honors reflect the esteem in which she is held by her fellow professionals and by those who have had the pleasure of working with her in political and community activities.

Verna's husband, Alonzo King, now deceased, shared her interests both politically and professionally. In addition, Verna and Alonzo were blessed with a close family that included five children: Joyce L. King Thomas, Verna Lee E. Bickerstaff, St. Clair King, Alonzo King, and Reginald King, the latter two of whom are deceased.

Verna has always been gracious in all of her endeavors, and her knowledge and experiences have been invaluable to professionals, friends, fellow committee members and the community.

She truly has been an inspiration to all San Diego.

HONORING THE CONTRIBUTIONS OF TEXAS STATE REPRESENTATIVE TRACY O. KING

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Texas State Representative Tracy King for his many accomplishments in business and in government.

Mr. King was born in Baytown, Texas, in 1960. After graduating from Carrizo Springs High School, he attended Southwest Texas Junior College for a year, and then transferred to Texas A&M University, where he completed his B.S. in Agricultural Engineering.

Upon his graduation, Representative King began working at the Beltone Hearing Aid Center in San Antonio. He moved up quickly, and was responsible for opening the branch office in Uvalde. In 1987, he became owner of

the local Beltone Hearing Aid Center, serving 16 counties in Southwest Texas. He has been active in a number of nonprofit organizations, including the Kiwanis Club and the first Methodist Church, and he is a former president of the Texas Hearing Aid Association.

Tracy King was elected to the Texas House of Representatives in 1994, and is currently serving his fifth term. He is a member of the House Appropriations Committee, and is Chairman of Budget and Oversight for the House Regulation Committee.

Mr. Speaker, the life of Tracy King is an example of what hard work and responsible service can accomplish, and I am proud to have the opportunity to recognize him here.

A TRIBUTE TO MARY CAMMARANO, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our Nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, the Honorable Mary Cammarano. For many years, Mary has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Mary instantly recognize her joy, enthusiasm and passion for helping others in her community.

A native New Yorker, Mary moved to San Gabriel in 1964 with her husband Mike. As a young mother, Mary was active in her children's activities, volunteering for 3 different Parent Teacher Associations, Little League, Girl Scouts of America, Boy Scouts of America and a foreign exchange student program. Her past involvement also included board memberships on the American Heart Association, the YMCA, the American Red Cross, and the Italian Catholic Federation, where she served as President.

Elected to the San Gabriel City Council in 1989, Mary served on the council for 16 years, serving as Mayor for 3 terms, until her retirement in 2005. She was a long-time member of the San Gabriel Valley Council of Governments and the Independent Cities Association.

Ms. Cammarano's current volunteer service with the City of San Gabriel is extensive and impressive. A 30 year member of the San Gabriel Historical Association, where she provided her homemade lasagna for 15 years for the association's annual fundraiser; she also successfully brought the Ramona Museum to San Gabriel. For 35 years, she has been a member of the San Gabriel Coordinating Council and the Women's Division of the San Gabriel Chamber of Commerce, where she's brought her homemade minestrone soup for the last 10 years. Additionally, she is active in the San Gabriel Kiwanis Club, serves on the San Gabriel Valley Medical Center Foundation Board, is President of the San Gabriel Valley Music Theatre, and assists at the La Casa Community Center's annual fundraiser, the San Gabriel Mission's Annual Fiesta and the Mission's St. Joseph's Day Festival.

Mary has received several awards over the years including the Woman of the Year from the 49th Assembly District, Woman of the Year from the City of San Gabriel, San Gabriel Business and Professional Women's Woman of Achievement, and a National Lifetime Membership in the Parent Teacher Association, as well as many others.

Mary and her husband Mike have been married for 47 years, have 5 children, and 11 grandchildren.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Mary Cammarano. The entire community joins me in thanking Mary for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

IN HONOR OF JFK HIGH SCHOOL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ENGEL. Mr. Speaker, I rise to today to honor the boy's basketball team, at John F. Kennedy High School in Kingsbridge, NY. These fine young men, whom critics called the underdogs, won the PSAL tournament in New York, defeating Lincoln High School at Madison Square Garden 62–57.

It has not been an easy season for the Knights, which makes their victory all the sweeter. Midway through the season, Coach Johnny Mathis nearly had to quit the team. In the past year, Coach Mathis, who has led the team for 18 years, lost three toes to diabetes and underwent three circulatory bypass surgeries on his legs. Yet, this dedicated coach only missed two games all season. He always believed in his team. Mathis called the team's win "very special" and said he always believed we were good enough and that the team worked pretty hard and in the team's minds they came in to win the game.

It takes an extraordinary team to beat a three-time champion like Lincoln, but the Kennedy Knights are such a team and did just that. The final game was close—and with the score tied and 5 minutes left, MVP Emilijano Kinaj sank a three-pointer and the Knights were on their way. They worked hard as a team and the results are obvious.

I congratulate the players and Coach John Mathis for their 28–4 season record and for winning the championship.

BOOST THE ECONOMY—COMPENSATE REAL VICTIMS; SUPPORT ASBESTOS LITIGATION REFORM

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. KIRK. Mr. Speaker, for almost two decades, Congress has unsuccessfully grappled with the challenge of assuring fair and timely compensation to workers who have become sick after being exposed to asbestos fibers. The pioneering work done by litigation reform advocates like Rep. HENRY HYDE laid the foundation for ongoing negotiations in the other body that may finally result in legislation that assures compensation to sick plaintiffs and allows defendant companies to move beyond the uncertainty of decades-long mass tort litigation.

In his State of the Union address, President Bush told us, "Justice is distorted, and our economy is held back, by irresponsible class actions and frivolous asbestos claims and I urge Congress to pass legal reforms this year." It is time for the House to enter the debate.

Many of you have heard how asbestos litigation reform has hurt workers and our economy. Over 8,000 defendants must spend time and money responding to asbestos lawsuits. Since the mid-1980's, 730,000 asbestos claims have been filed—and over 100,000 asbestos suits were filed in 2003 alone. Defendants point to examples of clever attorneys "working the system" to benefit certain plaintiffs, escalating the cost of litigation beyond reliable measure. For example, in 1998, a Fayette, Mississippi, jury awarded $2 million each to five plaintiffs who had been exposed to asbestos fibers but had little or no symptoms of illness. In 2003, the Supreme Court has upheld a $5.8 million award to plaintiffs with lung x-rays showing evidence of asbestos exposure, who successfully argued that they deserved compensation for living with fear of contracting an asbestos-related disease—or "asbestophobia," as some call it. The uncertain cost of asbestos litigation has driven at least 74 companies into bankruptcy. Employees of these bankrupt firms have watched the value of their 401(k) accounts drop by 25 percent. As many as 60,000 workers have lost their jobs.

This focus on numbers can make us forget that asbestos litigation reform is about people:

Mary Lou Keener watched her father die painfully from mesothelioma, a cancer he contracted from asbestos exposure while he served in the Navy during World War 11. He filed legal claims years before he died, yet his widow has received almost nothing.

Workers who are sick from years of exposure to asbestos while working for Johns Manville Corporation might be told that approved compensation for their mesothelioma is $700,000; however, since the bankruptcy trustee pays only five cents on the dollar, their claim is worth $35,000.

David Coleman, exposed to asbestos as an infant when he inhaled fibers embedded in his father's work clothes, died of mesothelioma in

2002, at the age of 19. His family's lawsuit sits on the court docket in Cuyahoga County, along with another 34,000 claims.

Children who grew up in the asbestos mining town of Libby, Montana, breathing in asbestos fibers stirred up by the street traffic as they road buses to school, now, as adults, are experiencing asbestosis symptoms. Under the current system, they have no hope of compensation.

Ron Huber, who worked 35 years in a steel mill, joined an asbestos suit in 1995 although he had no symptoms of asbestos related illness. His attorney accepted a small settlement which, according to Huber, was wholly applied to legal costs. By 2002, he was truly experiencing symptoms of asbestos-related disease. He is suing the only person not released by settlement of the 1995 case—the attorney who recruited him for that suit.

Drew Anders, who spent 15 years working for a company that was forced to declare bankruptcy in reaction to growing asbestos litigation, watched his $50,000 retirement account fall to $1,500.

A small business owner in Louisiana who never manufactured anything containing asbestos once used a asbestos-threaded nut in a piece of machinery. Although there is no evidence that this nut causes asbestos related disease, this man's company pays $75,000 to $100,000 a year in asbestos-related claims.

A research company that released one of the first studies establishing the health risks of asbestos—a report that saved lives and improved working conditions—is named in over 60,000 cases every year. The principals of this firm, which never used or manufactured asbestos products, spend hundreds of thousands of dollars annually in settlements.

Today, I am introducing the FAIR Act of 2005. This bill is based on bipartisan asbestos trust fund negotiations carried out during the last months of the 108th Congress. It puts patients ahead of plaintiffs and would dramatically reduce the cost of asbestos litigation. I call on us to work together and pass a bill that helps victims and companies affected by asbestos litigation, while benefiting the economy and boosting the stock market.

INTRODUCTION OF THE ''CLEAN SMOKESTACKS ACT OF 2005''

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. WAXMAN. Mr. Speaker, today I am again joining with Representative BOEHLERT in introducing the ''Clean Smokestacks Act of 2005.'' This important legislation will finally clean up the Nation's dirty, antiquated power plants.

When I originally introduced the ''Clean Smokestacks Act'' with Representative BOEHLERT in the 106th Congress, we had a modest beginning. We had a total of 15 cosponsors and little attention.

But in the 107th and 108th Congresses, the bill's supporters grew to over 100 House members. During that time, Senator JEFFORDS successfully reported the companion legislation, the ''Clean Power Act'' from Committee. And even the Bush Administration, at least in rhetoric, recognizes that we urgently need to clean up these power plants.

Electricity generation is our Nation's single largest source of air pollution, including greenhouse gas emissions. Nationally, power plants are responsible for about 39 percent of carbon dioxide emissions, 67 percent of sulfur dioxide emissions, 22 percent of nitrogen oxides emissions and 41 percent of mercury emissions.

These four pollutants are the major cause of some of the most serious environmental problems the Nation faces, including acid rain, smog, respiratory illness, mercury contamination, and global warming. If we are going to improve air quality and reduce global warming, we must curb the emissions from these power plants.

Earlier this week, EPA took a first half-step towards reducing emissions of sulfur dioxide and nitrogen oxides emissions from some of these old plants, but EPA's regulation would still allow huge quantities of pollution from these plants and leave many plants operating without any modern pollution controls, On mercury, EPA's regulation would allow most old power plants to avoid ever installing pollution controls to reduce mercury emissions. And EPA has done nothing to address increasing carbon dioxide emissions from these plants.

When the original Clean Air Act was enacted in 1970, the electric utility industry argued that stringent controls should not be imposed on the oldest, dirtiest plants since they would soon be replaced by new state-of-the-art facilities. Although Congress acceded to these arguments and shielded old power plants from the law's requirements, many of these facilities—which were already old in 1970—are still in use. There are many power plants from the 1950's that are still in operation and have never had to meet the environmental requirements that a new facility would.

As a result, a single plant in the Midwest can emit as much NO_X pollution as the entire state of Massachusetts.

The Clean Smokestacks Act says it is time to clean up these aging plants. The Act sets strong emissions reduction requirements for all four of the key pollutants from power plants, and it finally sets a deadline for old plants to install modern pollution controls. The Act allows for emissions trading to increase flexibility and reduce costs, where trading won't cause environmental harm. And the Clean Smokestacks Act promotes cost-effective energy efficiency and renewable energy measures, which help reduce pollution and save consumers money.

This approach just makes sense. Because these power plants are so old and so dirty, cleaning them up provides tremendous benefits at reasonable costs. This is one of the cheapest ways to get significant air quality improvements. And it finally provides a level playing field for new and old plants.

At the same time, this approach gives industry the benefit of increasing regulatory certainty by targeting all four pollutants at once. Industry can make better investments if it knows what all of the emissions requirements will be over the next decade or so.

Finally, the Clean Smokestacks Act recognizes that we need clean air, not regulatory loopholes for irresponsible energy companies, so it leaves the Clean Air Act in place.

Since we first introduced this bill, the President has unveiled a competing proposal, which has been introduced as S. 131 in the Senate. The Administration claims that S. 131 targets the same goal of cleaning up power plants. It's important to recognize, however, that the Clean Smokestacks Act and S. 131 are not similar proposals with different levels of stringency. Rather, they have fundamentally different purposes and effects.

The Administration's proposal aims to help the energy industry escape tough enforcement of the Clean Air Act. It does this by rewriting significant portions of the Clean Air Act to weaken or delete key environmental protections that are cleaning up the air.

For example, S. 131 would give power plants an extra 10 years to avoid reducing toxic mercury emissions. S. 131 would also allow people to breathe unsafe air for years longer, limit the rights of states to protect themselves against out-of-state pollution, and weaken protections for national parks, among other changes to the Clean Air Act. Not surprisingly, industry is spending millions to urge Congress to adopt S. 131, while advocates for public health and the environment, such as the American Lung Association, almost universally oppose the bill.

Moreover, unlike the Clean Smokestacks Act, S. 131 does not guarantee that all outdated power plants will ever install modern air pollution controls. And because S. 131 does not address carbon dioxide emissions, it cannot promise to give industry certainty regarding future federal or state emissions reductions requirements.

So let there be no mistake—the Clean Smokestacks Act in the House, and the Clean Power Act in the Senate, are the proposals to strengthen the Clean Air Act by finally closing the loophole for old dirty power plants and addressing all four pollutants they emit.

In conclusion, let me commend Rep. BOEHLERT and all of the supporters of this legislation. I am pleased to be part of this bipartisan, bicameral approach to strengthening the Clean Air Act and protecting our environment.

HONORING THE TONAWANDA NEWS

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise to recognize the Tonawanda News, based in North Tonawanda, New York, on the occasion of its 125th Anniversary. Over the past 125 years, the Tonawanda News has become the written record for the Tonawandas, a trusted source of information and a cornerstone of the community that it serves.

The Tonawanda Daily News was founded on April 1, 1880, by Dr. George S. Hobbie, when the newspaper's first edition rolled off the presses with just four pages of newsprint. It was the Tonawandas' first and only daily newspaper dedicated to reporting news in the cities of Tonawanda and North Tonawanda.

Even in its humble beginnings, Dr. Hobbie knew the importance of building the newspaper's reputation and credibility among readers, and saw that it promptly appeared at noon each day. The Tonawanda News went on to be run by the first female publisher in New York state, Mrs. Ruby Hewitt, who played an important role in the growth and prosperity of the paper.

Over the last 125 years, the paper's circulation and reputation have grown tremendously; and all the while, the Tonawanda News and its staff have strived continually to provide the residents of the Twin Cities with accurate and timely news and information. Today, the Tonawanda News is known as one of the most reliable and accurate newspapers in Western New York. The journalistic standards that Dr. Hobbie, Mrs. Hewitt, and others instilled in the paper's staff over the years have not been forgotten; the paper remains committed to the values upon which it was founded, and the rich tradition that it has built.

I would like to offer my congratulations to the publishers, editors, and staff of the Tonawanda News, past and present, for all their hard work. I hope and expect that our ''Hometown Newspaper'' will be around for another 125 years.

Mr. Speaker, I ask that this Congress join me in celebrating the 125th Anniversary of the Tonawanda News.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the record and regret that I was unavoidably detained on Thursday, March 17, 2005 during Rollcall Vote Nos. 82 and 83 on H. Con. Res. 95, as well as Rollcall Vote No. 84 on H. Con. Res. 32. Had I been present, I would have voted ''aye'' on Rollcall Vote No. 82, an amendment offered by Congressman OBEY to H. Con. Res. 95, ''no'' on Rollcall Vote No. 83; an amendment offered by Congressman HENSARLING to H. Con. Res. 95, and ''aye'' on Rollcall Vote No. 84 on H. Con. Res. 32, expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic.

INTRODUCING THE ''SMALL BUSINESS EXPENSING PERMANENCY ACT OF 2005''

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HERGER. Mr. Speaker, 2 years ago Congress, working together with President Bush, enacted into law the Jobs and Growth Tax Relief Reconciliation Act of 2003. Among other provisions, the law strengthened and expanded the expensing provisions afforded to small businesses under Section 179 of the Internal Revenue Code. As such, the law encouraged small businesses to make new capital investments, thus spurring our economy and creating jobs. I believe Congress should make this provision permanent and today I am introducing the ''Small Business Expensing Permanency Act of 2005'' to do just that.

Specifically, the Jobs and Growth Act increased from $25,000 to $100,000 the amount of new investment a business can expense—or deduct from income—in a given year. The law also increased—from $200,000 to $400,000—the amount of total investment a business can make in a year and still qualify for expensing under Section 179. Unfortunately, under current law, these provisions are set to expire after 2007.

My legislation will repeal the 2007 sunset. If the higher expensing limits are good for our nation's small businesses over the next two years, they should be good for small businesses indefinitely.

Small businesses truly are the backbone of our economy, representing more than half of all jobs and economic output. We should not take small business vitality for granted, however. Rather, our tax laws should support small businesses in their role as the engines of innovation, growth, and job creation.

Mr. Speaker, in difficult economic times, we must do all we can to encourage new investment and job creation by creating certainty and predictability for America's small business owners. The ''Small Business Expensing Permanency Act of 2005'' will help accomplish this worthy goal. I applaud the Administration for its consistent leadership on this issue, and I look forward to working with my colleagues to enact this much needed legislation.

RECOGNIZING THE LIFE OF MRS. BOY JIN WONG

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. SOLIS. Mr. Speaker, I rise today to recognize and honor the life of Mrs. Boy Jin Wong who passed away on Saturday, March 12, 2005. A resident of West Covina for nearly 50 years, Mrs. Wong was a businesswoman, breast cancer survivor, mother, grandmother, great-grandmother and wife.

Mrs. Wong and her husband, Bing Tew Wong, opened the Great Wall restaurant in the 1950s just as West Covina was growing from less than 5,000 residents to more than 50,000 residents. Her son, Council Member Ben Wong, said ''despite her limited English language skills, countless Great Wall customers will remember being warmly greeted by her and her enduring smile.'' When the Great Wall closed its doors in 2001, then Executive Director of the West Covina Chamber of Commerce, Fred Burkhardt, stated ''the Great Wall is an institution of West Covina that is going to be severely missed.''

Mrs. Wong is remembered as a generous person and someone who treated everybody as if they were honored guests. Mrs. Wong and her husband donated money for scholarships and to build a school in their home village in China. She was an active member of the community, participating and contributing to numerous local organizations and charities.

It is with pleasure that I honor the life of Mrs. Boy Jin Wong. She will be greatly missed by her family, friends and community.

COMMENDING THOSE WHO FIGHT BLINDNESS IN AMERICA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to recognize the wonderful work of The Foundation Fighting Blindness, The National Eye Institute and Prevent Blindness America, and I want to commend all patients affected by vision impairment and blindness for their perseverance and courage.

I want to express my admiration for Betti and Carlos Lidsky, who are the National Trustees of The Foundation Fighting Blindness, and whose lovely family has been affected by a degenerative eye disease. They are great examples of perseverance and commitment to the cause of fighting blindness and are outstanding national leaders.

As Co-Chair of the Congressional Vision Caucus, I join my colleagues in the constant effort to help individuals who suffer from vision loss.

My home state of Florida has the highest proportion of senior citizens in the United States, and it ranks fifth regarding the number of people at highest risk of developing blinding eye disease.

Vision impairment is a very significant health problem in our nation, despite being a preventable condition in half of the cases. It has been estimated that the cases of vision impairment and blindness can double by the year 2030 if there is no intervention.

We, as a society, have a profound responsibility to intervene and to take action in order to enrich the lives of those currently suffering vision impairment and to prevent others from developing visual problems in the future.

We must continue to raise public awareness about the dimension of this problem, and to encourage prevention. In addition, we need to improve access to quality vision care, treatment, and rehabilitation services. We need to support continued education, research, and advocacy efforts.

We have had tremendous breakthroughs in research leading to improvements in the treatment of certain visual conditions, which improve the quality of life for many visually impaired patients. More research can be done, and we will enjoy more success. The National Eye Institute has been committed to promoting research since its creation in 1968, and we are grateful to its scientists for their achievements in the advancement of research for new treatments and cures.

I ask my colleagues to join me in commending those who work tirelessly to fight blindness in America.

INTRODUCING THE CONSUMER ASSURANCE OF RADIOLOGIC EXCELLENCE BILL

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, I rise today to introduce the Consumer Assurance of Radiologic Excellence Bill.

I ask for your support in moving this legislation forward. The CARE bill is an important piece of patient-care legislation. It will improve the quality of radiologic procedures performed throughout the United States as well as assist in reducing the cost incurred by the Federal government for these procedures.

The CARE bill in the 108th Congress had 111 bi-partisan House cosponsors and no known opposition. Passage of this bill will finally provide American patients with national standards to ensure that their radiologic procedures are performed by personnel who are trained, qualified and competent.

I am proud to sponsor this legislation because the safety and quality of radiologic procedures is an issue that affects all of us. Every year, more than 300 million x-rays, CT scans, MRIs and other medical imaging exams are performed in the United States, and seven out of 10 people undergo some type of radiologic procedure. So much depends upon the quality and accuracy of those examinations. After all, if an x-ray is poor, there is a chance that injuries could go undetected or diseases could go undiagnosed.

Most of us take it for granted that the person performing our radiologic procedures is a competent professional. But the fact is, poorly trained individuals examine and treat thousands of patients in this country every day.

The CARE bill will help correct that problem. You see, one of the best ways to assure quality radiologic procedures is to require a basic level of education and skill for the people responsible for performing these procedures.

The CARE bill would provide this level of assurance by amending a previous law, known as the Consumer-Patient Radiation Health and Safety Act of 1981. Twenty-two years ago, this bill established minimum standards for the education, certification and licensure of radiologic technologists. However, when the bill was enacted, compliance by the states was made voluntary rather than mandatory. As a result, radiographers in 13 states and the District of Columbia are unregulated. Even in states that license radiologic technologists, laws vary so widely that there is no guarantee that personnel are adequately educated to use the equipment with which they have been entrusted

Under the CARE bill, personnel performing radiologic procedures in every state would be required to meet minimum educational and credentialing standards. Each state would then be responsible for regulating radiologic technologists according to those standards.

The current lack of a national standard for operators of medical imaging and radiation therapy equipment poses a hazard to American patients and jeopardizes quality health care. Accurate diagnosis can be provided only when personnel are properly educated in anatomy, technique, equipment operation and radiation safety.

In states where no regulation exists, anyone is permitted to perform medical imaging and radiation therapy procedures, sometimes after just a few weeks of on-the-job training. But performing a CT scan or taking an x-ray involves much more than just pushing a button. The person responsible for performing the exam uses highly technical equipment that emits radiation.

The CARE bill will help ensure that quality radiation therapy treatments are delivered and that quality diagnostic information is presented for interpretation, which will lead to accurate diagnosis, treatment and cure. Poor quality exams can lead to additional testing, delays in treatment, and unnecessary anxiety for the patient. In the end, the public's health is at stake. An underexposed chest x-ray cannot reveal pneumonia, and an inaccurate radiation therapy treatment cannot stop the spread of cancer.

This legislation will also reduce health care costs by lowering the number of medical imaging examinations that must be repeated due to improper positioning or poor technique. Repeated imaging examinations cost the U.S. health care system millions of dollars annually in needless medical bills.

Millions of Americans every year depend upon medical imaging exams to diagnose disease and detect injury, and thousands more rely on radiation therapy to treat and cure their cancers. But remember, any radiologic procedure is only as effective as the person performing it. No matter how expensive or sophisticated the equipment, an imaging exam will not reveal a broken bone or a diseased organ if the person who is using that equipment does not know the basics of radiographic positioning, exposure and technique.

By regulating the personnel responsible for performing those procedures, the CARE bill will mean improved care for patients—higher quality images, improved accuracy, and less exposure to radiation.

I urge all my colleagues from both sides of the aisle to support this legislation and enact it in a timely manner so American patients will receive the best care possible, provided by the best caregivers possible.

IN MEMORY OF LOWELL C. ''BUTCH'' SPIRES, JR.

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. WILSON of South Carolina. Mr. Speaker, Monday, March 14, 2005, a great Statesman, friend and father passed away quietly. Known as ''Butch'' to those who loved him, was Lowell Colquit Spires, Jr. of Cayce. Outside of his many accomplishments, one of the great assets he had was his family and friends. He lived his life with honor, dignity and character. Opinionated and forthright in his speech, Butch's love for his community and fellow man spoke louder than anything else. He worked for the betterment of his community and the impact it would accomplish for future generations. Butch set a mark in which his friends and family will always be honored for and grateful. Though his life was too short for those of us whom are left, his strength and love will always be a constant in our lives. The list of accomplishments in no way reveal the impact he has had on many people. He used to say, ''The utmost a man can do is to give without hesitation. The character of our life is defined by how we love and live, not by what we personally obtain.''

Born in Columbia on May 12, 1941, Butch was a son of the late Lowell C. and Margaret Estelle Love Spires, Sr. A lifelong resident, he was a member of Kitti Wake Baptist Church. Married to Gail Julian Spires since August 26, 1960, Butch was employed as president with WestBank Consultants, LLC, and was Special Projects Coordinator for the Town of Lexington. He was tireless in his accomplishments over the years. He served on the Lexington County Council from 1977–1995, as chairman in 1979, 1991 and 1993. He was one of Lexington County's representatives to CMCOG 1977–1983, 1993–present. Butch was vice-chairman of Central Midlands Council of Governments in 1978–79 and 1993–94, and chairman in 1979–80 and 1994–95. He served ten terms on the CMCOG Executive Committee, which included the Transportation Planning Subcommittee. This committee facilitated formation of the Central Midlands Regional Transit Authority from 1999–2002, of which he was chairman from 2002–present. On this committee, Butch spearheaded funding and construction in the Central Midlands Region of 27 years of highway improvements in seven years through SCDOT's Bonding Program.

Butch was instrumental in securing funding to ensure continued development of Riverbanks Zoo, the economic development of the Midlands and Lexington County for over thirty years, and the development of the Columbia Convention Center. He originated CMCOG Wetlands Mitigation Bank, currently under development.

A charter member of Central Carolina Economic Development Alliance, Butch was also past president of the South Carolina Association of Regional Councils, past chairman of Lexington County Recreation of Aging Commission, and past president of the S.C. Association of Counties. He was currently a board member of the River Alliance since 1994, of which he originated the concept of 3-Rivers Greenway, member of West Metro and Greater Columbia Chambers of Commerce, served on the boards of Lexington Medical Center and the Wil Lou Gray Opportunity School.

His honors include: Recipient of Order of Palmetto, first recipient of the CMCOG Regional Leadership Award in 2005, Transportation Association of SC Outstanding Achievement Award in 2003 for his support and advocacy of public transportation, named SC Ambassador for Economic Development by Governor Carroll Campbell in 1994, President's Cup for Distinguished Service in 1986, Woodrow Wilson Award in 1986, and recipient of the District Lay Award for SC Recreation and Parks Society in 1980.

Surviving, besides his wife are, daughter and son-in-law, Mindy Spires-Miller and Chuck Miller of Mt. Pleasant; sons and daughters-in-

law, Lowell C. ''Corky'' and Cindy Spires, III of West Columbia, Randall ''Randy'' and Corrine Spires of Greenwood Village, CO; brothers, Nash Lagrand Spires of Birmingham, AL, Zane Erwin Spires of West Columbia; grandchildren, Brittany Spires Farley (Christopher I.), Meagan Noel Spires, Ian Juliano Spires, Katherine Rose Fallon Spires, Garrett Lowell Lacy, and Addy Marie Brooks Lacy.

RELEASE CUBAN POLITICAL PRISONER REGIS IGLESIAS RAMÍREZ

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. LANTOS. Mr. Speaker, this month marks the two-year anniversary of the brutal crackdown on political opposition by the Cuban regime. In partial commemoration of this ignoble milestone, my dear friend and colleague ILEANA ROS-LEHTINEN and I have launched an ''adopt a political prisoner'' initiative to help focus the spotlight of international attention on those suffering in Cuban jails because of their inextinguishable faith in the power of democratic liberty.

I rise today to inform my colleagues that I stand shoulder-to-shoulder with the Cuban political prisoner Regis Iglesias Ramírez.

Mr. Speaker, as an outspoken advocate of human rights in Cuba, Mr. Iglesias is a member of the Coordinating Board for the Christian Liberation Movement. He is also a principal organizer of the Varela Project, a grassroots, civic movement that petitions the Cuban government to allow its citizens to exercise their fundamental human rights. To date, this project has collected and presented over 25,000 signatures to the proper Cuban authorities. Because of his admirable efforts and political activism, Mr. Iglesias was arrested on March 20, 2003, during a wave of repression which was directed against the peaceful Cuban opposition. After weeks of interrogations and psychological torture, he was sentenced to 18 years in prison for the alleged crime of ''acts against the independence or territorial integrity of the state''—a common charge that dictatorial states have levied against democracy and human rights advocates for far too long.

Mr. Iglesias was born in Havana on September 18, 1969. He loves to read classical literature and admires leaders of peaceful yet forceful advocacy such as Mahatma Gandhi and Martin Luther King, Jr. He is an educated, hard-working man who lives with passion—a passion to live in a democracy where basic civil and political liberties are respected. It is because of his uncompromising commitment to fight for these democratic freedoms that Castro's regime stripped him of his liberty.

Mr. Speaker, the abuses against Regis Iglesias Ramírez are horrendous. He has been repeatedly imprisoned for promoting the very ideals that we hold self-evident, and for calling out to his neighbors and fellow citizens to join him in a cry for freedom from a cruel, totalitarian regime. As Members of Congress, we must take the lead to ensure that these atrocities are stopped. I call upon the Cuban government to release Mr. Iglesias and to end human rights abuse. Let freedom's influence be felt not only in the halls of Capitol Hill, but also in the prison cells of Havana.

FREEDOM FOR ANTUNEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, today I rise to speak about Jorge Luis Garcia Perez, often known Antunez, a political prisoner in totalitarian Cuba.

My distinguished friend and colleague, Representative ILEANA ROS-LEHTINEN, had a great idea for Members of Congress to ''adopt'' a political prisoner in totalitarian Cuba. Today, I ''adopt'' an extraordinary leader of unlimited courage, Jorge Luis Garcia Perez (Antunez).

Antunez has been locked in the totalitarian gulag since 1990. In a sham trial, he was sentenced to 6 years in prison for ''oral enemy propaganda.'' In May 1993, he was tried in a second sham trial, and sentenced to an additional 15 years to be served from that moment. In total, Antunez has been sentenced to 18 years in Castro's grotesque, inhuman gulag.

Despite being enslaved in the tyrant's gulag, Antunez has bravely carried out nonviolent activism in Cuban jails, writing reports on prison conditions and carrying out numerous protests and hunger strikes to demand more humane treatment for prisoners. He has never wavered in his commitment to human rights and democracy for the Cuban people. Antunez has never given in to the beatings, the punishment cells and the instruments of torture inflicted on him by the Castro regime. Antunez always rises up and calls out, demanding human rights and freedom for the people and the nation of Cuba.

After 15 years in the gulag, Antunez is still feared and relentlessly attacked by the dictatorship. According to the Department of State's Country Reports on Human Rights Practices for 2004, ''on July 6, family members of political prisoner Jorge Luis Garcia Perez, reported being beaten along with Garcia during a prison visit. Authorities handcuffed and beat Garcia and later punched his sister and kicked his girlfriend's 9 year old son after the visitors protested the harsh treatment.''

No matter how intense the repression, no matter how horrifically brutal the consequences to him and his family, Antunez will not waiver in his conviction that Cuba should be and will be free. He is a symbol of dignity and heroic resistance to tyranny.

Mr. Speaker, this courageous man has been in Castro's gulag since 1990, for failing to keep silent about the nightmare that is the Castro regime. My Colleagues, Antunez is the face of the real Cuba. We must demand the immediate and unconditional release of Jorge Luis Garcia Perez and every prisoner of conscience in totalitarian Cuba.

TRIBUTE TO MARY LOU ZOGLIN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. ESHOO. Mr. Speaker. I rise today to honor a distinguished American and community leader, Mary Lou Zoglin who passed away last week.

Mary Lou Zoglin was committed to serving her community whether it was with non-profits or through community service. She was the executive director of Healthy Ventures, a consortium of schools and other agencies dedicated to the well-being of children. She later served on the California Community Colleges Board of Governors and the Foothill-De Anza Community College Board. In the early 1990s, Mary Lou turned her public service to the City of Mountain View where she joined the city's Planning Commission. In 1996, she was elected to the Mountain View city Council where she served for 8 years, and one term as Mayor.

During her tenure with the City Council, Mary Lou Zoglin focused her public service on ensuring that the community has a continuum of human services from the time children are in preschool to high school and then into adulthood. She worked tirelessly to see that all members of the community are served by the city, not just those who are the most vocal or economically advantaged. She was instrumental in the construction of San Antonio Place, an affordable housing project in Mountain View which broke ground last year. She also fought for the creation of child-care centers, for improvements to city parks and for resources for youth, including after school programs.

Beyond her dedication to public service, Mrs. Zoglin was committed to her family and an avid student of foreign languages and cultures. She earned her college degree from Radcliffe College where she studied Romance languages and later won a Fulbright scholarship to study in Brussels, Belgium. Upon her return, she met her husband in the early 1950s while they were both in New York. They moved to Los Altos in 1956 where they began their family. Her children, John, Katie and Bill, were raised in this close-knit community and she recently became a proud grandmother of twin grandchildren.

Despite her 5-year battle with cancer and her small frame, Mary Lou Zoglin was frequently described as a ''powerhouse'' and a ''dynamo.'' She found true joy in working with people in the community and making their dreams a reality.

Mr. Speaker, I ask my colleagues to join me in honoring this good and great woman for her lifetime of remarkable achievements and in extending to her family our deepest sympathy. Our community and our country have lost a true friend and an extraordinary leader.

CPL. CHARLES W. LINDBERG AND THE 60TH ANNIVERSARY OF IWO JIMA

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to commemorate the 60th Anniversary of the Battle of Iwo Jima and pay tribute to a fellow Minnesotan and true America hero, Cpl. Charles W. Lindberg. In a manner that is so characteristic of our veterans, Cpl. Lindberg put his life in harm's way so that future generations may live in a world free of the oppressive forces of tyranny. On the morning of the fifth day of this historic battle, six courageous young Marines—Jim Michels, Hank Hansen, Louis Charlo, Boots Thomas, Harold Schrier, and Charles Lindberg—were able to climb atop the slopes of Mt. Suribachi on Iwo Jima, in the thick of intense enemy fire and destroy a Japanese outpost, marking the first plot of native Japanese soil captured by the Americans during World War II. It was here that these five brave soldiers planted the first American flag on Iwo Jima. Later, this scene was recreated by the rising of a second American flag on Iwo Jima, forever to be remembered in our nation's history by Joe Rosenthal's Pulitzer Prize winning photograph and the famous statue in Arlington National Cemetery. Unfortunately, Cpl. Lindberg is the sole remaining survivor of this fearless group of initial Marines. However, as is the case with so many of our veterans, Cpl. Lindberg's dedication to our country did not end after the completion of his military service. Through his involvement in efforts to improve our country and the lives of soldiers, Cpl. Lindberg has and continues to be devoted to veterans, veterans' organizations, and his community. With much admiration, I salute this American patriot for his valiant spirit and actions on and off the battlefield.

HONORING THE NATIONAL BETA CLUB FOR ITS 75TH ANNIVERSARY

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. INGLIS of South Carolina. Mr. Speaker, please join me in congratulating the National Beta Club as it completes its celebration of its 75th anniversary. The organization was formed by the late Dr. John West Harris in 1934 in Spartanburg County, SC and is still headquartered there in the Fourth District of South Carolina.

Over the years, the National Beta Club has provided the catalyst for teenagers of good character to develop leadership skills and channel their energy into productive service to others. By maintaining its high standards and worthy goals and acting through its outstanding local chapters across the country, the organization has had a positive impact on the success and accomplishments of our great nation for the past seven decades.

The National Beta Club's celebration of its seventy-first anniversary is an occasion highly deserving of recognition. Therefore, please join me in honoring this organization and its efforts to lay the foundation for learning and leading early in the lives of the young people whose lives it impacts.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. FRANKS of Arizona. Mr. Speaker, on rollcall No. 67 pertaining to H. Res. 101, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PORTMAN. Mr. Speaker, today I was absent at a previously scheduled commitment and missed the recorded votes on Roll Call Number 82, the Obey Amendment to H. Con. Res. 95; Roll Call Number 83, the Hensarling Amendment to H. Con. Res. 95; and Roll Call Number 84, on H. Con. Res. 32, expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic.

Had I been present, I would have voted "No" on Roll Call Number 82; "No" on Roll Call Number 83; and "Yes" on Roll Call Number 84.

THE ARMENIAN GENOCIDE

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to address the continued reluctance by the Bush Administration to openly deal with the government of Turkey's continued policy of denial of the Armenian Genocide. In the words of scholars and writers, genocide denial is the last stage of genocide, what Nobel Laureate Elie Wiesel has called a "double killing." The perpetrators first plan and commit the crime, then refuse to acknowledge responsibility. Finally, their political successors deny this crime against humanity. The present-day Turkish government must stop this shameful policy of denial.

The award-winning writer and Harvard Professor Samantha Power in her recent book on genocide recounted how the United States and the world's other powers have too often been bystanders to Genocide, most recently in Rwanda and as you hear these words, once again in Sudan. Power argued that "The Armenian Genocide of 1915 set the stage for a gruesome 20th century." The international community's failure to properly condemn the attempted annihilation of the Armenians led Hitler to famously declare "Who, after all, speaks today of the annihilation of the Armenians?"

The Turkish government spends millions of dollars annually to lobby other governments to advance its revisionist cause, claiming that the subject is "sensitive" and that acknowledgment would undermine relations with Turkey. To compound this assault on the truth, Turkish leaders and media accuse U.S. and Israel of genocide, respectively in Iraq and Palestine. These policies are abhorrent and must be confronted.

Mr. Speaker, while President Bush has issued annual statements on April 24, the day of remembrance of the Armenian Genocide, he has refrained from using the proper word. Moreover, as the leadership of the House confirmed last year, the Administration remains opposed to a congressional resolution on the Armenian Genocide due to Turkish objections. This approach sends absolutely the wrong signal to Turkey and to the rest of the world. As we promote relations based upon shared values, the United States must never forget the essential value of facing history directly.

IN HONOR OF MR. CLINT EASTWOOD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. FARR. Mr. Speaker, I rise today to congratulate my constituent, Mr. Clint Eastwood, on his recent Oscar awards. His film, Million Dollar Baby, was nominated in six categories, and won four: himself as Best Director, the film as Best Picture, Hilary Swank as Best Actress, and Morgan Freeman as Best Supporting Actor. Any one award would be a testament to Clint's art and the talents of his team, but four awards is an amazing achievement!

This year Clint celebrates a 50-year career in show business. We all know and have enjoyed his work over the years. Each movie seems to build on the last, and they keep getting better.

This year's awards are not his first Oscars. In 1992, Unforgiven took Best Director and Best Picture, and he was nominated for Best Actor in a Leading Role. Here in the 17th District, Clint's most famous role may be his term as Mayor of Carmel, and tourists still come to town hoping for a glimpse of "The Mayor."

Mr. Speaker, today I applaud Clint Eastwood not only for his most recent accomplishments, but also for his life-long dedication to his art. This Nation is richer for his creations. I wish him and his wife Dina all the best in the years to come.

TRIBUTE TO PETTY OFFICER ANDREA BISIGNANI

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to pay tribute to Petty Officer (FSO) Andrea Bisignani.

FS2 Andrea Bisignani, a Food Service Specialist on the Coast Guard Cutter *James Rankin,* is being honored as the 2005 Baltimore Area Coast Guard Person of the Year.

FS2 Bisignani has consistently demonstrated a high level of performance throughout this past year in her job as a Food Service Specialist. Her untiring efforts and steadfast commitment to her shipmates on the CGC *James Rankin* has made her a prime candidate for this honor. Those that nominated her for this award cited her leadership and high level of performance as a key factor in the CGC *James Rankin* being selected for the Dining Faculty of the Year (Afloat-Small category), and also resulted in her selection as Food Service Specialist of the Year.

FS2 Bisignani's accomplishments this year have gone above and beyond the criteria for election of these prestigious honors in the food service rating alone. Her professionalism, dedication, and enthusiasm have had a significant and positive impact on the degree of mission success and high state of morale that exists on board the CGC *James Rankin.*

FS2 Bisignani has risen to the demands and challenges of the working environment aboard the CGC *James Rankin,* and has not only excelled tremendously in the food service area, but has also lived up to the high standards, which are expected of every crewmember on board. She has thrived in her demanding role as FSO and has been able to accomplish a great deal because of that.

FS2 Bisignani has volunteered much of her time and energy to the members of the CGC *James Rankin.* She assists and encourages every member in maintaining a healthy lifestyle; is 100 percent customer focused and concerned for the well-being of all crew members; and has taken on more responsibilities than required in order to ensure everything runs well on the ship. FS2 Bisignani has gone above and beyond in her responsibilities to ensure the members on board the CGC *James Rankin* are happy and healthy, and her dedication is evident to all that have the privilege to work with her.

Mr. Speaker, I ask my colleagues to join me in thanking FS2 Andrea Bisignani for her service and honoring her for being named the 2005 Baltimore Area Coast Guard Person of the Year.

HONORING THE SERVICE OF RETIRED MASTER SERGEANT JOHN IRVIN ROWLAND

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HUNTER. Mr. Speaker, I rise today to honor Retired Master Sergeant John Irvin Rowland of Montross, Va., who died on March 6th at the Virginia Veterans Care Center in Roanoke at the age of 87. John's daughter, Michelle served on my staff and Michelle often spoke of her father and his commitment to his country.

Sgt. Rowland was born September 1, 1917 in Fayette, Alabama and spent most of his childhood in Westbrook, Texas. After graduating from Westbrook High School in 1934, he worked the oil fields of Western Texas for Standard Oil.

John Rowland enlisted in the Army in 1940 and served with the 36th ID, 142nd Infantry, Antitank Company (the T-Patchers) until June 1945. In World War II, he fought with allied forces in the Italian/Southern France campaigns and was awarded his first Bronze Star and a Purple Heart for injuries he received while fighting in France. While in Germany, his unit liberated German concentration camps Dachau, Hurlach and Landsberg, and captured Nazi Luftwaffe Commander and war criminal, Hermann Goering. At the end of the war, he returned to Texas and continued working for Standard Oil.

But when his country needed him again, John re-enlisted in the Army and earned his second Bronze Star fighting in Korea. Following his training at the Intelligence School at Fort Hollabird in 1951, he served as a special agent in the Army Intelligence Corps in both Okinawa and then Berlin. He was one of the first Americans to observe East German activity as they began construction of the Berlin Wall in 1961. In Berlin, he met Ingrid Anna Zilenski and the two were married on December 30, 1962 and shortly thereafter retired from the Army and returned to Monahans, Texas.

After his discharge, he attended electrician training at the National Technical School in Los Angeles. In 1964, John took a job with the Social Security Administration in San Francisco and then for the Department of Defense in Philadelphia. He would eventually retire in 1984 from the DoD Logistics Agency where he inspected security systems for DoD contractors.

In all of his 40 years of service to our country, Sgt. John Rowland exemplified the virtues of honor, dignity, and leadership. He is being buried today at Arlington National Cemetery and I join the Rowland family in mourning Sgt. Rowland's passing.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. GUTIERREZ. Mr. Speaker, on March 14, 2005, I was unavoidably absent from this chamber. I would like the record to show that, had I been present, I would have voted "yea," on rollcall votes 66, 67 and 68.

STATEMENT IN HONOR OF JUDI KANTER

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, on behalf of the women of the California Democratic Congressional Delegation, I am proud to pay tribute to our friend Judi Kanter on her retirement from EMILY's List. It is a pleasure and an honor to recognize Judi Kanter for fifteen years of outstanding work with EMILY's List, where she has been a leader in changing the face of politics today. She has truly made a difference in our lives and in the political life of our nation. Judi's work will have a lasting impact on the face of power in California.

Judi Kanter's tenure with EMILY's List began in the Bay Area and Northern California where she concentrated on expanding EMILY's List's presence and membership base. Over the years, however, her influence and reach grew exponentially. From San Diego to the Central Valley, from Los Angeles to Sacramento, Judi has become a key ally of pro-choice Democratic women.

The fruits of Judi's hard work are most evident with the development of the EMILY's List Majority Council, a powerful network of committed and generous activists. Through the Majority Council Judi has devoted her immense talents to supporting women candidates, helping them organize strong campaigns, and mobilizing women voters to elect progressive women.

The clearest example of Judi's effectiveness is the changing face of our Congressional delegation. When Judi began at EMILY's List in 1989 there were only seventeen women in the U.S. Congress. Today, the California Democratic Congressional Delegation alone includes two female Senators and eighteen women Members of Congress. There are a total of eighty-three women in Congress. And we know that Judi is as proud as we are that California's Democratic women in Congress represent the richness of California's diversity in background and political persuasion.

Outside the political arena, Judi has been an equally strong advocate for women. She serves on the board of the Family Violence Prevention Fund and other nonprofit organizations that empower women in our society. She has an unmatched talent for getting people involved and inspiring them to act.

Judi Kanter is smart, tough and elegant. She is a model for the women she inspires. For fifteen years, she has devoted herself to cultivating and investing in the next generation of pro-choice Democratic women leaders.

My colleagues NANCY PELOSI, LOIS CAPPS, SUSAN DAVIS, ANNA ESHOO, JANE HARMAN, BARBARA LEE, DORIS MATSUI, JUANITA MILLENDER-MCDONALD, GRACE NAPOLITANO, LUCILLE ROYBAL-ALLARD, LINDA SÁNCHEZ, LORETTA SANCHEZ, HILDA SOLIS, ELLEN TAUSCHER, MAXINE WATERS, DIANE WATSON and LYNN WOOLSEY join me in thanking Judi for her support, encouragement and friendship over so many years. We are proud that she

will still serve EMILY's List in an advisory capacity, and offer her our best wishes as she begins this new chapter in her life.

NATIONAL EYE DONOR MONTH—MARCH, 2005

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. UPTON. Mr. Speaker, I rise today to bring to the attention of my colleagues and to all of our constituents across the Nation that March, 2005, is National Eye Donor Month. As a member of the House Energy and Commerce Committee's Health Subcommittee, I have long been a champion of the cause of donation and particularly the needs of our nation's eye banks. But it was a special honor to be asked this year to participate in this proclamation, for 2005 marks the centennial of the first corneal transplant performed in 1905 by Dr. Eduard Zirm.

Since Dr. Zirm performed that first corneal transplant one hundred years ago, and in partnership since 1944 with our nation's eye banks, we have made tremendous progress. Each year in the United States, more than 46,000 people, ranging in age from nine days to 107 years old, have had their sight restored through corneal transplants, and hundreds of thousands are helped through important research to find cures for other blinding diseases.

But we cannot rest on our laurels. The purpose of Eye Donor Month is to educate each and every American individual and family about giving the gift of sight and to make a terrific difference in someone's life. This month marks an opportunity to raise public awareness and to honor past donors and their families. The process to become a donor takes just a few minutes. All donors need to do is to sign a card, and, most importantly, discuss their donation wishes with their families. Our eye banks across the nation, in partnership with the Eye Bank Association of America., will continue to work to ensure that all Americans will receive the tissue they need and that this tissue will be safe and effective.

As National Eye Donor Month proceeds, I encourage my colleagues to work with their local eye banks to increase awareness of corneal transplantation and the continuous need for donors, and I encourage all Americans to sign a donor card and speak with their families about their desire to give the gift of sight.

CHINA'S ANTI-SECESSION LAW

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. AKIN. Mr. Speaker, in December, the Standing Committee of the Chinese National People's Congress announced its intention to include an ''anti-secession law'' in its legislative agenda. This law would define China and Taiwan as a unified country, and unilaterally change mainland China's legal approach to status of Taiwan. This is an unwelcome and provocative action that would increase, rather than calm, tensions in the region.

In 1949, China and Taiwan were separated by civil war, each establishing its own form of government. Taiwan has never been a part of the People's Republic of China, much to the dismay of Beijing.

If the legislation passes, Beijing will be usurping all diplomatic efforts and simply declaring that its desired outcome is the only acceptable alternative to the current impasse. China has been claiming that this legislation is a reflection of its sincere desire to solve this dispute peacefully, and to maintain Taiwan's stability and prosperity. But Beijing real motivation is clear: China is laying the legal groundwork for forcible unification. And far from solving the dispute peacefully, passage of this law is tantamount to a demand. If unification is to occur, it must be through peaceful negotiation and without the threat of military action.

Understandably, the Taiwanese people are alarmed by China's action. Self-ruled Taiwan cannot be expected to accept such an affront to the legitimacy of its government and the self-determination of the Taiwanese people. Taiwan's government has said that if the anti-secession law passes, Taiwan would be forced to respond with a law against annexation by the People's Republic of China. This is entirely reasonable, as any free people would affirm their opposition to the imperialistic claims of another power.

Our country must make its deep displeasure with an ''anti-secession law'' known to the world and, most specifically, to the Communist leaders on the mainland. In The Taiwan Relations Act of 1979, the United States committed to aiding Taiwan against any unilateral attempt by China to unify Taiwan with the mainland. This responsibility is not only a legal one. Taiwan is a budding democracy, and the people have participated in multi-party democratic elections since 1996. By contrast, China is a repressive regime that denies its citizens the essential freedoms of religion, political dissent and representative self-government. It is our responsibility, morally and legally, to stand with Taiwan against Communist aggression and unsound Chinese law.